

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Department of Consumer and Regulatory Affairs**  
**OFFICE OF THE GENERAL COUNSEL**  
**1100 4th Street S.W, 5th Floor**  
**Washington, DC 20024**



December 11, 2014

Chairman Lloyd Jordan  
D.C. Board of Zoning Adjustment  
441 4<sup>th</sup> Street NW, Suite 210S  
Washington, DC 20001

Re: BZA Appeal No. 18857 – Motion to Hold Decision in Abeyance

Dear Chairman Jordan and Members of the Board:

The Department of Consumer and Regulatory Affairs, the Appellee in the above-referenced appeal, hereby requests that the Board hold its decision in BZA Appeal No. 18857 in abeyance pending the outcome of a Zoning Commission case regarding the same matter.

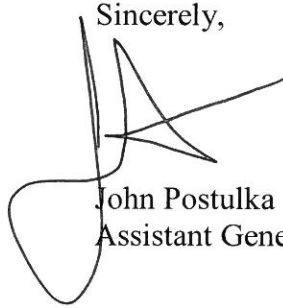
In the present appeal, ANC 3D and the Spring Valley-Wesley Heights Citizens Association (SVWHCA) appealed the Zoning Administrator's decision to approve a foundation to grade permit for Intervenor American University (AU) to construct two levels of below grade parking – as opposed to one level shown on the Further Processing application plans – for 150 spaces on the University's East Campus and the removal of a below-grade bus turnaround. The Board heard the appeal on November 18, 2014 and scheduled a decision for December 16, 2014.

Notwithstanding the appeal, on November 20, 2014, AU filed an application for a minor modification with the Zoning Commission. In this minor modification application (Case No. 11-07C), AU requested that the Zoning Commission approve two levels of below-grade parking for 150 spaces on the East Campus and AU agreed to prohibit any charter buses or motor coaches from entering the East Campus property. On December 8, 2014, the Zoning Commission considered the minor modification application and decided to hold a limited public hearing. This public hearing will occur on *February 2, 2015*.

Because the Zoning Commission will consider the exact issue that is the subject of the BZA Appeal No. 18857 at a public hearing, a decision by the Board on December 16, 2014 in this case would be premature. The Zoning Commission will consider the substantive issues concerning AU's plans for the below grade parking levels on the East Campus pursuant to the very process for which both ANC 3D and SVWHCA heavily advocated. Delaying a decision in the appeal would not harm any of the parties in the case, and it would allow for a complete

resolution of the issues on their merits. Accordingly, we request that the Board delay its decision in BZA Appeal No. 18857 until after the Zoning Commission has decided ZC Case No. 11-07C.

Sincerely,

A handwritten signature in black ink, appearing to be 'John Postulka', written over the printed name.

John Postulka  
Assistant General Counsel

cc:

Paul Tummonds

Michael Mazzuchi

Gayle Trotter