

BEFORE THE BOARD OF ZONING ADJUSTMENT
OF THE DISTRICT OF COLUMBIA

FORM 125 - APPEAL

Before completing this form, please review the instructions on the reverse side.
Print or type all information unless otherwise indicated.

Pursuant to §§ 3100 and 3101 of the Zoning Regulations of the District of Columbia, an appeal is hereby taken from the

administrative decision of:	DC Zoning Administrator		
	Name of administrative officer and title		
made on	<i>Date of decision</i>	that states	Approves American University building permit

application #FD1400058 for the foundation to grade portion of the East Campus that allows excavation for a 2-story underground parking garage in non-compliance with ZC Order 11-07.

Address(es) of Affected Premises	Square(s)	Lot(s)	Zone Districts
4400 Massachusetts Avenue NW	1601	3	R-5-B

Present use of Property:	Parking Lot		
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Proposed use of Property:	University housing and office space		
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Name of Owner of Property:	American University		
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Address:	4400 Massachusetts Avenue NW, Washington, D.C. 20016		
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Phone No(s):	(202) 885-1000	Fax No.:	(202) 885-3278	E-Mail:	dower@american.edu
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Name of Lessee:					
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Address:					
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Phone No(s):		Fax No.:		E-Mail:	
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Name of Appellant, if other than Owner:	Advisory Neighborhood Commission 3D				
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Address:	P.O. Box 40846 Palisades Station, Washington, DC 20016				
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Phone No(s):	(202) 363-4130	Fax No.:	(202) 363-4452	E-Mail:	3D@anc.dc.gov
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I/We certify that the above information is true and correct to the best of my/our knowledge, information and belief. Any person(s) using a fictitious name or address and/or knowingly making any false statement on this appeal is in violation of D.C. Law and subject to a fine of not more than \$1,000 or 180 days imprisonment or both. (D.C. Official Code § 22-2405)

Date:	8/20/2014	Signature of Appellant*:	
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Waiver of Fee - Status of Appellant

<input checked="" type="checkbox"/> ANC	<input type="checkbox"/> DC Government Agency	<input type="checkbox"/> NCPC	<input type="checkbox"/> Citizens' Association/Association created for civic purposes that is not for profit
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To be notified of hearing and decision (Appellant or Authorized Agent*)

Name:	Gayle Trotter, Chair, ANC 3D				
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Address:	ANC 3D, P.O. Box 40846 Palisades Station, Washington, DC 20016				
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Phone No(s):	(202) 363-4130	Fax No.:	(202) 363-4452	E-Mail:	3D@anc.dc.gov
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* If an appeal is filed by the agent of the Appellant, Form 125 - Appeal shall be accompanied by a letter signed by the Appellant authorizing the agent to act on its behalf in this appeal.

Board of Zoning Adjustment
District of Columbia

CASE NO. 18987
EXHIBIT NC-6

ANY APPLICATION THAT IS NOT COMPLETED IN ACCORDANCE WITH THE INSTRUCTIONS ON THE BACK OF THIS FORM WILL NOT BE ACCEPTED.

Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40486
Palisades Station
Washington, D.C. 20016

August 20, 2014

Mr. Lloyd Jordan, Chairperson
Board of Zoning Adjustment
441 4th Street NW
Room 200S
Washington, DC 20001

**RE: Appeal Of Zoning Administrator Decision On American University
Building Permit Application #FD1400058**

Dear Mr. Jordan:

At its regularly scheduled meeting on Wednesday, August 6, with a quorum present at all times, Advisory Neighborhood Commission (ANC) 3D voted 4-0-2 to file an appeal with the Board of Zoning Adjustment (BZA) of a July 14, 2014 decision by DC Zoning Administrator Matthew LeGrant to approve the American University (AU) building permit application #FD1400058 for the foundation to grade portion of the East Campus building project. The permit application had been filed on January 14, 2014. The permit authorizes AU to begin excavation to build a two-story underground parking garage at the site despite a decision by the DC Zoning Commission in Zoning Case No. 11-07 (Further Processing of the East Campus) which approved only a one-story underground parking garage.

ANC 3D believes this change in building plans sought by American University is not a minor modification and that American University should have made a filing with the Zoning Commission seeking a modification of Z.C. Order 11-07. That Order approved AU's Campus Plan and the Further Processing of the East Campus. Unlike first-stage Campus Plan approval, the Further Processing requires submission, review, and approval of the details of the structure. Z.C. Order 11-07 covers both the general Campus Plan and the more detailed Further Processing of the East Campus.

ANC 3D voted on May 7, 2014 by a vote of 6-3 to ask the Zoning Administrator to withhold approval of the permit and require AU to submit an amendment to the Zoning Commission. (See Attachment A.) The basis of this request was that AU's new construction plans for the East Campus, which also eliminated an approved underground bus turn-around, varied significantly from those approved by the Zoning Commission and could create objectionable conditions for residents living adjacent to the site, including potential for damage to the foundations of homes bordering the site.

In explaining the decision to approve the building permit, DC Zoning Administrator argued there was no specific reference in the Order limiting AU to a one-level underground parking garage. He further stated that the “record of the Campus Plan proceedings does not have any other reference to this issue.” He dismissed the diagrams and architectural plans and drawings for the one-story underground parking garage incorporated and referenced in Z.C. Order 11-07 (Exhibits #50 and #242: Attachments B and C) saying that such drawings were “for illustrative purposes only and did not bind American University to be limited to have only one level of underground parking.”

ANC 3D believes the decision of the Zoning Administrator should be reversed. In approving the permit, the Zoning Administrator has not argued that the changes in the university’s building plans represent only a minor modification. Instead, he justified the decision on the basis that materials submitted for zoning proceedings are presented only for illustrative purposes and that zoning decisions – which are made on the basis of the plans submitted – are not binding on an applicant. If drawings and plans submitted and approved as part of zoning proceedings are not binding, then all Zoning Orders would be required to include detailed narrative descriptions of all building plans and drawings to ensure that the decisions of the Zoning Commission and the BZA are implemented as part of the construction process.

Section 210.4(a) of the DC Zoning Code is very specific in stating that a University is required to submit a detailed plan for campus development that includes “buildings and parking and loading facilities” as a prerequisite to request a Special Exception. Such detailed plans and drawings are not an option, according to zoning regulations.

The record in the zoning case is also very clear that AU proposed a one-story underground parking garage; no other alternative proposals were presented during the campus plan proceeding; and the Zoning Commission’s review of the East Campus was based on a university proposal for a one-story underground parking garage.

As ANC 3D said in its May 9 letter to the Zoning Administrator, AU’s plans for a one-story parking garage are outlined in Exhibit 50A of the record in ZC Case 11-07. The narrative of the Campus Plan and Further Processing submitted by American University to the Zoning Commission on March 18, 2011 offers a detailed description of the proposed East Campus development and specifically makes reference in Section 9.1.3 (b) to a “single below grade level of parking.” (Exhibit 8: Attachment D.) AU made reference again to the one-story underground parking garage in a May 20, 2011 filing (Exhibit 50) and then in June 9, 2011 testimony before the Zoning Commission (Exhibit 242).

At no time during the zoning hearings did American University submit a revised plan that the parking garage would exceed the one-level underground garage proposed in the original plan. Z.C. Order 11-07, Paragraph 145 refers to Exhibit #50 and #242, as the Zoning Administrator acknowledges. Nor is there any reference in the Order, the transcript, or the plan, itself, which offers any contradictory information suggesting the underground parking garage will not be a single level, as proposed. The Zoning Administrator has not pointed to any contradictory information in the record of the case.

In arguing that plans and drawings were only submitted in this Further Processing case for “illustrative purposes,” the Zoning Administrator justifies his decision on the basis that “there were a large number of exhibits in the Campus Plan case.” This would be expected of a campus plan that proposed nearly 1 million gsf of new development and would be a requirement of Section 210 of the Zoning Code. It is certainly not a justification for dismissing drawings and plans that demonstrate the scope and details of the proposed new development.

Condition 28 of the Z.C. Order 11-07 grants AU some design flexibility that includes “partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, elevators, and toilet rooms,” but it does not list the depth of below grade structures or levels as elements for which flexibility is granted. Nevertheless, the Zoning Administrator does not even cite Condition 28 as a reason for his decision. Instead, the Zoning Administrator relies on a conclusion that drawings and plans are not “binding” on an applicant once approval of the project, including building plans, is given by zoning officials.

ANC 3D believes this is an unprecedeted decision and must be challenged if the integrity of the decision-making processes of the Zoning Commission and Board of Zoning Adjustment is to be upheld. The record in this case speaks for itself:

1. AU submitted plans for the East Campus Further Processing in a March 18, 2011 filing to the Zoning Commission outlining a one-story underground parking garage (Exhibit 8).
2. AU specifically referenced the one-level underground parking garage in a May 20, 2011 filing to the Zoning Commission (Exhibit 50A).
3. AU again specifically referenced the one-level underground parking garage at the June 9, 2011 hearing of the Zoning Commission (Exhibit 242).

If allowed to stand, the Zoning Administrator’s decision would nullify the significance of the campus plan second stage Further Processing proceedings and allow applicants virtually complete freedom to design and construct what they wish – without community input or review by the Zoning Commission, so long as they stay within the very general guidelines typically covered in the first stage of campus plan review. The Zoning Commission approved the plans for the one-level underground parking garage, as submitted by AU, and now AU should be required to comply with these plans or be required to seek modification of the Zoning Order from the Zoning Commission consistent with the zoning regulations of the District of Columbia.

Thank you for your consideration of this appeal.

Sincerely,



Gayle Trotter
Chair, ANC 3D

Attachment A. May 9, 2014 ANC 3D Letter To DC Zoning Administrator Matt LeGrant
Attachment B. Exhibit 50A, Z.C. Case No. 11-07, May 20, 2011.
Attachment C. Exhibit 242, Z.C. Case No. 11-07, June 9, 2011.
Attachment D. Exhibit 8. Narrative For Further Processing Application Submitted By American University for Development Of The East Campus, March 18, 2011, Z.C. Case No. 11-07.

CERTIFICATE OF SERVICE

Mr. David Dower
American University
4400 Massachusetts Avenue NW
Washington, D.C. 20016

Ms. Linda Argo
American University
4400 Massachusetts Avenue NW
Washington, D.C. 20016

Mr. Matthew LeGrant
Zoning Administrator
DC Department Of Consumer and Regulatory Affairs
1100 4th Street SW
Washington, D.C. 20024



Gayle Trotter, Chair, ANC 3D

ATTACHMENT A
Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40486
Palisades Station
Washington, D.C. 20016

May 9, 2014

Mr. Matt LeGrant
Zoning Administrator
DC Department of Consumer and
Regulatory Affairs (DCRA)
1100 4th Street SW
Washington, DC 20024

Re: Zoning Commission (Z.C.) Order 11-07 – American University Campus Plan
And Further Processings

Dear Mr. LeGrant:

Advisory Neighborhood Commission (ANC) 3D invited representatives of American University to its May 7, 2014 regularly scheduled monthly meeting to provide an update on plans for construction of the East Campus. As you know, a Further Processing for the East Campus was approved by the DC Zoning Commission on March 8, 2012. Zoning Commission Order 11-07 approving the Further Processing plans for the East Campus was issued on May 17, 2012 and outlines the specific plans and conditions for construction of six new buildings on the East Campus located on Nebraska Avenue NW between New Mexico Avenue NW and Ward Circle. The East Campus will include new student housing, classrooms, administrative offices, underground parking, and a surface parking lot. The 8-acre site is currently used as a surface parking lot.

ANC 3D included the East Campus construction update on its May 7, 2014 agenda due to concerns by residents – expressed during the Community Concerns section at the ANC 3D April 2, 2014 meeting – that AU's plans for construction of the East Campus were not in compliance with Z.C. Order 11-07. Residents, including representatives of the Spring Valley-Wesley Heights Citizens Association and Neighbors for a Livable Community, informed ANC 3D that AU representatives would not meet with them to discuss these concerns because final construction plans had not been completed. ANC 3D had invited AU to attend the April 2 meeting to provide an update on its East Campus construction plans, but representatives of AU with knowledge of the plans were not available to attend.

Consequently, Ms. Linda Argo, the Assistant Vice President for External Relations and Auxiliary Services, and Mr. David Dower, Assistant Vice President for Planning and Project Management, presented the updated information to ANC 3D and approximately 60 members of the public in attendance at the May 7 meeting.

Based on the information provided by AU representatives at its properly-noticed May 7, 2014 meeting held at the Lab School of Washington, ANC 3D voted 6-3, with a quorum present at all times, to request that you, as the Zoning Administrator, require that AU seek a modification of Z.C. Order 11-07 on the basis that its new construction plans vary significantly from those approved by the Zoning Commission, as outlined in Z.C. Order 11-07. Particularly significant is AU's plan to construct a two-story underground parking garage for 150 parking spaces when the Zoning Commission approved a plan for a one-story 150-space underground parking

garage with a charter bus turn-around. Consequently, we expect that you would withhold any permits for construction until the Zoning Commission has reviewed and approved the new plans, according to established procedures.

AU's plans for a one-story parking garage are outlined in Exhibit 50A of the record in Zoning Case 11-07. At no time during the zoning hearing process did AU indicate its plans for construction of a one-level underground parking garage had changed.

The underground parking garage was designed to have a bus turn-around so that charter buses would not use the surface parking lot that will be located immediately adjacent to residential homes. Currently, bus parking on the Nebraska Avenue surface lot has been a source of ongoing objections from adjacent residential homes because of the bus idling and exhaust fumes. AU representatives advised neighbors and the Zoning Commission during the campus plan hearing process that including the turn-around in the underground parking garage would provide relief to neighboring residents and address any objections to the more intense uses planned for the East Campus.

At the May 7, 2014 ANC 3D meeting, AU representatives indicated that there would no longer be a bus turn around in the two-story parking garage and refused to make any commitment about whether buses would use the remaining Nebraska Avenue surface lot – much as they do now.

AU representatives also said that it was necessary to expand the underground parking levels to two levels because it would not build one of the buildings approved for the site. The underground parking was to extend under a portion of this building. According to AU representatives, this necessitated dividing the parking spaces into two floors. However, that portion of the underground lot only included 10 parking spaces, as outlined in Exhibit 50.

AU representatives said that other engineering issues with the entrance off New Mexico Avenue necessitated the changes. However, errors by the design team do not immunize AU from adhering to the zoning rules, which require an applicant to seek a modification of a Zoning Order when the plans for that project must change – even due to human error.

Moreover, ANC 3D is deeply concerned about the impact of deeper excavations at the site and the potential for water damage to the foundations of neighboring homes. Precisely because AU had represented to the neighbors and the Zoning Commission that it was building only a one-story underground garage at the site, there was minimal attention to groundwater-related issues at the site. That groundwater at the site may be a source of perchlorate contamination – an issue still being explored by the U.S. Army Corps of Engineers – raises added concerns with respect to any water damage to neighboring property. In other words, the potential exists not only for property damage, but also risks to human health and well-being. There are four wells currently located at the site assessing levels of perchlorate in the ground water. The concerns are so significant as AU has already committed to monitor and sample the level of perchlorate in the groundwater during the construction process.

By excavating deeper, the project possibly exposes neighboring property to additional risks that were not anticipated as part of the proceedings two years ago that resulted in approval of a one-story underground parking garage.

Although AU is required under Z.C. Order 11-07 to compensate residents for any damage to their property due to construction, AU representatives refused to commit at the May 7, 2014 ANC meeting that this would include water damage to neighboring properties, including foundations and basements, resulting from

changes in water flow. The issue is particularly important for neighboring homes as they are down gradient from the new development.

A new proceeding would enable AU, residents, and their experts, including hydrologists and engineers, to assess and testify to the potential for added risks to property and health and determine if the proposed two story underground parking garage meets the zoning standards that it is “not likely to become objectionable to neighboring property because of noise, traffic, parking, number of students, or other objectionable conditions.” Such a determination should only be made by the Zoning Commission consistent with the standards outlined in the Zoning Code.

Although ANC 3D understands that residents may have other concerns that the plans are not in compliance with Z.C. Order 11-07, ANC 3D focused primarily on the underground garage due to time constraints on our agenda. That the ANC focused solely on the underground garage is not intended to dismiss other concerns from residents. ANC 3D, however, believes that the change from a one-story underground garage to a two-story underground garage (without a charter bus turn around) is so significant that it, alone, is sufficient to warrant a decision by the Zoning Administrator to require AU to file a request to modify the Order.

We are happy to meet with you to discuss this recommendation in more detail. Thank you for the opportunity to express our views and concerns on this project and we ask that you give this recommendation the great weight to which it is entitled under DC Statute 1-309.10(d)(3).

Sincerely,

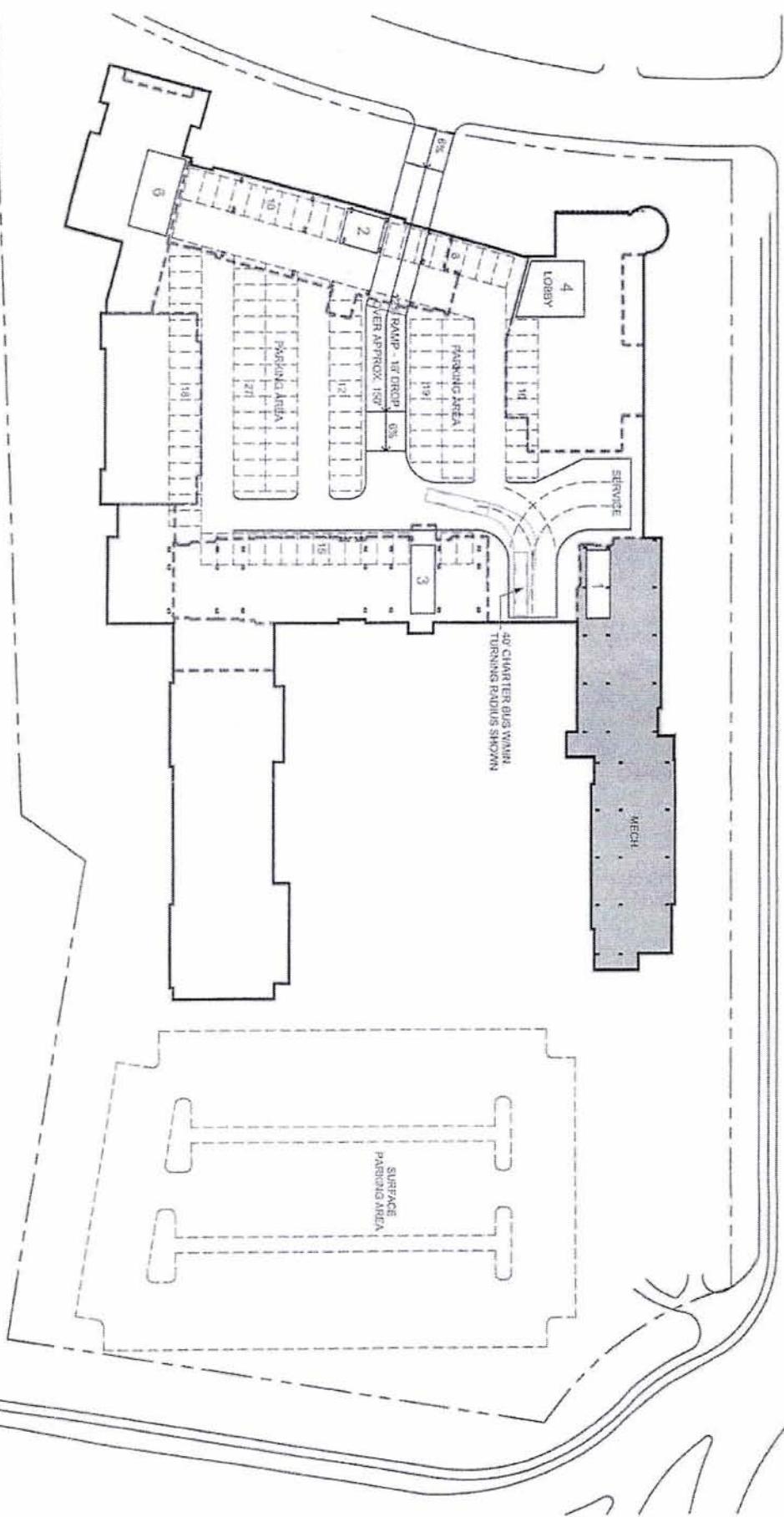
A handwritten signature in black ink that reads "Gayle Trotter". The signature is fluid and cursive, with "Gayle" on the top line and "Trotter" on the bottom line.

Gayle Trotter
Chair

cc: Councilmember Vincent Orange
Councilmember Mary Cheh
Mr. Anthony Hood, Chairman
DC Zoning Commission

ATTACHMENT B. EXHIBIT 50

21.1.1e



AMERICAN UNIVERSITY EAST CAMPUS DEVELOPMENT

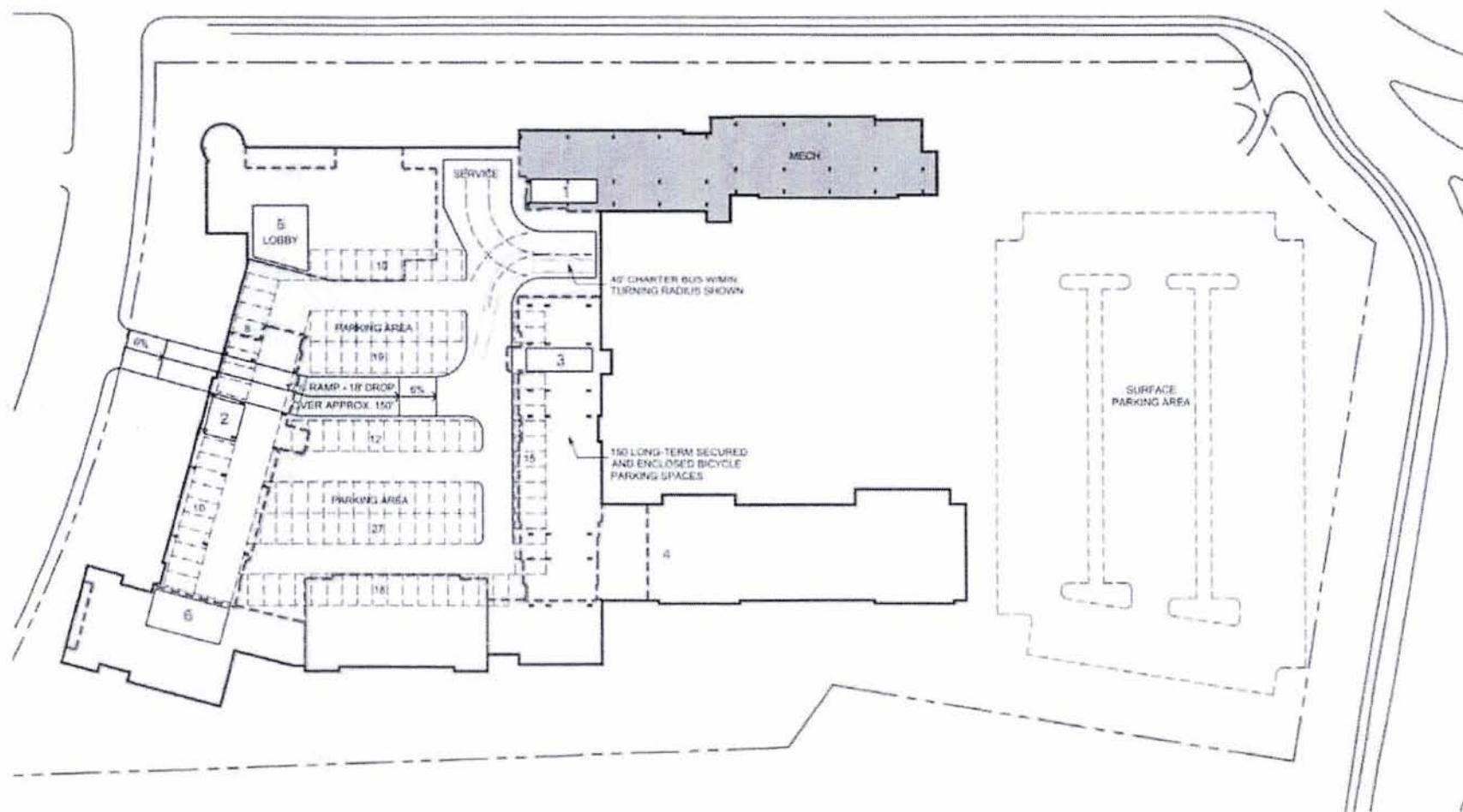
05.19.2011
LITTLE
INDEPENDENT ARCHITECTURAL CONSULTING



AMERICAN UNIVERSITY 2011 Campus Plan



East Campus – Service & Parking Level Plan



SECTION 9

FURTHER PROCESSING APPLICATIONS FOR DEVELOPMENT OF THE EAST CAMPUS, THE NEBRASKA HALL ADDITION, AND THE MARY GRAYDON CENTER ADDITION

9.1 DEVELOPMENT OF THE EAST CAMPUS (FORMER NEBRASKA AVENUE PARKING LOT SITE)

9.1.1 Description of East Campus Property and Surrounding Area

The proposed East Campus will be located on an 8.1-acre parcel that is located across Nebraska Avenue from the central campus and is currently used as a surface parking lot with approximately 900 surface parking spaces. Those parking spaces are used by AU faculty, staff, and students and visitors to the campus. The East Campus property is bound by Massachusetts Avenue to the north, the Westover Place townhouse community to the east, New Mexico Avenue to the south, and Nebraska Avenue to the west. The headquarters for the U.S. Department of Homeland Security is located to the north of the property directly across Massachusetts Avenue. Numerous large apartment and condominium buildings are located along Massachusetts Avenue to the east of the property. A significant number of AU students live in these buildings and walk along Massachusetts Avenue to the AU campus.

9.1.2 Summary of Proposed East Campus Development

The university proposes to construct six new buildings on the East Campus. These buildings will include: four new residential buildings that will provide approximately 770 new residential beds; a new administrative building that will be located at the intersection of Nebraska and New Mexico avenues; and an administrative and academic building located on the eastern end of the property, which will serve as a buffer between the institutional uses on the East Campus and the Westover Place townhouse community on the adjacent property.

Development of the new East Campus will include a total of approximately 329,000 gross square feet of new space. Of the new building area, 245,100 square feet will be dedicated to student housing. The northern part of the East Campus, with frontage along Massachusetts Avenue and adjacent to Ward Circle, is not included in the Further Processing application. That area will remain a surface parking lot with approximately 200 parking spaces and will be reserved for a future signature academic building, similar to the Katzen Arts Center. The 2011 Plan does not anticipate that such a signature academic building will be constructed in the period of 2011–2020.

9.1.3 Functional, Sensitive, and Appropriate Design

(a) Development Goals and Results of Community Dialogue Process

The applicant and its design team have engaged in extensive dialogue with members of the surrounding community, including residents of the Westover Place townhouse community, regarding development of the East Campus. In a presentation at the September 28, 2010, Community Taskforce Meeting, the project architects noted that development of the East Campus will be successful if it:

- promotes student life, success equal to the academic reputation of AU
- identifies the student as the center of the campus success
- contributes to the diversity of housing options on campus
- grows international student accommodations
- is a sensitive neighbor to its surroundings
- embraces a sustainable strategy consistent with the campus initiative
- provides an expanded campus that is safe for students and residents

- provides flexible facilities that can adapt to changing campus needs over time
- promotes an architectural character consistent with the existing campus

The university has sought to address the following community concerns as it has designed and refined the proposed buildings on the East Campus:

- increased noise in the community due to the proposed residential use on the East Campus
- the proposed location of the new residential structures on the former parking lot
- issues related to pedestrian safety for the new students who will be crossing Nebraska Avenue from their residence halls to campus on the west side of Nebraska Avenue and concerns about current patterns of mid-block pedestrian crossings of Nebraska Avenue
- enhanced traffic from personal vehicles and trucks that will be coming to the East Campus
- the amount of density proposed on the East Campus in terms of the number of students to be housed and the size and scale of the buildings proposed
- the visual impact that the proposed development will have on adjacent properties

Specific steps that have been taken by the university in response to these concerns include:

- a significant reduction in the number of beds proposed on the East Campus, from an initial proposal of 1,000 beds to the current proposal for 770 beds
- a re-orientation of the residential buildings in order to lessen the visual impact on the adjacent residential properties and to remove all windows on the residential buildings that would have views toward the adjacent residential properties
- the creation of an academic/administrative building that will serve as a buffer, both visually and in order to block noise, between the residential uses on the East Campus and the adjacent residential properties
- the relocation of the entrance to the underground parking and loading facilities to a point that is further from the East Campus boundary with the adjacent residential property

All of the buildings on the East Campus will

be designed and constructed in order to achieve LEED Gold certification. Plans, elevations, and drawings of the proposed East Campus development, as well as photographs of existing conditions, are attached as Exhibit 21.

(b) Detailed Description of the Proposed East Campus Development

Entrance to the East Campus will be marked by a new administrative building located at the intersection of Nebraska Avenue and New Mexico Avenue. This administrative building (labeled as Building No. 5 in the site plan provided in Exhibit 21) is intended to house a new visitors center, other administrative offices, and 3,000 square feet that will be reserved for retail uses that are intended to cater to the residents of the East Campus. This building will be four stories tall with a measured building height of approximately 54 feet tall. The architectural character of this building, including its curved entrance features and tower element at the corner of the intersection of Nebraska and New Mexico avenues is intended to evoke the architectural character of the McKinley Building on the campus west of Nebraska Avenue and helps connect the campus as one crosses Nebraska Avenue. The exterior of this building will include glass and light-colored pre-cast in an effort to be responsive to the limestone appearance of the buildings located along the west side of Nebraska Avenue (the Ward Circle Building, Hurst Hall, and the old SIS building).

The first student housing building on the East Campus (identified as Building No. 1 in the materials included in Exhibit 21) is located along Nebraska Avenue, to the north of Building No. 5. This building will be six stories tall, with a measured building height of approximately 62 feet. The height, mass, and setbacks of this building (along with Building No. 5) have been carefully studied to assure that the appearance of this building is consistent with the appearance of the buildings along Nebraska Avenue on the campus west of Nebraska Avenue. The goal has been to maintain the character of this part of Nebraska Avenue as a leafy, broad avenue. As shown in a site section through Nebraska Avenue, included in Exhibit 21, Building No. 1 on the East Campus will be setback from the Nebraska Avenue curb approximately 70 feet. The buildings along the west side of Nebraska Avenue are setback approximately 85 feet from the curb along Nebraska Avenue.

The streetscape treatment of Nebraska Avenue on the East Campus has also been carefully studied in order to create an inviting and active pedestrian experience, while also creating landscape and hardscape barriers to prevent mid-block pedestrian crossings of Nebraska Avenue. As shown in a section along Nebraska Avenue in Exhibit 21, the existing row of mature street trees that currently shield the existing parking lot on Nebraska Avenue will remain in a six-foot planting strip. Adjacent to the planting strip is an eight-foot sidewalk and then a vegetative buffer of approximately 38 feet. This vegetative buffer will include enhanced understory planting that will provide views to the first floor uses in Building No. 1, but will also restrict pedestrian movement from the sidewalk to the 24-foot-wide promenade area that is adjacent to Building No. 1. The existing roadway lighting will be replaced with 14-foot-tall ornamental lights that are more in scale with the pedestrians walking along on the adjacent sidewalk.

Building No. 1 will include approximately 280 residential beds. The ground floor uses will include approximately 11,000 square feet of retail space. There will be no central cafeteria in any of the residential buildings on the East Campus. The first floor of Building No. 1 also includes meeting space for residential life activities, which will have direct access to the promenade along Nebraska Avenue, and faculty and staff apartments that will face a landscaped quad that is bound by the other residential buildings on the East Campus. The residential units on floors 2–6 will be a mix of unit types.

Building No. 2 is located behind Building No. 1 (the administrative building located at the intersection of New Mexico and Nebraska avenues). Building No. 2 will be five stories tall, with a measured building height of approximately 54 feet. This building will include approximately 140 residential beds. Building No. 2 has frontage along New Mexico Avenue and will define the southern border of the East Campus. The proposed streetscape treatment along New Mexico Avenue has also received significant attention from the university's design team. In response to concerns raised during the community dialogue process, the university has removed the university-related retail uses that were initially proposed in the street level of Building No. 2. In addition, the university has re-designed the New Mexico Avenue elevation of Building No. 2 so that the vehicular entrance to the below-grade parking and loading can occur in the same location

as the existing curb cuts on New Mexico Avenue.

Building No. 3 is a five-story residential building, approximately 54 feet tall, that is located in the center of the East Campus. It is flanked by courtyards to the south and to the north that are 165 feet wide and are intended to provide active and passive recreation spaces for the residents of East Campus. The ground floor of this building will include meeting space and staff/faculty apartments. In total, the building will include approximately 157 residential beds. In response to concerns that were raised by the Westover Place residents, the orientation of this building, as well as Building Nos. 2 and 4, has been shifted so that all windows from dormitory rooms now face into one of the courtyards and not toward the Westover Place community.

Building No. 4 is also a five-story residential building, approximately 54 feet tall, that is located on the northern end of the residential core of the East Campus. This building will include approximately 195 beds with faculty and staff apartments on the ground floor. Just as in Building No. 3, all windows from the dormitory rooms will face the courtyard and the surface parking lot to the north.

Building No. 6 is an administrative/academic building that has been sited on the property in order to provide a physical buffer between the residential uses on the East Campus and the Westover Place community to the east. Building No. 6 will be two-and-a-half stories tall, with a measured building height of approximately 34 feet. The proposed height of Building No. 6 is approximately the same as the height of the townhomes in the Westover Place community. The intended uses of the building will include meeting space, residential life activities space, offices, and academic space. In response to comments from OP and the Westover Place residents, Building No. 6 has been set back from the property line with the Westover Place community a minimum distance of 40 feet, but the majority of the setback ranges from approximately 55 to 78 feet.

The appearance of Building No. 6 from Nebraska Avenue is intended to convey that the use of this building is not residential, so the materials on the west façade of the building are similar to those found on Building No. 5. The entrance to Building No. 6 also appears to peek out from behind Building No. 2, in order to announce to students, faculty, and staff the location of this administrative/academic building. The university

and its design team continue to refine the potential façade materials for the east elevation of the building (the elevation of the building that faces Westover Place), in order to create an appropriate transition to the Westover Place townhouses.

The existing buffer area between Building No. 6 and the Westover Place community is currently populated with a large number of significant trees as shown in Exhibit 21. The university will augment this area with a landscaped berm, which further reduces the appearance of Building No. 6 from the Westover Place community. Additional tree plantings in the understory of the landscaped buffer will be made in order to create a well designed and conceived landscape buffer that will be effective all year long.

The proposed development of the East Campus will result in a reduction in the overall number of vehicle parking spaces that will be provided on the property. There are currently 900 parking spaces on the East Campus. Construction of the proposed East Campus will result in only 500 parking spaces being located on the East Campus, 300 spaces located in a single below-grade level of parking that will be located under Building Nos. 1-6 and 200 spaces on the remaining surface parking lot adjacent to Massachusetts Avenue and Ward Circle. Significant numbers of bicycle parking spaces will also be provided for residents of East Campus, as well as university staff members who will work on the East Campus in the below-grade parking level. In addition, numerous bicycle parking spaces and facilities will be located throughout the East Campus development.

Loading facilities for all six buildings will also be located in this below-grade level. Access to the parking and loading facilities will occur from New Mexico Avenue, in the approximate location of the existing entrance to the Nebraska Avenue parking lot. The existing curb cut and vehicular exit from the parking lot onto Nebraska Avenue will be removed as a result of the development of the East Campus. A new right-turn-in- and right-turn-out-only entrance/exit from the East Campus, which will be accessible from the six buildings and the remaining surface parking lot, onto Massachusetts Avenue will be created as a result of the proposed development of the East Campus. This entrance/exit will be aligned with the entrance to the Department of Homeland Security's parking lot entrance/exit on the other side of Massachusetts Avenue.

9.1.4 Development of the East Campus Is not Likely to Become Objectionable to Neighboring Property Because of Noise, Traffic and Parking, Number of Students/Faculty/Staff, or Other Objectionable Conditions

(a) No Adverse Impacts Related to Noise Will Occur as a Result of the East Campus Development

As noted above, the residential buildings have been oriented in such a way that no windows on the upper floors of the buildings will face the Westover Place community. In addition to mitigating the visual impact of these buildings, this orientation also reduces the potential amount of noise generated by the residential use. The location of Building No. 6 will help block any noise from activities that occur on the two courtyards located in the center of the East Campus. In addition, there will be no direct entrance to the ground floor of Building No. 6 on the eastern elevation of the building. There will also be no balconies or terraces on the eastern elevation of this building. These design features were created to address concerns from the Westover Place community regarding the potential noise that may arise from Building No. 6.

(b) No Adverse Impacts Related to Traffic and Parking Will Occur as a Result of the East Campus Development

The Transportation Report and Technical Analysis (Exhibit 22) contains a detailed analysis of transportation impacts of the 2011 Plan. Included is a determination of the impact of development of the East Campus. This report and analysis focused on the major differences in future traffic conditions with and without development of the East Campus and specifically addressed:

- the increases in pedestrian traffic crossing Nebraska Avenue due to new building construction
- the decreases in pedestrian traffic crossing Nebraska Avenue due to the loss of parking spaces on the Nebraska Avenue parking lot
- the change in how drivers will approach and depart parking on the East Campus generated by the removal of the right-in/right-out driveway on Nebraska Avenue and its replacement on Massachusetts Avenue

To account for these changes, the following pedestrian and vehicular trips were added to the future traffic projections:

- Pedestrian trips were generated for several sources, notably the additional beds in the residence halls but also for the new admissions welcome center and campus-related retail use. Trips for new residence halls were based on counts of existing on-campus residence halls. Trips for the proposed retail uses were based on activity data from the existing campus store.
- Some pedestrian trips were removed from crosswalks based on the loss of parking spaces on the Nebraska Avenue surface lot. These were determined by examining vehicular trip generation rates and assuming one person per car would cross Nebraska Avenue.
- The net increase in pedestrian trips was split between the crosswalks over Nebraska Avenue at New Mexico Avenue (75 percent) and Ward Circle (25 percent). The split was based on the layout of the East Campus and the likely destinations of pedestrians on the Main Campus.
- Changes to vehicular volumes were made based on existing trip counts at the driveway on Nebraska Avenue, and projected change on approach patterns of drivers that would take advantage of the new right-in/right-out at Massachusetts Avenue.

The future capacity analyses results, comparing traffic models both with and without the development of the 2011 Plan, came to the following conclusions:

- The intersection of Nebraska Avenue and New Mexico Avenue will operate under acceptable conditions. This is due to the existing traffic signal timing, which separates turning vehicles and pedestrians. Thus, the increased crosswalk traffic will not generate detrimental impacts.
- Additional pedestrians using the crosswalk over Nebraska Avenue at Ward Circle will generate impacts to vehicular delays. These delays can be mitigated through implementing changes to the traffic signal operation that separates the vehicular turning and pedestrian crossing movements (see mitigation measures below).

- Although the traffic model results show acceptable conditions at all intersections, the design of the East Campus and its surrounding roadways can incorporate some design measures to help further reduce impacts by organizing crosswalks, pedestrian facilities, and bus stop locations. These design elements are discussed in the Transportation Report. All recommendations that occur on the East Campus have been incorporated into its design.
- As described in the Technical Analysis, with development of the 2011 Plan, the number of pedestrians crossing Nebraska Avenue at the crosswalk at the intersection of New Mexico Avenue and Nebraska Avenue will be 203 and 473 per hour during the AM and PM peak hours, respectively. This equates to an average of 6 and 13 pedestrians during each "Walk" phase for the crosswalk over Nebraska Avenue.
- Similarly, the number of pedestrians crossing Nebraska Avenue at Ward Circle adjacent to East Campus is expected to be 376 and 509 during the AM and PM peak hours, respectively. This equates to an average of 10 and 14 pedestrians during each "Walk" phase for the crosswalk over Nebraska Avenue.

The following summarizes the recommendations in the Transportation Report, aimed at mitigating the impacts to vehicular delay and congestion, and changing the orientation of transportation facilities to help reduce pedestrian/vehicular conflicts.

- elimination of the right-in/right-out driveway on Nebraska Avenue to the Nebraska Avenue parking lot (helps reduce jaywalking)
- inclusion of a landscaped buffer along Nebraska Avenue in the East Campus development (helps reduce jaywalking)
- alteration of the traffic signal operations at the southwestern corner of Ward Circle across Nebraska Avenue to de-conflict right-turning vehicles from pedestrians in the crosswalk (reduces vehicular delay predicted in traffic models)
- installation of a pedestrian-activated traffic signal on Massachusetts Avenue south of Ward Circle at the new right-in/right-out