



Pillsbury Winthrop Shaw Pittman LLP
2300 N Street, NW | Washington, DC 20037-1122 | tel 202.663.8000 | fax 202.663.8007

Paul Tummonds
Phone: 202.663.88873
paul.tummonds@pillsburylaw.com

June 16, 2009

By Hand Delivery

Anthony Hood, Chairperson
D.C. Zoning Commission
441 4th Street, N.W.
Second Floor
Washington, D.C. 20001

**Re: Zoning Commission Order No. 06-43^A American University –
Special Exception Approval for Further Processing of an
Approved Campus Plan – Application to Extend Time Limit
on ZC Action**

Dear Chairperson Hood and Members of the Commission:

American University (“AU” or “Applicant”) hereby submits this statement in support of an application to extend the expiration date of ZC Order No. 06-43, for a period of two years (until July 20, 2011). A copy of ZC Order No. 06-43, effective July 20, 2007, is attached as Exhibit A. Pursuant to 11 DCMR §3035.5, the Zoning Commission uses the Board of Zoning Adjustment (“BZA”) Rules of Practice and Procedure in processing, reviewing and approving college and university uses. On June 5, 2009, revisions to the BZA’s rules on the time limits on BZA action became effective with the adoption of 11 DCMR §3130.6 through §3130.10. This statement

**ZONING COMMISSION
District of Columbia**

CASE NO.

06-43A

EXHIBIT NO.

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addresses how the proposed request to extend the expiration date of ZC Order No. 06-43 satisfies the relevant requirements enumerated in 11 DCMR §3130.6.

ZC Order No. 06-43 granted special exception approval for the further processing of an approved campus plan to permit the renovation of the existing McKinley Building on AU's main campus. The approved renovation included the demolition and reconstruction of a portion of the McKinley Building and an expansion of the building, primarily underground. The entire renovation results in only 3,152 square feet of new gross floor area. The renovation and addition to the McKinley Building allows the Applicant to house the AU School of Communications in a single building, rather than the three non-contiguous buildings on the AU campus that house the School of Communications. The approved project provides flexible and contiguous space for faculty and staff offices; seminar rooms and classrooms; and specialized production, research, and office space. No increases in student enrollment or faculty levels are expected as a result of the construction of this project.

The Applicant's satisfaction of the relevant requirements of §3130.6. are addressed below.

3130.6 The Board may grant one extension of the time periods in §3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines the following requirements are met:

This letter serves as the Applicant's written request to extend the time period of the Commission's approval of ZC Order No. 06-43. ZC Order No. 06-43 became effective on July 20, 2007. Therefore, the filing of this request is prior to the expiration of the approval of ZC Order No. 06-43, which is July 20, 2009.

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;**

As noted in the attached Certificate of Service, the Applicant has served this request on the only party to the original application, Advisory Neighborhood Commission ("ANC") 3D. The Applicant agrees to allow ANC 3D 30 days to respond to this request.

- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and**

The Applicant is not proposing any changes to the plans for the renovation and addition to the McKinley Building that were approved by the Commission in Order No. 06-43. There are also no changes to any of the material facts that existed when the Commission approved the original application.

- (c) The Applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:**
- (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;**

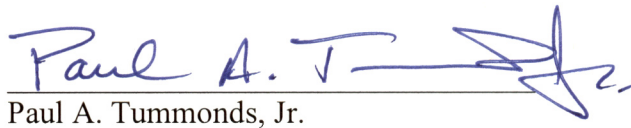
- (2) An inability to secure all governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or**
- (3) The existence of pending legislation or other such condition, circumstance, or factor beyond the applicant's reasonable control.**

The Applicant is asking for the Commission to extend the period of time to construct the approved project due to the unprecedented negative economic circumstances impacting development in the District of Columbia and throughout the United States. AU's financial plan for the renovation of the McKinley building is to raise donations of \$20 million to pay for a major portion of the construction costs. Fundraising at this scale typically involves pledge payments that extend over several years, so interim tax-exempt bond financing was planned to fill the gap as pledge payments came in. Unfortunately, AU has received pledges that total less than five percent of its goal. While significant effort is being put into fundraising for the School of Communication, the state of the economy is affecting gift-giving and slowing progress. With the current turmoil in the economy and financial markets, AU does not believe it is prudent to proceed with the project until more progress is made in fundraising.

In accordance with 11 DCMR §3130.7, AU requests that the Commission grant a two (2) year time extension of ZC Order No. 06-43. Thus, the new expiration date of approval for this project will be July 20, 2011. The Applicant is prepared to

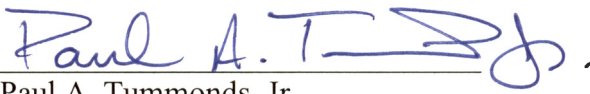
submit any other information or evidence in support of this application and
appreciates your consideration of this matter.

Respectfully submitted,


Paul A. Tummonds, Jr.

Certificate of Service

I certify that on June 16, 2009, a copy of the foregoing document was delivered via first class mail to the addresses listed below.


Paul A. Tummonds, Jr.

ANC 3D
c/o Chairperson Elizabeth Sandza
4301 Forest Lane
Washington, D.C. 20016

D.C. Office of Planning
c/o Joel Lawson
2000 14th Street, NW
4th Floor
Washington, DC 20009