

ATTACHMENT D

PARAGRAPH 145, PAGE 31 ZONING COMMISSION ORDER NO. 11-07

140. Building 5, a new administrative building located at the intersection of Nebraska and New Mexico Avenues, will house a new Admissions Welcome center, and other administrative offices. Building 5 will be four stories in height (54 feet). (Ex. 8, 50.)
141. Building 6, an administrative/academic building of 17,700 square feet, will be located to provide a physical buffer between the East Campus residential buildings and the neighboring Westover Place community. At two stories (34 feet), Building 6 will have approximately the same height as the abutting townhouses, and will provide meeting space, residential life activities space, offices, and academic space. (Ex. 8.)
142. The East Campus residential buildings, like the University's other residential buildings, will be served by a resident assistant on each floor as well as a resident director and desk receptionists. The East Campus residential buildings will also be subject to the same residence hall regulations in place at the University's other residential buildings; these regulations (see Finding of Fact No. 31) prohibit disorderly conduct and specified activities. (Ex. 440.)
143. The Applicant proposed to install a mid-block pedestrian-actuated signalized cross walk to allow pedestrians to cross Nebraska Avenue between the intersections of New Mexico and Nebraska Avenues and Massachusetts Avenue and Ward Circle. A signal warrant analysis performed by the Applicant's traffic expert for the intersection of Nebraska Avenue and the East Campus driveway concluded that the signal was warranted, would facilitate pedestrian movements at the intersection and diminish the impact of the proposed East Campus development on other intersections by distributing pedestrian crossings along Nebraska Avenue to three locations, and could operate under actuated or pre-timed operations with an acceptable level of delay and impact to nearby intersections. (Ex. 50, 350.)
144. Vehicular access to the East Campus will be provided via a primary entrance on New Mexico Avenue, east of its intersection with Nebraska Avenue, and via the existing vehicular ingress/egress on Nebraska Avenue, which will retain its existing limit of right-in, right-out from Nebraska Avenue. (Ex. 50.)
145. The existing surface parking lot will be removed, except for a portion at the eastern end with space for approximately 200 vehicles. (The University described the remaining surface parking lot as an area "reserved for a future signature academic building, similar to the Katzen Arts Center" sometime after 2020). An underground garage, providing approximately 150 parking spaces as well as loading facilities, will be constructed with access from New Mexico Avenue. The development will result in a net loss of approximately 500 parking spaces. (Ex. 8, 50.)

ATTACHMENT E

**CONDITIONS NO. 39 AND 40, PAGE 67
ZONING COMMISSION
ORDER NO. 11-07**

dimensions, including belt courses, sills, bases, cornices, railings, trim, and façade patterns and articulations.

36. Pursuant to 11 DCMR § 3130 the portion of this Order approving the addition shall not be valid for more than two years after it becomes effective unless, within such two-year period, the University files plans for the proposed addition with the Department of Consumer and Regulatory Affairs for the purpose of securing a building permit(s), or the applicant files a request for a time extension pursuant to § 3130.6 prior to the expiration of the two-year period and that such request is granted. No other action, including the filing or granting of an application for a modification pursuant to § 3129.2 or 3129.7, shall extend the time period.
37. Pursuant to 11 DCMR § 3125, the Commission's approval of the addition includes approval of the plans submitted with the application for the construction of the addition. The University shall carry out the construction only in accordance with the plans approved by the Commission as the same may be amended and/or modified from time to time by the Commission.

East Campus

38. Buildings 1 through 6 shall be sited as shown in Exhibits 589 and 602 of the record. The East Campus shall contain a maximum of 590 beds for undergraduate students, and a maximum of 3,000 square feet (located in Building 1) devoted to retail use.
39. The University shall have the flexibility to vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms, provided that the variations do not change the exterior configurations of the structures.
40. The University is granted the flexibility to vary the final selection of the exterior materials within the color ranges and material types proposed, based on the availability at the time of construction, and to make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings, trim, and façade patterns and articulations.
41. The University shall undertake the following actions to mitigate any adverse impact on adjacent properties resulting from construction activity related to the development of the East Campus:
 - (a) Pre- and Post-Construction Surveys of Adjacent Westover Place Properties – The University shall request access to the adjacent Westover Place properties to conduct surveys before the commencement and after completion of the

ATTACHMENT F

**JULY 14, 2014 E-MAIL
FROM ZONING ADMINISTRATOR
MATT LEGRANT OUTLINING
DCRA DECISION TO ISSUE
PERMIT NO. FD1400058**

Thomas Smith

From: LeGrant, Matt (DCRA) <matthew.legant@dc.gov>
Sent: Monday, July 14, 2014 11:47 AM
To: jlkraskin@rcn.com; Thomas Smith
Cc: wksla@aol.com; Elisabeth Ross; Judith
Subject: American Universtiy- East Campus Plan- Foundation to Grade Building Permit

Mssers Smith and Kraskin-

I wanted to update you about my office's decision regarding an aspect of American University's East Campus building project. Last week, after a thorough review of the matter, my office approved AU's building permit for the foundation to grade portion of the development. This permit include two levels of underground parking that has a total of 150 parking spaces. My decision is based on the following facts:

-There is no condition in the approved Campus Plan, under Zoning Commission Order #11-07 that specifies that the parking garage is to be one level. The only reference regarding the required parking is that Finding of Fact # 145 denotes that an underground parking garage would provide approximately 150 parking spaces, as well as loading facilities. This can, in my view be satisfied by the two level garage proposed configuration.

-There is no reference as to the Commission requiring a specified number of parking garage levels in the finding of facts, or in the conclusions of law, in the text of the Order # 11-07, nor did my office find any mention of it in the transcript of the proceedings. The Record of the of Campus Plan proceedings does not have any other reference to this issue, except of the diagram of the garage level in Exhibits #50 and #242. I should note that there were a large number of exhibits in this Campus Plan case. And, as a result, the University is not necessarily bound by information included in two isolated exhibits, especially when there may be contradictory information in other exhibits. I interpret that this 'one level' garage plan was for illustrative purposes only, and did not bind American University to be limited to have only one level of underground parking, and therefore the underground garage can be two levels.

-Exhibits #50 and 242 refer to a charter bus parking area which appears to me was also for illustrative purposes only. There are no references or requirements for bus parking in the conditions, finding of facts, or in the conclusions of law of Order # 11-07, nor mention of it in the transcript of the proceedings. I conclude that the Commission imposed no requirement for a underground bus parking or 'turnaround' in the approved Campus Plan.

-The concern over the groundwater impacts, or for possible water quality/site contamination, is not a zoning issue, but is the purview of District Department of Environment [DDOE] regulation. Condition # 11 of Order #11-07 requires that AU inform DDOE, the Army Corps of Engineers, and the EPA, of its intent to conduct activities that may involve review by those

applicable regulatory bodies. According to American University, in their letter of May 27, 2014 to me and DDOE Director Keith Anderson, they have done so. I have not found any Campus Plan requirement for additional measures beyond which is already required by District laws or regulation that is under the purview of DDOE.

In summary my office finds that the foundation to grade building permit complies with the Zoning Commission's approved Campus Plan, under Order #11-07.

My office is now reviewing the building permit application for the above ground construction, and will evaluate it for conformance with all requirements under the approved Campus Plan. I will separately advise you of the result of my office's review.

Best Regards,

Matthew Le Grant

Zoning Administrator
Dept of Consumer and Regulatory Affairs
Government of the District of Columbia
1100 4th St SW - Room 3100
Washington, DC 20024
Phone: 202 442-4652
Email: matt.legrant@dc.gov
Web: <http://dcra.dc.gov/service/zoning-dcra>

DC Public Schools' Beautification Day is on Saturday, August 23! Roll up your sleeves and help beautify our schools. [Sign up](#) to volunteer.