

April 6, 2015

VIA IZIS

Chairman Anthony Hood
District of Columbia Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

Re Zoning Commission Case No. 11-07D - Proposed Revisions to Permitted Construction Hours

Dear Chairman Hood and Members of the Commission

On March 25, 2015, American University ("AU" or "University") submitted an application for a minor modification of Condition No. 41(c) of ZC Order No. 11-07, in order to allow construction activity to occur on the East Campus between the hours of 7 00 AM to 5 00 PM Monday – Friday, and Saturday from 8 00 AM to 4 00 PM. Since that date, AU has continued to engage in negotiations with representatives of ANC 3D and representatives of the Board of Directors of the Westover Place Homes Corporation ("Westover Place") in order gain the support of those organizations for new hours of permitted construction activity on the East Campus.

Based on concerns raised about the impact of Saturday construction activity on Westover Place residents, while still recognizing the need for additional construction hours to occur on the East Campus, AU, ANC 3D, and Westover Place have agreed to the following hours of construction activity on the East Campus:

- The University shall be permitted construction hours of Monday-Friday 7.00 a.m. to 7 00 p.m.
- From September 1, 2015 to the completion of outdoor construction work (expected to occur on or around February 29, 2016), AU will be able to work on Saturdays from 8 00 a.m. to 4 00 p.m. only in the event that the University experiences a lost day of construction activity due to weather. The University will inform Westover Home Owners Corporation, for distribution to their resident home owners, and the ANC of a lost day of construction activity by 9 00 a.m. on the day of lost construction activity.

ZONING COMMISSION
District of Columbia

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EXHIBIT NO. 6
District of Columbia
ZONING COMMISSION
CASE NO. 11-07D
EXHIBIT NO. 6

Letters in support of these new approved hours of construction activity, from ANC 3D and Westover Place, are attached as Exhibit A

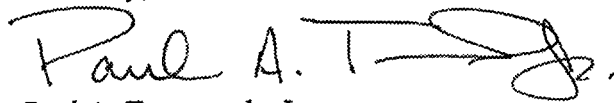
The new Condition No 43, regarding the surface parking lot on the East Campus, remains unchanged from AU's original proposal on March 25, 2015. ANC 3D and Westover Place have agreed to the language of that proposed condition. A complete description of the existing condition that is proposed to be amended and the proposed new conditions of ZC Order No 11-07 are attached to this letter as Exhibit B.

Conclusion

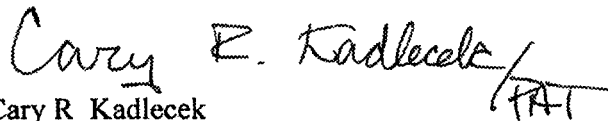
The requested modification satisfies the requirements of Section 3129 of the Zoning Regulations for consideration by the Zoning Commission as a minor modification and no public hearing is necessary. This minor modification request has received the support of ANC 3D and the Westover Place Homes Corporation, the community which is certainly most impacted by the construction activity on the East Campus. The University requests that the Zoning Commission consider this request at its April 13, 2015 public meeting, so that AU can maintain its construction schedule on the East Campus and provide the required number of on-campus residential beds by the fall 2016 semester.

If you have any questions regarding this minor modification application, please feel free to contact us.

Sincerely,



Paul A. Tummonds, Jr



Cary R. Kadlecik

Attachments

CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2015, copies of the attached letter and enclosures were delivered via messenger or U.S. Mail to the following

Joel Lawson
D.C. Office of Planning
1100 4th Street SW, Suite E650
Washington, DC 20024

ANC 3D
c/o Thomas Smith, Chair
4601 Tilden Street NW
Washington, DC 20016

ANC 3E*
c/o Lisner Home
5425 Western Avenue NW
Suite 219
Washington, DC 20015

William Spencer
SMD 3D01
2825 49th Street, NW
Washington, DC 20016

ANC 3F*
4401-A Connecticut Ave NW Box 244
Washington, DC 20008-2322

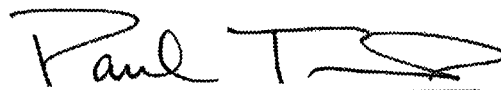
Tenley Campus Neighbors Association*
c/o Allison I. Fultz
Kaplan Kirsch & Rockwell, LLP
1001 Connecticut Avenue NW
Suite 800
Washington, DC 20036

Spring Valley-Wesley Heights Citizens
Association*
c/o Michael Mazzuchi
4430 Macomb Street NW
Washington, DC 20016

Tenley Neighbors Association*
c/o Judy Chesser
3901 Alton Place NW
Washington, DC 20016

Neighbors for a Livable Community*
c/o Laurie B. Horvitz, Esq.
Law Office of Laurie B. Horvitz
4520 East West Highway
Suite 700
Bethesda, MD 20814

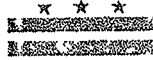
Westover Place Homes Corporation
c/o Larry Joseph
4373 Westover Place, NW
Washington, DC 20016



Paul Tummonds

*Delivered by U.S. Mail

A



GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADVISORY NEIGHBORHOOD COMMISSION 3D

**PO Box 40486, Palisades Station
Washington, DC 20016**

***PALISADES – KENT - SPRING VALLEY - WESLEY HEIGHTS - NEW MEXICO/CATHEDRAL –
THE AMERICAN UNIVERSITY - FOXHALL VILLAGE - BERKELEY***

April 3, 2015

Mr. Anthony Hood, Chairman
District of Columbia Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

RE Request for a Minor Modification to an Approved Campus Plan Further
Processing Application – Zoning Commission Order No. 11-07 – Proposed
Revision to Permitted Construction Hours

Dear Chairman Hood and Members of the Commission

At its regularly scheduled meeting on April 1, 2015 at the Elderdice Hall on the campus of Wesley Theological Seminary, and with a quorum present at all times, Advisory Neighborhood Commission (ANC) 3D voted 8-0-1 to support the application of American University (AU) for a modification of Zoning Commission (ZC) Order No. 11-07 for the Further Processing of the East Campus. If approved, this modification would revise the approved construction hours outlined in Condition No. 41(c) of ZC Order No. 11-07 which now limits outdoor construction at the East Campus site to the hours of 7:30 AM – 4 PM Monday-Friday.

As part of its application for a modification, AU has proposed that it be permitted outdoor construction hours of 7 AM – 7 PM Monday-Friday. AU would also be permitted outdoor construction on Saturdays from 8 AM – 4 PM beginning September 1, 2015 through the completion of outdoor construction work expected to be on or about February 29, 2016. However, Saturday outdoor construction would only be allowed in the event that the University experiences a lost day of construction due to weather. AU would be required to inform adjacent neighbors and the ANC of a lost day of construction activity by 9 AM on the day of lost construction activity.

AU also has agreed to add another condition that would require the University to expand its landscape buffer on the East Campus surface parking lot by removing six parking spaces closest to the Westover Place community and by planting additional landscaping at that area. AU also has agreed to install cameras on the surface parking lot to monitor activity.

The original outdoor construction hours approved by the Z.C. in March 2012, as outlined in Condition No. 41 (c), were intended to mitigate the construction impacts for residents living immediately adjacent to the construction site. Various factors, including but not limited to weather and environmental issues, have delayed the construction work and may jeopardize completion of the project in time for students to occupy the new East Campus Residence Halls by August 2016, as planned. ANC 3D believes the interests of the University and neighbors would best be served if the East Campus Residence Halls can be completed on schedule.

Therefore, ANC 3D has been pleased to work with AU and the neighbors to achieve a balance between (a) AU's need for added flexibility in its work schedule to ensure the project is completed on time and (b) residents' interests in being able to enjoy their property, especially on summer weekends, free of the noise and dirt of outside construction taking place immediately adjacent to their homes. AU has indicated this compromise will meet its needs for flexibility in its work schedule. This balanced compromise also will continue to help mitigate the construction impacts likely to be experienced by about 50 home owners at Westover Place who live immediately adjacent to the construction site. ANC 3D also applauds AU for seeking to address the concerns about post-construction impacts for about 10 homeowners adjacent to the East Campus surface parking lot by agreeing to increase the landscaped buffer at that point.

ANC 3D is pleased and proud to have been able to play a role in achieving this compromise by working with AU, the Board of the Westover Home Owners Corporation, and other Westover Place residents living adjacent to the construction site. Not only does ANC 3D support this compromise, but we applaud the spirit with which it was achieved – open dialogue and full engagement by AU with ANC 3D and the residential community.

After nearly five years of wrangling between AU and the community over the plans for the construction of AU's East Campus, it is ANC 3D's hope that this compromise agreement helps to set a tone for all involved in campus planning issues in our neighborhood of what can be achieved when – jointly and respectfully – we make it our priority to seek common ground.

Given the time that has been expended to reach this compromise and AU's indication that additional construction hours are needed now, ANC 3D joins with AU and the Westover Place Homes Corporation in requesting that the Zoning Commission expedite this application and defer holding a public hearing on this application.

Thank you for the opportunity to express our views on this application. ANC 3D requests that the Z.C. give great weight to the views outlined in this letter.

Sincerely,



Thomas M. Smith
Chair, ANC 3D

CERTIFICATE OF SERVICE

I hereby certify that on April 3, 2015 copies of this letter were delivered by e-mail to the following.

Joel Lawson
D C Office of Planning
1100 4th Street NW, Suite E650
Washington, D C 20024

Spring Valley-Wesley Heights Citizens
Association
c/o Michael Mazzuchi
4430 Macomb Street NW
Washington, D C 20016

Westover Place Homes Corporation
c/o Larry Joseph
4373 Westover Place NW
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c/o Lisnei Home
5425 Western Avenue NW
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Tenley Campus Neighbors Association
c/o Allison Fultz
Kaplan Kirsch & Rockwell, LLP
1001 Connecticut Avenue NW
Suite 800
Washington, D C 20036

Neighbors For A Livable Community
c/o Dennis Paul
3700 University Avenue NW
Washington, D C. 20814

WESTOVER PLACE HOMEOWNERS CORPORATION

April 3, 2015

Chairman Anthony Hood
District of Columbia Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

Re. Zoning Commission Case No. 11-07D – Support for Proposed Revision to Permitted Construction Hours and Support for Request for Waiver of Public Hearing

Dear Chairman Hood and Members of the Commission:

On behalf of the Westover Place Homeowners Corporation, we support both the request of American University to modify the proposed construction hours on the East Campus and the proposed new condition of approval regarding the surface parking lot on the East Campus. We also support American University's request that the Zoning Commission grant this approval without holding a public hearing on this minor modification request.

As noted in American University's March 25, 2015 written materials, we have engaged in numerous discussions with the University regarding this application. We were also extensively involved in negotiating a change to AU's proposal, which was presented to ANC 3D at the April 1, 2015 public meeting. That proposal will allow longer construction hours during the work week but will prevent any Saturday construction work activity from occurring this summer. We believe that was an appropriate request of American University and we are appreciative that AU agreed to this revision of their initial modification request.

The Westover Place Homeowners Corporation understands that American University's final modification request is as follows, and we fully support this modification request.

Revised Condition No. 41(c) proposes the following permitted hours of construction at the East Campus:

41 (c) The University shall be permitted construction hours of Monday-Friday 7:00 a.m. to 7:00 p.m. From September 1, 2015 to the completion of outdoor construction work (expected to occur on or around February 29, 2016), AU will be able to work on Saturdays from 8:00 a.m. to 4:00 p.m. only in the event that the University experiences a lost day of construction activity due to weather. The University will inform Westover Home Owners Corporation, for distribution to their resident home owners, and the ANC of a lost day of

4300 Westover Place, NW • Washington, DC 20016

construction activity by 9.00 a.m. on the day of lost construction activity. Interior work not creating an impact on adjacent properties may take place outside of these hours.

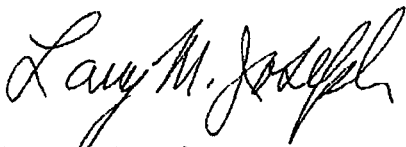
Proposed new condition (Condition No. 43) be added to ZC Order No. 11-07

43. AU shall expand the landscape buffer on the surface parking lot through the removal of the six parking spaces that were closest to the shared property line with Westover Place and the planting of additional landscaping material in that area. The surface parking lot will continue to include 200 parking spaces. AU will install cameras on the East Campus surface parking lot with a direct, live feed to the AU Public Safety Office in order to monitor activity on the surface parking lot.

We also agree with AU's request that the Zoning Commission waive the requirement to have a hearing on this issue. The facts of the proposed request are straight-forward and having a public hearing on this limited issue of the permitted hours of construction activity is not necessary. Westover Place is the community that is most impacted by construction activity on the East Campus and we want that construction activity to be completed as quickly as possible. We believe that the proposed conditions of this application will greatly improve the likelihood that the construction activity will be completed as scheduled.

Thank you for your attention to our views on this application.

Respectfully,

A handwritten signature in black ink, reading "Larry M. Joseph". The signature is written in a cursive, flowing style.

Larry M. Joseph
President

B

**AU EAST CAMPUS - MINOR MODIFICATION OF PERMITTED CONSTRUCTION
HOURS – ZONING COMMISSION CASE NO. 11-07D
EXISTING AND PROPOSED CONDITIONS OF ZC APPROVAL**

Existing Condition No 41(c) of ZC Order No 11-07 states the following with respect to the permitted hours of construction at the East Campus

41 (c) The University shall limit construction hours to Monday-Friday 7 30 a m to 4 00 p m Interior work not creating an impact on adjacent properties may take place outside of these hours

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