Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
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Washington, D.C. 20016

October 17, 2005

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Ms. Carol Mitten
Chair
Zoning Commission for the District of Columbia
Office of Zoning
440 4th Street, NW, Suite 210-S
Washington, DC 20001

RE: Case No. 05-27 (American University – Further Processing of Campus Plan – 4400 Massachusetts Ave., NW)

Dear Ms. Mitten:

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D.C. OFFICE OF ZONING
2005 OCT 20 PM 2:31

The application of American University, pursuant to 11 DCMR §§3104.1 and 210, for special exception approval of a further processing application of an approved campus plan for the construction of a new School of International Service located on the main campus along Nebraska Avenue at 4400 Massachusetts Avenue at 4400 Massachusetts Avenue, NW (Lot 1 in Square 1601), was presented to Advisory Neighborhood Commission 3D at its regularly scheduled meeting on Wednesday, October 5, 2005. Notice of the commission's October meeting was advertised in the Northwest Current on September 25 and October 5, 2005.

On October 5, 2005, American University (AU) appeared before Advisory Neighborhood Commission (ANC) 3D regarding its proposal to build an 80,000 square foot building to house its School of International Service (SIS). This was a regularly scheduled commission meeting, this issue was included on the agenda, and a quorum was present at all times. For the reasons set forth below, ANC 3D unanimously (6-0-0) opposes AU's building proposal.

BACKGROUND

AU appeared before ANC3D on July 6, 2005, and made an initial presentation of its proposal to build a new facility for its SIS near the intersection of New Mexico and Nebraska Avenues on an existing surface parking lot. At that initial hearing, several commissioners raised concerns about the impact of traffic on Nebraska Avenue and in Wesley Heights. Subsequently, AU conducted two additional community meetings (including Wednesday, September 20, and Wednesday, September 27, 2005) where

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residents raised concerns about traffic and inconsistencies with the 2000 campus plan. At the ANC3D hearing on October 5, 2005, AU (represented by David Taylor and Jorge Abud) presented its plan to build the new SIS. A substantial number of residents were present and Elizabeth Sandza, Richard Sandza, Michael Mazzuchi, and Michael Kelley spoke in opposition to AU's proposal and submitted detailed written reasons for their opposition.

The starting point for the analysis in this case is the 2000 Campus Plan. The 2000 AU campus plan discussed thirteen potential projects. Projects identified as D and E are pertinent to this discussion (and the current proposal). According to the plan, Project D, a 100,000 square foot building near the intersection of New Mexico and Nebraska Avenues on an existing surface parking lot, would accommodate an expanded library, classrooms and offices. Project E, an 80,000 square foot building, located on the site of the existing SIS building would be the new SIS building and would house "classrooms and the school's offices." Project D (the site where AU plans to build) is described as four stories tall with an underground parking garage for 260 cars. The plan also called for the following conditions:

- "the university will work with the District of Columbia agencies, neighboring property owners, and the community to develop a detailed streetscape plan for Nebraska Avenue from north of Ward Circle to Rockwood Parkway, incorporating the provision for widening Nebraska Avenue, using the University's property, to add a fifth lane for turning movements"
- "ramp(s) to the parking garage will be designed to minimize their impact on Nebraska Avenue traffic from turning movements."

The next step is an examination of AU's actual proposal and a comparison of the proposal with the 2000 campus plan. AU proposes to build at the site of Project D in the Campus Plan a new SIS building (not a library expansion). The underground garage will hold 300 cars (not 260 cars). The building amounts to a large, new office building with nearly 100 offices and, in all likelihood, will provide office space for entities other than SIS faculty as there are only seven classrooms. AU's plan does not devote any of its property to widen Nebraska Avenue (and has unilaterally dropped that condition). AU also intends to locate the single entry/exit ramp for the garage at the intersection of New Mexico and Nebraska Avenue, notwithstanding its obligation to minimize traffic impact on Nebraska Avenue. This is a major new entrance for commuters to AU which is being sited without necessary measures being taken to address traffic impacts.

AU has two traffic studies. The initial traffic study was completed by Gorove/Slade Associates, Inc. in conjunction with the 2000 Campus Plan. The second traffic study was recently completed by HNTB Corporation as part of the proposal to build the new SIS.

ANALYSIS

AU contends in its submission that "the development of the new SIS Building at this location will produce no significant change on surrounding traffic operations."

Preliminary Statement of the Applicant at 6. In addition, AU also notes that "[n]o changes to the Campus Plan are proposed as part of this application" and cites the conditions for the new SIS building stated in the 2000 Campus Plan. Id. at 7 Notably, AU does not contend that its plan abides by the conditions in 2000 Campus Plan only that "[t]he Applicant will continue to work with D.C. Agencies, neighboring property owners and the community to determine whether it is beneficial to widen Nebraska Avenue." Id.

The neighbors at the October ANC hearing raised several arguments that do not support AU's current course of action. The neighbors argued that AU's proposal deviates from the 2000 Campus Plan. The neighbors pointed out that the AU proposal is essentially to build a large office building, not a library expansion or classroom building, and that it would not devote any of its property to widen Nebraska Avenue. Moreover, they pointed out, locating the entry/exit ramp at the intersection of New Mexico and Nebraska Avenue is flatly inconsistent with its obligation to minimize traffic impact on Nebraska Avenue. In addition, the neighbors cited AU's failure to "work with" the community in developing the plan and its failure to consider other alternatives such as utilizing the existing entrance at Rockwood Parkway and internal campus roads to facilitate access to the garage. Next, the neighbors pointed to the fact that AU's proposal would cause traffic gridlock at New Mexico and Nebraska Avenues. The neighbors' argument in opposition also included a detailed rebuttal to the HNTB traffic study. For instance, the neighbors pointed out that the HNTB study ceased data collection at 5 p.m. even though the evening peak traffic period is 5-6 p.m. The neighbors also criticized the HNTB conclusion that the new 300 space parking lot will generate about half of the existing traffic in and out of the current parking lot which has only 75 spaces. Finally, with respect to traffic, the neighbors noted that AU's study offers no explanation for how the extra turning movements (80 per hour in the best case; 107 per hour in the worst case) will produce no significant change in traffic. The neighbors argued that "[t]he only reasonable reading of the 2000 Campus Plan is that if it is to create additional traffic, the University must explore and implement means to address and mitigate the effects of that traffic – not necessarily by widening Nebraska Avenue, but through some real and specific measures."

At the outset, it is necessary to emphasize the important public policy question implicated in this case which is what effect, if any, does the development and approval of a Campus Plan (or any other similar plan) have on a University and the surrounding community. Campus Plans are detailed and time consuming projects for the University, for the Zoning Commission, and for the neighbors. The purpose of a campus plan is simple but should not be overlooked. The campus plan is a way of compelling a University, local residents, and government officials to come together and forge an acceptable plan. This is not to suggest, of course, that all of the parties to the plan will be completely satisfied. On the contrary, like any other multi-party plan or agreement, it is a series of compromises. Nevertheless, at the end of the process, everyone involved has a real and tangible understanding about future University development. Departures from an approved plan must be the rare exception, probably made only when all "parties" are in agreement. Otherwise, the "sweat equity" required to build, study, negotiate, and finalize the plan will be rendered pointless. If a University or neighborhood residents understand that the

plan is not "final" and binding, then there is little incentive for participating in developing the plan; and, unless citizens can really believe that these negotiated plans are to be followed, then community involvement in the planning process will plummet, campus plans will mean nothing and a lot of time and work will be wasted.

I. AU's Plan Is Flatly Inconsistent With the 2000 Campus Plan

ANC3D has carefully reviewed the 2000 Campus Plan and AU's current proposal and finds that AU has failed to abide by nearly every significant condition. The 2000 Campus Plan described "Project D" as a building that would "accommodate expansion of the library, classrooms, and academic offices" and "Project E" as the new SIS building to house "classrooms and offices." Aside from now planning to develop the site for Project D as the new SIS building, it is apparent that the current proposal is really a large office building. This point is confirmed by the fact that the building plans identify nearly 100 offices and only seven classrooms. The 2000 Campus Plan notably does not envision a new office building for AU. At the October ANC meeting, AU did not dispute these facts nor offer a plausible alternative reading of the 2000 Campus Plan. Accordingly, AU does not even abide by the factual description of the building set forth in its 2000 Campus Plan.

Next we turn to the main two conditions that AU has plainly breached. The first is "the university will work with the District of Columbia agencies, neighboring property owners, and the community to develop a detailed streetscape plan for Nebraska Avenue from north of Ward Circle to Rockwood Parkway, incorporating the provision for widening Nebraska Avenue, using the University's property, to add a fifth lane for turning movements." ANC3D finds that AU will **not** devote any of its property to widen Nebraska Avenue. There can be no doubt that this condition was imposed as part of the Campus Plan and that AU has unilaterally disregarded it. The condition also requires that AU "work with" the city and the community in the development of the plan for Nebraska Avenue. ANC3D also finds, for reasons set forth below in greater detail, that AU has not complied with its "work with" obligation.

The second condition is that the "ramp(s) to the parking garage will be designed to minimize their impact on Nebraska Avenue traffic from turning movements." ANC3D also finds overwhelming support for the neighbors' argument that this condition has also been breached. Creating a four-way intersection at New Mexico and Nebraska Avenues makes a bad traffic situation worse given the close proximity to Ward Circle. Rather than minimize the traffic impact on Nebraska Avenue as the 2000 Campus Plan instructs, AU's proposal **maximizes** the traffic impact on Nebraska Avenue. In addition, it guarantees that there will be a substantial impact on traffic on New Mexico Avenue as well. In order to make the case for locating the entrance/exit ramp at the Nebraska/New Mexico intersection AU would need strong empirical evidence that, at a minimum, it considered other locations along Nebraska Avenue. The fact that AU did not (or at least did not share) conduct any other traffic studies to consider other entry/exit locations

speaks volumes. Indeed, it is apparent that there are several other feasible options that AU gave no consideration to in developing its plan that would minimize traffic on Nebraska Avenue. An existing roadway on AU's campus connects the current surface parking lot (the site of the new SIS building) to Rockwood Parkway. Likewise another existing roadway connects the site to the Massachusetts Avenue entrance. It is apparent to ANC3D from the hearings and meetings that AU's objection to alternative entrances like the ones mentioned above is campus aesthetics. Under the 2000 Campus Plan, however, campus aesthetics is not a justification for unilaterally ignoring binding conditions. Moreover, ANC3D strongly objects to subordinating neighborhood aesthetics for AU's campus aesthetics to accommodate an AU building.

II. AU's Building Proposal Will Cause Gridlock And Its HNTB Traffic Study Is Fatally Flawed

In addition to breaching significant conditions of the 2000 Campus Plan, ANC3D concludes that the traffic impact of the new SIS building will be substantial. ANC3D has carefully reviewed the current traffic conditions at Nebraska and New Mexico Avenue and the HNTB traffic study submitted and relied upon by AU. The starting point for the analysis must be the current traffic conditions on Nebraska Avenue. ANC3D finds that currently the intersection at Nebraska and New Mexico Avenue is very congested. Indeed, AU does not (nor could not) dispute this fact. The reasons for the congestion are multi-faceted. There is substantial congestion at nearby Ward Circle, there are existing backups between the New Mexico and Newark/Rockwood Parkway intersections, and there is substantial parking and pedestrian traffic associated with AU's commuter lot on the east side of Nebraska Avenue. However, an existing bad traffic situation does not authorize AU to make it worse. At the October ANC meeting several neighbors noted that the "T" intersection at New Mexico and Nebraska Avenues is one of the few redeeming features of an otherwise poor traffic picture. This is so because left turns can be made from New Mexico to Nebraska (and vice versa) through stopped traffic and right turns can occur simultaneously off Nebraska onto New Mexico and off New Mexico onto Nebraska. ANC3D agrees with these observations and adopts them as findings.

AU's plan to create a four-way intersection at New Mexico and Nebraska Avenues will unquestionably make a bad traffic situation much worse. Given the fact that the "T" intersection is the only thing standing between the neighborhood and a traffic disaster, AU's plan to impose a four-way intersection on the neighborhood is an unmitigated failure. ANC3D finds that northbound traffic on Nebraska Avenue will be backed up as drivers make left turns (across traffic) into the 300 car garage in the morning. This will only get worse in the evening when traffic exiting the 300 car garage will turn left onto Nebraska Avenue while the approaching "evening shift" (of faculty and students) will once again make left turns (again, across traffic) into the garage. This new pattern will be further exacerbated by the fact that existing left turn traffic from New Mexico, where there is a left turn arrow, will be impeded by the changes. In addition, it is doubtful traffic turning right onto Nebraska Avenue from New Mexico Avenue will continue at its current pace (currently a driver can turn "right on red"). Indeed, this plan assures that traffic problems that currently exist on Nebraska Avenue will be recreated on New

Mexico Avenue. Nothing in the 2000 Campus Plan authorizes AU to further impact the neighborhood because it has failed to implement an agreed upon traffic plan.

AU attempts to bolster its justification for its proposal by relying upon its HNTB traffic study. ANC3D has carefully considered the study and finds that it is flawed and not persuasive. Unquestionably, the AU plan will produce a significant change on surrounding traffic operations. The study looks at traffic in and out of existing AU parking lots in order to assess incremental traffic at the SIS location. A careful look at the study shows that data collection stopped at 5 pm in all parking lots. HNTB Traffic Study (Exhibit A) at 15. This is an astonishing flaw given the fact that the evening rush hour becomes more intense **after** 5 pm. A study that is designed to gauge rush hour traffic that ceases to collect data at 5 pm simply cannot be used to draw any cogent conclusion about rush hour traffic. The evening rush hour, as observed above, is the most critical time of the day for AU traffic because that is the time that traffic is coming into AU for evening classes and departing from AU following afternoon classes.

The flaws in the conclusions from the HNTB study become more apparent when compared to the earlier Grove/Slade Associates, Inc. traffic study that was part of the 2000 Campus Plan. The problem is that the traffic predictions relating to the additional parking in the 2000 Campus Plan are much greater than the volume AU predicts to justify the new SIS plan. This is so even if the total number of parking spots is adjusted (meaning reduced) for the single project that AU is pursuing at this time. Of course, AU has not agreed to drop plans to build another building where the "old" SIS building currently stands or to add parking there. Adjusting the 2000 Campus Plan data, the study would suggest about 130 trips during morning peak and about 330 trips during evening peak. The evening peak figure is three times the amount of evening rush hour trip generation that HNTB predicts. Something is plainly wrong with the HNTB study and it appears the numbers have been adjusted to ensure Zoning Commission approval.

The deep flaws in the HNTB study are apparent when it is compared with the Grove/Slade Associates, Inc. traffic study regarding existing traffic in and out of the Reeves Gate which currently services the 75 space lot. The HNTB study concludes that the evening rush hour traffic in and out of the new 300 space SIS parking garage will generate about half of the existing traffic that the Grove/Slade Associates, Inc. study documented in the 2000 study for the Reeves Gate. ANC3D rejects the methodology and conclusions of the HNTB study because they are flawed and inconsistent with AU's prior study. Moreover, ANC3D strongly disagrees with AU's unsupported observation that the new parking lot will not be a more attractive place to park and thus generate more traffic into it, because it is underground (and thus shielded from bad weather), closer to other campus buildings and would clearly be a more attractive parking destination.

Finally, notwithstanding the objections noted above to the HNTB traffic study, AU's contention that the new SIS building (and its 300 space parking garage) "will produce no significant change" in traffic is unquestionably wrong. Even the HNTB study acknowledges that 80 extra turning movements per hour will occur at the Nebraska Avenue/New Mexico Avenue intersection at evening peak times in the "best case

scenario" and 107 in the "worst case scenario." This amount of trip generation will unquestionably produce additional delays. Indeed, AU appears to rely on the fact that the current level of service is acceptable on Nebraska Avenue and there is low existing interference from turning volumes. Unfortunately, AU's plan will introduce substantial new turning volumes and, as a result the intersection's level of service will worsen.

III. AU's Plan Violates the 2000 Campus Plan and Creates Unmitigated Traffic Congestion That Will Have Serious Adverse Consequences for the Neighborhood

As noted above, AU's Plan to build a new SIS violates the 2000 Campus Plan. Furthermore, the traffic impact on the neighborhood, Nebraska Avenue, and New Mexico Avenues will be significant. Despite all of this, AU takes no steps whatsoever to mitigate the additional traffic and significant turning volumes its plan will create. AU's argument for the plan is essentially that the traffic on Nebraska Avenue is already bad, it is not AU's fault that traffic is bad, and so AU should be permitted to build its new building even if it makes traffic impacts significantly worse. This is unquestionably flawed reasoning. AU has a duty and obligation to not make a bad situation intolerable. The only fair reading of the 2000 Campus Plan is that AU must, in collaboration with its neighbors, come up with a means for dealing with the additional traffic and congestion that its plan will create. ANC3D and the community have suggested alternatives including, but not limited to, utilizing the Fletcher Gate (on Rockwood Parkway) and the Glover Gate (on Massachusetts Avenue) and the existing internal roadways to facilitate entry and exit to the new SIS building. Such suggestions have gone largely ignored. AU, in order to comply with its obligations, must come up with reasonable and plausible traffic mitigation solutions. It cannot simply contend that campus aesthetics must supersede reasonable traffic solutions. Furthermore, campus aesthetics should not prevail over neighborhood aesthetics.

It is apparent that if this plan were approved as drafted by AU, not only would traffic on Nebraska Avenue and New Mexico worsen but there would be collateral effects. Neighbors expressed concern regarding the potential for neighborhood cut through traffic. The close proximity of Horace Mann Elementary School at Newark and Nebraska was noted. Other residential streets in Wesley Heights, such as Garfield and Cathedral, would also see an increase in traffic volume as motorists seek alternative routes to avoid Nebraska and New Mexico Avenues. Fast moving cut through traffic on neighborhood streets would place the safety of school children and residents in jeopardy and was not addressed in scenarios considered by the school's traffic expert. ANC3D concludes that AU's proposal would create an overall negative impact on surrounding neighborhood streets.

IV. AU Has Failed To Abide By Its Obligation To "Work With" The Community

The 2000 Campus Plan obligated AU to "work with" District of Columbia agencies, neighboring property owners, and the community. AU has not done so. It is true that AU

presented this plan to the ANC and that it held community meetings about its plans. However, the 2000 Campus Plan did not merely obligate AU to "notify" the aforementioned groups of its plans. On the contrary, the 2000 Campus Plan compels AU to "work with" the community. At the ANC3D hearing, AU was asked how its plans changed as a result of the meetings with the community. The answer was nothing has changed. It is impossible for AU to contend that it really has "worked with" the community in this case. At best, AU has constructed an empty process. The community can state its views and AU will ignore them. This is not to suggest, of course, that the AU representatives are unpleasant people – on the contrary the most redeeming part of the process has been that they are very pleasant. Nevertheless, AU cannot substitute its obligation to "work with" the community by dispatching pleasant representatives who turn a tin ear to the community. The importance of this public policy principle cannot be overstated. If AU's efforts satisfy the "work with" standard, then that standard is meaningless. It will also send the wrong message; namely, that a university only has to hear the community complain but does not have to do anything about it.

IV. AU Has Failed To Inform the Community of its Plans for the Original School of International Service Building

The 2000 Campus Plan calls for the removal of the existing SIS building when the new SIS building is constructed. As noted above, the new building appears to be predominantly office space with only seven classrooms and a changed parking facility. The original building remains, buts its specific future use is not discussed; and, AU has not agreed to drop plans to build another building on the current SIS building site.

On September 1, 2005, the Zoning Commission approved Case No. 05-16 – Minor Addition to the Kogod School of Business and the New Lecture Hall at American University. ANC 3D approved this University application because it did not increase student population or require a traffic plan. Nevertheless, this change was not anticipated in the 2000 Campus Plan.

ANC 3D supports the purpose and intent of a campus plan and recognizes that once approved by the Zoning Commission, it is meant to guide the development of an institution's expansion plans over a specific timeframe. However, the commission also recognizes there are already a number of changes being implemented at the first stage of the American University 2000 Campus Plan that require the Zoning Commission's attention and careful consideration. ANC 3D would advise the Zoning Commission that the changes to the SIS project and the Kogod School of Business are not insignificant; were not anticipated under the 2000 Campus Plan; and, given the evolving nature of this "work in progress," will likely result in cumulative negative impacts.

CONCLUSION

For the reasons listed above, Advisory Neighborhood Commission voted 6-0-0 to oppose the application of American University for a Special Exception for Further Processing of

an Approved Campus Plan and asks the Zoning Commission to accord the commission's vote the "great weight" to which it is entitled under DC law.

Sincerely,

Alma H. Gates
Chair, ANC 3D

cc: David Taylor
Stephen Mordfin (by Email)
Ken Laden (by Email)