

**MEMORANDUM**

TO: District of Columbia Zoning Commission

FROM: ^{JLS} Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: December 3, 2014

SUBJECT: Case No. **ZC-11-07C** Request for Minor Modification of the Order for 2011-2016 American University Campus Plan

I. SUMMARY RECOMMENDATION

The Office of Planning does not object to the two requested minor modifications to the Order Number 11-07, 2011 Campus Plan and Further Processing of an Approved Campus Plan- East Campus, Nebraska Hall Addition and Mary Graydon Center Addition

II. APPLICATION IN BRIEF

Applicant:	American University (AU)
Location	East Campus, 3501 Nebraska Avenue, NW
Legal Description	Square 1601
Zoning	R-5-A
Project Summary and Minor Modification Requested:	In 2012 the Zoning Commission approved a ten year campus plan for the American University and an application for further processing of the East Campus. In summary, the Further Processing for construction of the East Campus buildings was approved for three buildings to house 590 residential beds, three academic and administrative buildings, 150 below-grade parking spaces, and below-grade loading

The applicant has requested two, very focused minor modifications

- 1) A clarification that the required below-grade parking on the East Campus may be on two underground levels, and
- 2) A modification to clarify that charter buses or motor coaches shall not be permitted on the East Campus

III. REVIEW

Section 3129 of the Zoning Regulations establishes procedures for modifications to Approved Plans. OP has reviewed the request relative to the conditions for approval of a minor modification of §§ 3129.2 and 3129.6, which consequently includes §§ 3125.7 and 3125.8.

3129 MODIFICATION OF APPROVED PLANS

- 3129.2** The Board shall consider requests to approve minor modifications to plans approved by the Board, as set forth in §§ 3125.7 and 3125.8. The request shall be in writing, shall state specifically the modifications requested and the reasons therefore and include a copy of the plans for which



approval is now requested

- 3129 6 Approval of requests for modification of approved plans shall be limited to minor modifications that do not change the material facts upon which the Board based its original approval of the application

3125 FINAL DECISION AND EFFECTIVE DATE OF DECISIONS

- 3125 7 Approval of an application shall include approval of the plans submitted with the application for the construction of a building or structure (or addition thereto) or the renovation or alteration of an existing building or structure, unless the Board orders otherwise

- 3125.8 An applicant shall be required to carry out the construction, renovation, or alteration only in accordance with the plans approved by the Board, unless the Board orders otherwise

The plans submitted with the American University campus plans and further processing application state the East Campus shall have one level of below-grade parking, and the single level is shown on drawings. However, the issue of the East Campus below-grade parking being limited to a single level was not discussed throughout the hearings or by the Commission in deliberating its original approval.

Order Number 11-07 does not include any discussion of the number of below-grade levels relative to the approval of the East Campus further processing application. The number of parking levels is not discussed as a Finding of Fact nor included as a Condition of Approval. The provision of the parking spaces on the East Campus was discussed relative to the number of spaces (Finding of Fact # 145, page 31) and vehicular access from New Mexico Avenue, NW (Finding of Fact # 144, page 31). There are no changes proposed to the number of vehicle parking spaces, the provision of below-grade loading, or the access from New Mexico Avenue.

The below-grade bus turnaround provided a means to mitigate any impact of the buses on neighboring properties. The same purpose is achieved, if not exceeded, by the proposed condition to "not allow any charter buses or motor coaches to enter the East Campus property, including the surface parking lot."

OP did a word search of the public hearing transcripts for the words "below-grade", "underground", "parking" and "East Campus". The search did not reveal any discussion or testimony by the Zoning Commission, parties in support, parties in opposition, or the ANC's regarding the number of below-grade levels of parking.

OP also read the Commission's deliberations of the Campus Plan. There was much discussion about parking but there was no discussion of the number of below-grade parking levels. Therefore, it does not appear that the issue of the number of parking levels was a material fact upon which the Commission based its original approval of the 2011 American University Campus Plan or the further processing of the East Campus.

OP does not object to the two minor modifications requested by the applicant relative to the number of parking levels and restrictions on charter buses and motor coaches.

All other conditions of approval, including below-grade loading, remain in effect as stated in the Order in pages 57 through 69.