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November 7, 2005

VIA HAND DELIVERY

Zoning Commission for the District of Columbia
Attention: Ms. Jerrily R Kress
Director, Office of Zoning
441 4th Street, NW Suite 210
Washington, DC 20001

Re. Case Number 05-27
(American University – Further Processing of Campus Plan
4400 Massachusetts Ave., NW)

Dear Ms Kress:

This written statement sets forth comments I would like to make in person as testimony at the hearing of the Zoning Commission of the District of Columbia in the above-captioned case on November 7, 2005. The ANC for my neighborhood, ANC 3D, has issued a decision and explanation of its vote in connection with the zoning proposal at issue in this case, which involves the construction of an administrative building and parking garage at the intersection of Nebraska Avenue and New Mexico Avenue in the Wesley Heights area of Washington. In response to the ANC's vote, American University ("AU") issued a pre-hearing statement on October 24, 2005, which modifies AU's proposal in a number of respects from that which was considered by the community at the ANC hearing Unlike the prior AU proposal, which sought approval for a construction plan that did not involve the widening of Nebraska Avenue, AU's pre-hearing statement says that "the Applicant has agreed to undertake the cost of widening Nebraska Avenue " (AU Pre-Hearing Statement, Page 9) AU also says that "the proposed widening of Nebraska Avenue addresses the objections to the application raised by the ANC " I believe that AU's revised submission does not address all the ANC's objections or all the relevant issues, and continue to believe that the application should be denied.

ZONING COMMISSION
District of Columbia
CASE NO. 05-27
EXHIBIT NO. 26

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I. AU Has Not Submitted a Valid Traffic Study

Irrespective of the other issues as to AU's compliance with the 2000 Campus Plan, AU has a basic duty in pursuing its application to accurately assess the impact of the project on traffic conditions in the area And in this regard, AU's proposal continues to rely on a traffic study by HNTB Corporation that has been shown to be inadequate. The HNTB study presents far too optimistic a picture of the traffic impact on the area from AU's proposal, is methodologically flawed, and is contradicted by AU's own prior traffic studies.

The biggest item highlighted in the discussion at the ANC meeting is that the HNTB study has no data on which to assess the traffic in and out of the proposed parking garage during the 5-6pm rush hour HNTB stopped collecting data for its study at 5pm, and simply assumed that traffic in and out of the parking garage from 5-6 would be the same as from 4-5 This confounds common sense, and at the ANC meeting AU presented no explanation whatever of why it decided to assess potential traffic in this manner. Now, after the flaw in the HNTB study has been pointed out, the revised study attached to AU's October 24 submission presents a post-hoc rationalization that "[b]ased on observations of various University parking facilities and an understanding of current class schedules and staff working hours, it is a conservative assumption that activity in the 5 00 p m hour is similar to activity in the 4:00 p.m. hour " (HNTB October 20, 2005, page 9). But HNTB has simply pulled this "conservative assumption" out of thin air. Indeed, even the March 2005 HNTB study itself made the obvious point that it is likely that "there are simultaneous peaks of activity in the parking facilities and on the roadways" (January 2005 HNTB Study, page 15). So if a study is going to look at peak roadway traffic from 5-6 pm, shouldn't it get the parking activity data to match it? Again, there is certainly precedent here. the 2000 Gorove Slade traffic report which accompanied the 2000 Campus Plan collected data between 8 00 and10:30 AM and between 4.30 and 6:00 pm. (page 9 of Exhibit 18 to 2000 Campus Plan). There is no reason why HNTB could not have done the same thing. Indeed, there ought to have been a presumption that in order to update the 2000 Campus Plan traffic study with a new study, the new study ought to collect data on the same basis.

The flaws arising from HNTB's failure to collect data after 5 pm show up readily in a comparison between the 2000 Gorove Slade study and the results of the HNTB study. The following table summarizes the data from the two studies for current traffic observations, projected parking accompanying the developments for Project D and Project E as proposed in the 2000 Campus Plan, and the Project D (the current proposal) and Project E as now under consideration. Because AU proposed to build 520 parking spaces total in the 2000 Campus Plan and is only proposing to build 350 parking spaces as part of the SIS development, the table includes in row 3 figures extrapolated from the 2000 Gorove Slade study and adjusted for the different number of spaces.

	AM Peak		PM Peak	
	Inbound	Outbound	Inbound	Outbound
Current trip generation at Reeves Gate (Per 2000 Gorove Slade Study) (77 spaces)	**50**	**15**	**126**	**80**
Projected for Sites D and E (2010) (Per 2000 Gorove Slade Study) (520 spaces)	**143**	**48**	**275**	**183**
Extrapolated for Site D alone based on 2000 Gorove Slade study (67% (350/520) of Gorove Slade modeled volume)	**96**	**32**	**185**	**123**
Projected for Site D (per HNTB Study) (350 spaces)	**101**	**14**	**44**	**65**
Projected for Site D and E (per HNTB Study) (520 spaces)	**150**	**20**	**66**	**97**

One can see that where HNTB and Gorove Slade both collected data at the appropriate hour, their observations are at least comparable Notably though, the Gorove Slade study observed the traffic specifically at the existing Reeve's Gate, rather than projecting only based on averages of traffic observed throughout AU, and Gorove Slade projected more than **twice** as much outbound traffic in morning peak at the new Site D and E entrance. But where Gorove Slade collected data where HNTB did not, their results diverge very sharply, with Gorove Slade projecting **four times** the evening peak inbound trip generation and **twice** the evening peak outbound trip generation Similarly, looking at the 2000 Gorove Slade actual observations, once can see that HNTB is reaching the obviously flawed conclusion that AU can increase the parking at the site by over **450%** (from 77 spaces to 350 spaces), and have the evening rush hour trip generation **drop** by 47% (206 to 109 total trips) In the face of the 2000 Gorove Slade study results, which were readily available to HNTB since they are AU's own prior study, HNTB's statement that failing to collect data after 5 pm only reflects a "conservative assumption" is preposterous.

In sum, the HNTB study is inadequate and does not give this Commission an accurate basis on which to make a conclusion about the impact of the AU proposal on traffic in the area. For this reason, AU's proposal should be denied

II AU's Proposal Does Not Meet The Plan Conditions Regarding Community Input

The ANC decision cited a number of deficiencies in AU's compliance with its duty under the 2000 Campus Plan to "work with District of Columbia agencies, neighboring property owners and the community to develop a detailed streetscape plan for Nebraska Avenue." AU's pursuit of its plan has been characterized by inadequate notice to adjoining owners, inadequate response to the input that has been received, and no true exploration or discussion of alternatives with DC agencies or the community at large Instead AU has pursued

a course of denying the obvious reality that the project will create more traffic problems, based on the flawed HNTB study Now that the study and its questionable conclusion that the turning lane on Nebraska is unnecessary have been challenged, AU concedes that it may be required to widen Nebraska However, this element of AU's proposal has been inserted at the last minute, again unilaterally by AU, and in a noncommittal and inadequate manner.

Thus, the October 24 filing with the Commission states that "the Applicant has agreed to undertake the cost of widening Nebraska Avenue, with the addition of a fifth lane to be used for left turns into the SIS parking garage and onto New Mexico Avenue from Nebraska Avenue" It is uncertain with whom this was "agreed " And even so, AU does not go so far as to make widening of Nebraska Avenue a specific condition of its revised proposal By phrasing the change to its submission in this manner, AU clearly hopes to delete the condition that Nebraska Avenue be widened at some future stage In addition to the attendant cost, the reason no doubt is that widening Nebraska requires DDOT input, and DDOT might understandably wish to evaluate the proposal further and consider its impact on and relation to other traffic issues in the area. In other words, once one takes the step of widening Nebraska Avenue, one would need a "detailed streetscape plan for Nebraska Avenue from north of Ward Circle to Rockwood Parkway". That is what the 2000 Campus Plan called for, and that is what AU is trying to avoid doing here

Nor does AU's rather vague "undertak[ing]" in relation to the widening of Nebraska Avenue truly resolve the community concerns expressed What the community is seeking here is first, a realistic, methodologically sound assessment of the traffic impact on Nebraska and New Mexico, and second, a real consideration of alternatives to address these impacts. This would include, among other possible elements, addressing the future use of the Fletcher Gate, examining the interaction of Nebraska and Newark Avenues and Rockwood Parkway, possible alterations to the entry or exit into the Nebraska/New Mexico surface lot, or other elements. In this regard, the superficial "consideration of alternatives" which has been grafted onto the HNTB study in the interval between the ANC meeting and this hearing is no better than the HNTB study itself

As reflected in the ANC's decision and recommendation to this Commission, AU has simply fallen short of its duty to "work with District of Columbia agencies, neighboring property owners and the community" in pursuing its proposal. What we have instead is a proposal conceived unilaterally by AU, accompanied by a deeply questionable study, the most important element of which – the proposal to widen Nebraska Avenue -- has been changed at the last stage, with no public input. AU should go back to the drawing board

Sincerely,



Michael A. Mazzuchi