

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
:
FURTHER PROCESSING OF : Case No.
AMERICAN UNIVERSITY 2011-2020: 11-07B
CAMPUS PLAN FOR THE :
RELOCATION AND CONSTRUCTION :
OF THE WASHINGTON COLLEGE :
OF LAW AT THE TENLEY CAMPUS :
-----:

Monday,
November 21, 2011

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No.
11-07B by the District of Columbia Zoning
Commission convened at 06:30 p.m. in the
Jerrily R. Kress Memorial Hearing Room at 441
4th Street, N.W., Washington, D.C., 20001,
Anthony J. Hood, Chairman, presiding.

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO.null

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
MARCIE COHEN, Commissioner
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
JOEL LAWSON
ARLOVA JACKSON

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

JAMIE HENSON
CHRISTOPHER DELFS

The transcript constitutes the
minutes from the Public Hearing held on
November 21, 2011.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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P-R-O-C-E-E-D-I-N-G-S

6:34 p.m.

CHAIRMAN HOOD: Good evening,
ladies and gentlemen. This is a public
hearing of the Zoning Commission for the
District of Columbia for Monday, November 21,
2011.

My name is Anthony Hood. Joining me
are Commissioner Marcie Cohen and Commissioner
Turnbull. We're not joined by the Vice
Chairman tonight. I'm going to ask
Commissioner May if I have to go to the
restroom or something, if he could be the Vice
Chair for the night, I would greatly
appreciate it.

Vice Chair Konrad Schlater will be
reading the record and participating in this
case.

We're also joined by the Office of
Zoning staff Ms. Sharon Schellin.

Also, the Office of Planning: Ms.
Steingasser, Mr. Lawson and Ms. Jackson.

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1 And the District Department of
2 Transportation, I believe. I know -- I want
3 to say -- first name is Chris. Delfs. Okay.
4 I was in the ballpark.

5 Okay. And let me all introduce
6 yourselves. One of these days I'll get
7 everybody's name. So if we can start off.

8 MR. DELFS: Chris Delfs with
9 District Department of Transportation. I
10 manage our Planning Group for the Department.

11 CHAIRMAN HOOD: Okay.

12 MR. HENSON: And I'm Jamie Henson
13 with the District Department of
14 Transportation. I'm a Planner.

15 CHAIRMAN HOOD: Okay. Great. I
16 guess I need to go to DDoT and get to know all
17 of you so I can remember your names. But
18 thank you very much.

19 This proceeding is being recorded
20 by a Court Reporter. It's also webcast live.
21 Accordingly, I must ask you to refrain from
22 any disruptive noises in the hearing room.

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1 The subject of this evening's
2 hearing is Zoning Commission Case No. 11-07B.

3 This request by American University for
4 special exception relief pursuant to 210 and
5 3104.1 of the Zoning Regulations to permit
6 relocation of the Washington College of Law to
7 the Tenley Campus.

8 Notice of today's hearing was
9 published in the *D.C. Register* on September 9,
10 2011 and copies of that announcement are
11 available to my left on the wall near the
12 door.

13 The hearing will be conducted in
14 accordance with provisions of 11 DCMR ' 3117
15 as follows:

16 Preliminary matters;

17 The Applicant's case;

18 Report of Office of Planning;

19 Report of other government
20 agencies, if any;

21 Report of Advisory Neighborhood
22 Commission, ANC 3D, 3E and 3F; I'll hold all

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1 that in abeyance.

2 Organizations and persons in
3 support;

4 Organizations and persons in
5 opposition;

6 Rebuttal and closing by the
7 Applicant.

8 The following time constraints are
9 maintained in this meeting:

10 The Applicant, 45 minutes;

11 Organizations, 5 minutes, and;

12 Individuals, 3 minutes.

13 The Commission intends to adhere to
14 the time limits as strictly as possible in
15 order to hear the case in a reasonable period
16 of time. The Commission reserves the right to
17 change the time limits for presentations if
18 necessary, and notes that no times shall be
19 ceded.

20 All persons appearing before the
21 Commission are to fill out two witness cards.

22 These cards are located to my left on the

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1 table near the door. Upon coming forward to
2 speak to the Commission, please give both
3 cards to the Reporter sitting to my right
4 before taking a seat at the table.

5 When presenting information to the
6 Commission, please turn on the speaker to your
7 microphone, first stating your name and home
8 address. When you are finished speaking,
9 please turn your microphone off so that your
10 microphone is no longer picking sound or
11 background noise.

12 The decision of the Commission in
13 this case must be based exclusively on the
14 public record and to avoid any appearance of
15 the contrary, the Commission requests that
16 persons present not engage the members of the
17 Commission in conversation during any recess
18 or at anytime. The staff will be available
19 throughout the hearing to discuss procedural
20 questions.

21 Please turn off all beepers and
22 cell phones at this time so as not to disrupt

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1 these proceedings.

2 Would all individuals wishing to
3 testify please rise and take the oath? Ms.
4 Schellin, would you please administer the
5 oath?

6 MS. SCHELLIN: Yes.

7 (Witnesses sworn).

8 CHAIRMAN HOOD: Okay. At this
9 time, the Commission will consider any
10 preliminary matters. Does the staff have any
11 preliminary matters?

12 MS. SCHELLIN: Yes. Staff would
13 advise that we have received the Affidavit of
14 Maintenance from the Applicant.

15 And then next, we have one party
16 status request in support. And then that's
17 from the Ward 3 Vision. And we have four
18 party status requests in opposition from:

19 Tenley Campus Neighbors
20 Association;

21 Tenley Neighbors Association, Inc.;

22 ANC 3D, and;

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1 Spring Valley-Wesley Heights.

2 CHAIRMAN HOOD: Okay. Thank you.

3 Commissioners, let's start right
4 off with the ANCs. Well, let's go to Exhibit
5 20, which is the Ward 3 Vision, and it's in
6 support. When I look at their submission this
7 time in this further processing case I think
8 it meets our test. Unless I hear any
9 opposition, I think the submission speaks for
10 itself. Unless I heard any opposition, we will
11 grant them party status in support in this
12 further processing. Any objections? Okay. So
13 ordered.

14 Do we need to do a vote, Ms.
15 Schellin? We have a general consensus?

16 MS. SCHELLIN: You can do a vote if
17 you choose to do so, but if not --

18 CHAIRMAN HOOD: Okay. We're fine
19 with the general consensus.

20 Okay. Commissioners, I will tell
21 you that it appears that we have an ANC 3D,
22 ANC 3F and ANC 3E.

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1 3F is asking to be an affected ANC.
2 I think by their submission, I think they're
3 right across the street or real close by. I
4 don't have any opposition to 3F.

5 I just can't see -- I will tell you
6 my concern. It may be possible, but three
7 ANCs being affected by this area, which is
8 bounded by Yuma Street, 42nd Street, Warren
9 Street and Nebraska. I know 3F has spelled
10 out that they're across the street. I'm trying
11 to figure out the relationship. I believe
12 this is with 3E. I'm trying to figure out how
13 did 3D, where are they and how they're
14 affected in this.

15 And I will tell you 3E's submission
16 also did not tell me that they were requesting
17 to be an affected -- at least what I saw,
18 unless something came in today that I didn't
19 have a chance to read. I just didn't see 3Es
20 explanation, but I understand this is within
21 3E, so that's automatic if I'm correct. I
22 just have a concern about 3D.

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1 So, let me open it up for comment.

2 And I don't know how far they are.

3 I'm not sure what the boundaries are. But I
4 just believe that 3D; one of those ANCs are
5 not true and specifically tailored to be
6 involved, I think, with this case.

7 Let me open it up for comment.

8 COMMISSIONER TURNBULL: Mr. Chair,
9 I think we could ask the Office of Planning
10 for a reading on how close they really are.

11 CHAIRMAN HOOD: Okay. Ms.
12 Steingasser or Mr. Lawson, or Ms. Jackson,
13 could somebody help us with that? Because
14 what I do not want us to do in this further
15 process is rehash the Campus Plan. I do not
16 want that.

17 MS. STEINGASSER: Well, I hesitate
18 to give an exact boundary because I'm not sure
19 what the streets are, but 3D encompasses the
20 Main Campus and the East Campus. It also
21 encompasses Westover Heights, which is just
22 adjacent for the East Campus. And I'm just

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1 not sure where boundary is relative to this
2 particular campus. But it's the relationship
3 between the Main Campus and the Tenley Campus
4 that 3D is coming in on.

5 COMMISSIONER TURNBULL: So it could
6 be a quarter mile away, a half mile away?
7 It's not 200 feet.

8 MS. STEINGASSER: We just don't
9 know the exact street boundary.

10 Everyone's comfortable with that it
11 is greater than 200 feet.

12 COMMISSIONER TURNBULL: Because I
13 think in their letter they mention 200 feet,
14 and I guess that was the question. You think
15 it's more than that?

16 CHAIRMAN HOOD: Let me do this:
17 Let me hear what my other colleagues have to
18 say about all three ANC -- well the boundaries
19 are with E, am I correct?

20 MS. STEINGASSER: Yes, sir. It is
21 in 3E.

22 CHAIRMAN HOOD: So 3E --

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1 MS. STEINGASSER: 3E is directly
2 cross Nebraska.

3 CHAIRMAN HOOD: -- across? Okay.
4 And even though 3E -- and I want 3E to know
5 that their submission did not even -- I
6 thought it was in 3D the way the submission
7 was written; that's why I'm confused. Okay.

8 Commissioner Cohen?

9 COMMISSIONER COHEN: Yes. The
10 November 14th letter from 3D --

11 CHAIRMAN HOOD: Which exhibit is
12 that?

13 COMMISSIONER COHEN: It's in the
14 new package that we were given today.

15 It says: "The parties status
16 application was submitted in accordance with
17 the requirements. Although the new WCL is
18 located outside the borders of ANC 3D, it is
19 less than a mile and only two blocks from
20 residents of ANC 3D."

21 Most of the adverse affect is the
22 traffic and parking impacts which, obviously,

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1 the other ANCs will be concerned about. So,
2 their concerns will be covered.

3 CHAIRMAN HOOD: Okay. I'm sorry,
4 Commissioner Cohen. Let me rephrase this, and
5 I want to go back to you.

6 3E is automatic with this case, an
7 automatic party. 3F, we've already given them
8 an affective status. 3D is my issue. And I
9 don't even see Chairman Smith tonight, and I
10 think he or one of the other Commissioners --
11 okay. Just hold tight. Let me finish
12 discussing.

13 Okay. I'm sorry. Commission Cohen,
14 could you repeat that, please? And I
15 apologize.

16 COMMISSIONER COHEN: Sure. It
17 appears in their letter that they submitted
18 November 14th they state that the party status
19 was submitted by ANC 3D in accordance with the
20 requirements set forth on Form 140. Although
21 the new WCL is located outside the borders of
22 ANC 3D , it is less than one mile and only two

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1 blocks from residents of ANC 3D.

2 "Residents of ANC 3D will be
3 adversely and directed affected by the traffic
4 and parking impacts of this new development."

5 And what I'm saying is that I think
6 this will be covered by 3E and 3F, so I think
7 their concerns will definitely covered by
8 other ANCs.

9 CHAIRMAN HOOD: Okay. Any other
10 comments, Commissioners?

11 COMMISSIONER MAY: Well, I mean I
12 think that in the past we've been fairly tight
13 on dealing with affected ANCs and that they're
14 within that very close distance of 200 feet or
15 so, or across the street. The ones I can
16 remember were directly across the street. So
17 I would tend to agree with Commissioner Cohen
18 that the issues that might be raised by ANC 3D
19 will certainly be raised by others, and I
20 don't know that there's a unique affect or
21 anything like that that we'd need to consider
22 for a party status application on the part of

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1 3D.

2 CHAIRMAN HOOD: Okay. Commissioner
3 Turnbull, do you want to add something?

4 COMMISSIONER TURNBULL: Well, I
5 would agree. I don't think we're going to lose
6 anything in not granting party status. I think
7 all the issues that they're concerned about
8 will be covered by the others?

9 CHAIRMAN HOOD: Okay. So,
10 Commissioners, I would move that we deny
11 affected status to ANC 3D in this particular
12 further proceeding in this case, and ask for a
13 second.

14 COMMISSIONER TURNBULL: Second.

15 CHAIRMAN HOOD: It's been moved and
16 properly second. Any further discussion?

17 All those in favor aye.

18 ALL: Aye.

19 CHAIRMAN HOOD: Not hearing any
20 opposition, Ms. Schellin would you please
21 record the vote?

22 MS. SCHELLIN: The staff records

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1 the vote four-to-zero-to one to deny party
2 status in opposition to ANC 3D.

3 Commissioner Hood moving,
4 Commissioner Turnbull seconding, Commissioners
5 May and Cohen in support, Commissioner
6 Schlater not present and not voting.

7 CHAIRMAN HOOD: Okay. I'm going to
8 ask the Commissioner, I guess he was the
9 Commissioner who was trying to get us before
10 we made the vote, because we now have denied
11 it And once we deny it, I will bring it to the
12 table now at this time. Typically, we don't
13 do this but I'm going to bring you to the
14 table at this point because you've been
15 denied. So, you can come on to the table and
16 identify yourself.

17 ANC COMMISSIONER ROSS: Thank you
18 very much.

19 Mr. Chairman, I don't quite believe
20 what just happened.

21 My name is Stuart Ross. I'm sorry.
22 I'm the Vice Chairman of ANC 3D.

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1 And I do not believe what just
2 happened in that I was not even given an
3 opportunity.

4 CHAIRMAN HOOD: Because let me just
5 tell you our procedure. Once you're denied,
6 then I can bring you to the table. Because it
7 wasn't sure that you were even going to be
8 denied. Once you were denied, we bring you to
9 the table; that's our proceedings.

10 Now what I need to hear from you is
11 not what we just did, I need to hear from you
12 how you are an affected ANC. Because actually
13 in your submission the way I read it is that
14 this was within your ANC, and it's actually
15 not. That's why I'm so perplexed and I'm
16 confused, because I didn't believe it.

17 ANC COMMISSIONER ROSS: Okay. Let
18 me see if I can set the record straight. We
19 said early on that we were not within the --
20 that the Washington College of Law proposal
21 was not within our district. It is two blocks,
22 two long blocks away and I expect from running

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1 in that area it's probably somewhere close to
2 a half a mile away. But that's not the
3 reason, not the simple being contiguous to it,
4 but rather the unique impact that the traffic
5 proposal and traffic studies that have been
6 done will likely have on ANC 3D within ANC 3D.

7 You have heard from me before and
8 Mr. Smith before in connection with the Campus
9 Plan. We're here because we think that the
10 traffic situation that American University is
11 going to create over at the law school campus
12 will have a distinct affect on the ANC 3D in
13 two specific ways.

14 The first would be we believe that
15 there are an insufficient number of parking
16 spaces for what is proposed to be 2,000
17 students and 500 personnel, faculty personnel
18 and there are 450 parking spaces that are
19 going to be on the campus. You've got a 50
20 percent --

21 CHAIRMAN HOOD: Let's go to point
22 two.

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1 ANC COMMISSIONER ROSS: Okay.

2 CHAIRMAN HOOD: Let's not get to
3 much into the merits of the case. Let's go to
4 point two.

5 ANC COMMISSIONER ROSS: Well point
6 two is what has been a consistent problem in
7 Spring Valley, and that is student parking.
8 And we believe that's going to schlep over, if
9 you will, into the area which is being vacated
10 by the Washington College of Law, as has been
11 the case. There was 15 percent parking there.
12 So it's the impact that we feel take place
13 from this.

14 We're in this for the parking
15 aspect of it and the direct impact. And if I
16 can address, and one of the things they
17 propose is on-campus parking which will
18 involve shuttle buses taking people back and
19 forth, and they have also suggested that they
20 would use the parking that's being created in
21 the East Campus Plan, which is both
22 underground and above ground. And we think

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1 that that is going to have a major impact on
2 us because -- you don't want me to get into
3 it, but I think AU's traffic analysis focuses
4 on one block in front of the school and it
5 focuses on the creation of the garage.

6 CHAIRMAN HOOD: Okay.

7 ANC COMMISSIONER ROSS: Well, we
8 think they're going to have to use those
9 alternative plans, and that's why we would
10 like to be a part of this.

11 CHAIRMAN HOOD: Okay. Mr. Vice
12 Chairman, I appreciate your comments, and
13 that's all we'll hear at this point. Thank
14 you very much.

15 ANC COMMISSIONER ROSS: Yes.

16 CHAIRMAN HOOD: Commissioners,
17 you've heard from the Vice Chairman of ANC 3D.
18 Is there anyone who is moved to reconsider
19 our position? We've already stated it, and
20 I've heard from a number of my colleagues and
21 I would agree that I think a lot of this would
22 be covered, That's one of the things we're

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1 going to be looking at, period, is impacts not
2 just ANC 3D but for the whole area.

3 So, I think that we can hear
4 testimony from ANC 3D, but to give them party
5 status I think, as far as I'm concerned, does
6 not meet any of our requirements at least from
7 the way I read it.

8 So, I would ask does anyone want to
9 reconsider?

10 COMMISSIONER MAY: No.

11 CHAIRMAN HOOD: Okay. All right.

12 So, Vice Chairman Ross, is the last
13 night; is it Ross?

14 Vice Chairman Ross, you all can
15 participate as an organization and also your
16 testimony. We will hear testimony from you at
17 the appropriate time.

18 Okay. Next, we've covered the ANC,
19 we've Ward 3 Vision, next is Spring Valley-
20 Wesley Heights, Exhibit 22.

21 Commissioners, I actually see this
22 as the same. I'm not sure of the whereabouts

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1 of Mr. Mazzucchi who filed this application in
2 request of the Spring Valley-Wesley Heights
3 Citizens Association. And if you look at page
4 No. 6: "Given the close proximity of the
5 residents of the Spring Valley-Wesley Heights
6 Citizens Association to the borders of
7 American University, particularly to the Ward
8 Circle, the SVWHCA includes many individuals
9 who will be most personally affected than will
10 the general public." I don't know if that
11 statement is actually correct due their
12 proximity to this location, but let me open it
13 up for comments.

14 I actually see this as the same as
15 ANC 3D, and with that my vote is to deny party
16 status with the rationale that they can give
17 us their comments and they are not within the
18 boundaries, I mean as close as proximity as
19 others. And I think that when you talk about
20 affects, affects is a broad issue and they
21 want to carry it over to those areas. And we
22 will deal with it, I think, and hash a lot of

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1 that out through our discussions with those
2 that we have given party status.

3 Those are my comments. Let me open
4 it up to any of my colleagues who would see
5 differently.

6 COMMISSIONER MAY: I would agree
7 with the Chairman that looking at the
8 application for party status they state very
9 carefully where their members reside, and many
10 of them reside within close proximity to the
11 AU Campus. But there's indication that any
12 substantial number of them reside in close
13 proximity to the Washington College of Law.

14 I'm not sure whether there's a
15 boundary associated with the citizens
16 association or not. But certainly there's no
17 indication that there are members that are in
18 close proximity to the campus, and I think
19 that really should be the standard that we're
20 working with when it comes to an association
21 like this.

22 CHAIRMAN HOOD: Okay. Anyone else?

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1 COMMISSIONER COHEN: Just agree.

2 CHAIRMAN HOOD: Okay. So it looks
3 like we all agree. We will be denying Spring
4 Valley-Wesley Heights Citizens Association
5 party status in this particular further
6 processing case. And we will ask that they
7 also be -- they will have the opportunity to
8 testify at the appropriate time.

9 Ms. Schellin -- okay. I move that
10 we deny Spring Valley-Wesley Heights Citizens
11 Associations party status for the reasons
12 stated previously in our deliberations, and
13 ask for a second.

14 COMMISSIONER MAY: Second.

15 CHAIRMAN HOOD: It's been moved and
16 properly second. Any further discussion?

17 All those in favor aye?

18 ALL: Aye.

19 CHAIRMAN HOOD: Not hearing any
20 opposition of those present, Ms. Schellin,
21 would you please record the vote?

22 MS. SCHELLIN: Yes. Staff records

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1 the vote four-to-zero-to-one to deny party
2 status in opposition to Spring Valley-Wesley
3 Heights. Commissioner Hood moving, Commission
4 May seconding, Commissioners Turnbull and
5 Cohen in support, Commissioner Schlater not
6 present, not voting.

7 CHAIRMAN HOOD: Okay. So party
8 status has been granted to -- oh, that's
9 right. We have one more. Two more?

10 MS. SCHELLIN: Tenley Campus
11 Neighbors and Tenley Neighbors Association.

12 CHAIRMAN HOOD: Okay. Let's do the
13 Tenley Neighbors Association. And I will tell
14 that we're getting more specific. You can
15 tell, this is not the whole plan; that's the
16 way I look at this. I really tried to
17 distinguish the difference between the two.
18 Exhibit 13, which is the Tenley Neighbors
19 Association, Inc. I think they're represented
20 by Ms. Chesser, who I think deserves party
21 status in this case. And unless there's any
22 opposition, I would move that we grant party

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1 status. I think the submission stands for
2 itself, Exhibit 1 to 13, that we grant the
3 Tenley Neighbors Association, Inc. party
4 status in this further processing case from
5 11-07B and ask for a second.

6 COMMISSIONER MAY: Second.

7 CHAIRMAN HOOD: It's been moved and
8 properly seconded. Any further discussion?
9 Any further discussion?

10 All those in favor aye?

11 ALL: Aye.

12 CHAIRMAN HOOD: Not hearing any
13 opposition of those present, Ms. Schellin,
14 would you please record the vote?

15 MS. SCHELLIN: Yes. Staff records
16 the vote four-to-zero-to-one to grant party
17 status to Tenley Neighbors Association, Inc.
18 Commissioner Hood moving, Commission May
19 seconding, Commissioners Turnbull and Cohen in
20 support, Commissioner Schlater not present,
21 not voting.

22 CHAIRMAN HOOD: Commissioners,

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1 Exhibit 7, and I'm trying to remember. I
2 actually had some questions. I didn't see --
3 again, I want to refresh my memory.

4 I guess for me I was trying to
5 figure out the difference between the two.
6 Where I think that Tenley Neighbors
7 Association versus the one we just gave party
8 to, was the Tenley Neighbors Association. And
9 I was trying to distinguish the different.
10 And then I have highlighted "TCNA strongly
11 objects to AU's filing of this further
12 processing application for the Tenley Campus
13 Project in conclusion of the Zoning
14 Commission's proceeding to review AU's
15 proposed general Campus Plan."

16 I'm going to refresh my memory with
17 No. 6. The date of the letter that I'm
18 looking at is September the 16th, 2011.

19 MS. SCHELLIN: That's the Tenley
20 Campus.

21 CHAIRMAN HOOD: Tenley Campus
22 Neighbors Association, which is different from

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1 the Tenley Neighbors Association and which we
2 just gave party status to.

3 COMMISSIONER MAY: Mr. Chairman,
4 Tenley Campus Neighbors Association, which we
5 are discussing now, right?

6 CHAIRMAN HOOD: Right.

7 COMMISSIONER MAY: They identify
8 themselves as homeowners within 200 feet of
9 the subject site. And so it seems to me that
10 those are the most immediately affected, and I
11 think it's an effective way for the people who
12 are closest to the campus to be represented as
13 opposed to the Tenley Neighbors Association
14 which is, presumably, the broader community.

15 COMMISSIONER TURNBULL: I think that
16 may have been explained that way when we had
17 the Campus hearings also. Yes.

18 COMMISSIONER MAY: I mean, it's in
19 their submission.

20 CHAIRMAN HOOD: Yes, it's in there.
21 Actually, I don't try to put them both
22 together. You know, I try to distinguish them

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1 as they present it to us, because this is a
2 further processing. And I know the issues
3 with the Campus Plan for me would allow more
4 party status because we're looking at the
5 whole plan as opposed to specific until
6 further processing. You know, that's just the
7 way this Commissioner views that.

8 I just don't know about the Tenley
9 Campus Neighbors Association, Commissioners.
10 Do we want to discuss it? I mean, because I
11 think at some point I believe they can be
12 covered within the Tenley Neighbors
13 Association with this specific case, or vice
14 versa; maybe we did it incorrectly. But I
15 just see both of them having two groups that
16 have pretty much the same interest. I don't
17 see where their interests are too different
18 other than single family homes within 200
19 feet, they still can be covered by the Tenley
20 Neighbors Association.

21 And you haven't been denied yet,
22 that's why we have not called you up. We want

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1 to discuss it because you have not been denied
2 yet, and I'm not sure if I'm as strong on
3 denying this one as I was with the others.

4 COMMISSIONER MAY: You know, if we
5 had gotten an application from an individual
6 who was within 200 feet, I think we'd be
7 inclined to grant it. Because they are -- now
8 being right across the street from something
9 definitely makes a big difference and it does
10 affect that group more specifically than it
11 might somebody who is two blocks away but is
12 still a member of the Tenley Neighbors
13 Association.

14 So, I think that it's actually
15 quite efficient that that group has gotten
16 together, the group of neighbors who are
17 within 200 feet, to be represented as a group
18 rather than as, you know, individually. I
19 mean, yes, it would be even more efficient if
20 they all teamed together, but that might be
21 more then we could ask for in this
22 circumstance.

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1 So, I'm inclined in favor of the
2 Tenley Campus Neighbors Association.

3 CHAIRMAN HOOD: Any other comments?

4 COMMISSIONER COHEN: No. Again,
5 I'm not sure I understand the distinction
6 between the two. But because they are so
7 similar and they may overlap, we probably
8 should grant them status.

9 CHAIRMAN HOOD: Okay. Anyone else?
10 Commissioner Turnbull?

11 COMMISSIONER TURNBULL: I'm willing
12 to go along with that. I think it's a subset
13 of the whole Tenley area, and they are
14 directly affected. They're going to have to
15 share time with all the others when they get
16 the opposition, so they're going to have to
17 coordinate that. But I'm in favor of granting
18 it.

19 CHAIRMAN HOOD: Okay. Okay. Well,
20 Commissioners, I will pull back my opposition
21 of it. I just think both these groups are
22 duplicative, maybe in the testimony it's

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1 something different. I just think in the
2 past, as Commissioner May was mentioning, we
3 have asked them to form the one group. I
4 think what we're getting ready to do now is
5 have two parties who are going to give us the
6 same issues, and we'll just see how this pans
7 out, especially during cross-examination.

8 So, can I get a motion that we give
9 Tenley Campus Neighbors Association party
10 status?

11 COMMISSIONER COHEN: I move. I'll
12 second.

13 CHAIRMAN HOOD: Okay. It's been
14 moved and properly second.

15 Thank you all. Move and properly
16 second. Any further discussion?

17 All those in favor aye?

18 ALL: Aye.

19 CHAIRMAN HOOD: Not hearing any
20 opposition, Ms. Schellin, would you please
21 record the vote?

22 MS. SCHELLIN: Yes. The staff

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1 records the vote four-to-zero-to-one to grant
2 party status in opposition to Tenley Campus
3 Neighbors Association. Commissioner May
4 moving, Commission Cohen seconding,
5 Commissioners Hood and Turnbull in support,
6 Commission Schlater not present, not voting.

7 CHAIRMAN HOOD: Okay. You know
8 what, Mr. Tummonds? I missed a step. I was
9 supposed to ask you before we granted anyone
10 party status, with the exception of the ANC
11 and how we dealt with that, did you have any
12 objections, and I did not do that. So, I may
13 have to reconsider, but anyway --

14 MR. TUMMONDS: No, we have no
15 objections to your decisions so far.

16 CHAIRMAN HOOD: Okay. All right.
17 So, are we finished with party
18 status?

19 MS. SCHELLIN: We are.

20 CHAIRMAN HOOD: I'm tried already.
21 Okay. Let's move into our
22 proffered witnesses. I think that's next.

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1 MR. TUMMONDS: Correct. Yes.

2 Thank you, Mr. Chairman, members of
3 the Commission.

4 My name is Paul Tummonds with the
5 law firm of Goulston & Storrs.

6 We are proffering in our November
7 7th submission we noted that there are the
8 potential for four expert witnesses, but
9 really we have:

10 One architect, Mr. David King who
11 will be presenting testimony this evening;

12 One transportation engineer Mr.
13 VanPelt who will be presenting testimony this
14 evening, and;

15 Then also there is Mr. Schiesel
16 from Gorove/Slade as well who may be asked to
17 answer questions, and;

18 Mr. Butcavage from SmithGroup, the
19 architect who may be answering some questions.

20 Their rèsùmès are submitted in the
21 package.

22 CHAIRMAN HOOD: So basically the

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1 only person, Mr. Tummonds, that we have is
2 probably Mr. King who have not seen --

3 MR. TUMMONDS: And Mr. VanPelt.

4 Mr. King has been admitted as an
5 expert by the Zoning Commission. We expect it
6 was most recently for the Elliott School on
7 GW's Campus for the National Academy of
8 Sciences. Those are two of the most --

9 CHAIRMAN HOOD: So really everybody
10 that you're proffering tonight we've seen
11 before.

12 MR. TUMMONDS: That's correct.

13 CHAIRMAN HOOD: And we have
14 accepted them previously?

15 MR. TUMMONDS: That is correct.

16 CHAIRMAN HOOD: Commissioners, I
17 know all the rèsùmès are behind Tab B. Unless
18 there's any opposition -- okay.

19 I move that we accept all of the
20 witnesses that are proffered in this further
21 processing Case 11-07B and ask for a second.

22 COMMISSIONER MAY: Second.

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1 CHAIRMAN HOOD: Move and properly
2 second. Any further discussion?

3 All those in favor aye?

4 ALL: Aye.

5 CHAIRMAN HOOD: Not hearing any
6 opposition, Ms. Schellin will you please
7 record the vote?

8 MS. SCHELLIN: Yes. Staff records
9 the vote four-to-zero-to one to accept the
10 four proffered expert witnesses proffered by
11 the Applicant.

12 Commissioner Hood moving,
13 Commissioner May seconding. Commissioners
14 Cohen and Turnbull in support. Commissioner
15 Schlater not present, not voting.

16 CHAIRMAN HOOD: Okay. Mr.
17 Tummonds, when you all are ready, we'll turn
18 it over to you at this time.

19 MR. TUMMONDS: Good evening, Mr.
20 Chairman, Members of the Zoning Commission.
21 I'm Paul Tummonds with Goulston & Storrs.

22 We're here to present this evening

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1 to present American University's Further
2 Processing application which seeks the
3 relocation of the Washington College of Law to
4 AU's Tenley Campus.

5 We are pleased to note that this
6 project has received the support of the Office
7 of Planning and the District Department of
8 Transportation. In our testimony this evening
9 and in a written submission that we have filed
10 into the record we will address OP's
11 recommendations and DDOT's conditions of
12 support.

13 We have also filed this evening a
14 document which outlines 14 proposed conditions
15 of approval that representatives of AU, TCNA
16 and ANC 3E have painstakingly reviewed and
17 approved. In his testimony this evening Mr.
18 Abud will review and highlight the most
19 pertinent of those conditions.

20 I will now have our first witness,
21 David Taylor, Chief of Staff, Office of the
22 President present his testimony.

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1 MR. TAYLOR: Thank you, and good
2 evening.

3 The Washington College of Law dates
4 back to 1896 when two pioneering women founded
5 the school to provide legal education
6 opportunities to those previously denied.

7 In 1947 the law school became part
8 of American University.

9 Today the law school advances its
10 historic mission through innovation and
11 creativity and prepares lawyers for crucial
12 roles in society, business and government. It
13 is nationally recognized for its emphasis on
14 experiential learning and for programs in
15 international law, human rights, commercial
16 arbitration, law and government, environmental
17 law, intellectual property and other fields.

18 The school is a vital resource for
19 the District of Columbia and for regional
20 legal communities.

21 It has earned national reputation
22 and top 50 ranking based on its diverse

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1 student body, academic rigor, legal clinics,
2 accomplished faculty and engaged students.

3 Its current enrollment is 56
4 percent female and 44 percent male. The
5 incoming class fall semester is 31 percent
6 minority.

7 Since 1996 the law school has been
8 at its current location at 4801 Massachusetts
9 Avenue in a 195,000 square feet of space in a
10 commercial building retrofitted for academic
11 use. It was adapted through the years to
12 support the law school's needs with
13 increasingly limited success. And the school
14 has outgrown its capacity and effectiveness at
15 that site.

16 Key functions have been comprised
17 by structural limitations: Instructional and
18 dining spaces are inflexible and undersized
19 and student spaces are small and over
20 utilized. As a temporary fix the law school
21 has been renting additional space, up to
22 16,000 square feet, at three locations in the

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1 adjacent Spring Valley Shopping Center.

2 This Further Processing application
3 seeks to approve the move for the law school
4 to the eight acre Tenley Campus at American
5 University in a fully integrated 310,000
6 square foot facility with parking for 450
7 vehicles including 400 below ground in a
8 garage and 50 on a current existing asphalt
9 lot.

10 It has been developed to support a
11 population of 2000 students and 500 faculty
12 and staff. We have agreed to that number as a
13 cap. The law school currently enrolls 1,770
14 students.

15 A huge side advantage of the Tenley
16 location is transportation accessibility as it
17 is within walking distance to Metro and the
18 major bus routes along Wisconsin and Nebraska
19 Avenues.

20 From summer 2010 through fall 2011,
21 AU is engaged in a dialogue that includes
22 representative from ANC 3E, the Tenley Campus

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1 Neighbors Association, Ward 3 Vision, the
2 Tenley Neighbors Association, ANC 3F and other
3 nearby residents.

4 From the time they were hired in
5 October of 2010, the meetings included
6 representatives from the SmithGroup
7 architectural firm along with AU's architects,
8 the land use planners and the Facilities Team.

9 From the start of this process an objective
10 was to enable the parties to articulate their
11 goals and concerns for the campus development.

12 In addition to these University-
13 sponsored sessions, the University Team, it's
14 architects and community members also engaged
15 in design meetings with representatives from
16 the Office of Planning, Historic Preservation
17 Office and the Office of Ward 3 Councilmember
18 May Cheh. Facilitated by OP Director Harriet
19 Tregoning, the group focused on establishing
20 basic design principles to guide the elements
21 towards further refinements and modifications.

22 The issues reviewed include:

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1 Site development priorities;
2 Massing;
3 Height;
4 Density;
5 Using the current footprints;
6 Vehicular and pedestrian access;
7 The landscape character;
8 Parking, and;
9 Historic preservation.

10 The community discussion process
11 was extremely valuable in creating a site
12 design that respects the parcel's history, the
13 community sensitivities, and the law school's
14 academic program.

15 Our SmithGroup architects will now
16 review the outcome in their presentation.

17 MR. KING: Thank you.

18 Chairman Hood, Members of the
19 Commission, my name is David King. I'm the
20 Chairman of the SmithGroup Architects and
21 Engineers. We're located at 901 K Street. And
22 we've been very fortunate to have been working

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1 with the University and the College of Law for
2 a year now on this project.

3 As David mentioned, a program of
4 national and international significance with
5 an active legal clinic, the school is
6 committed to breaking down barriers both
7 within the school and between itself and the
8 community in which it thrives. They are also
9 committed as an organization to taking
10 advantage of the wonderful resources of
11 Washington as a setting for the study of law.

12 This is a design process that as
13 architects we believe should be celebrated.
14 We have spent a lot of time with the Office of
15 Planning, with HPO and with ANCs. This design
16 has developed, it is not a case of
17 retroactively changing in response to
18 comments, but it actually has developed hand
19 in glove with feedback from many, many people.

20 And I think given the site sensitivity as
21 this bridge between the Wisconsin Avenue
22 corridor and the neighborhoods to the west,

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1 this type of interactive process is
2 appropriate and is something that I find very
3 encouraging.

4 There were three large themes that
5 emerged -- I'm on page 4 of your handout.

6 Three large themes that emerged as
7 part of our design process. First and
8 foremost, was to re-imagine the site as a
9 campus of buildings that had historical value
10 not only in the sense of significant buildings
11 like Dunblane and the Chapel and Capital Hall,
12 but significance as a campus itself; a campus
13 of wonderful open green space and, in fact, a
14 special place that speaks to the institutional
15 character and quality of the environment.

16 Secondly, was a theme that emerged
17 very quickly of maintaining porosity on the
18 site and maintaining access for all. This is
19 a campus in a block that is widely used by the
20 neighborhood as well as the institution. And
21 so we went to some considerable lengths to
22 articulate into the design both the walking

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1 and other kind of leisurely recreation that
2 can happen within the campus itself.

3 And thirdly, was a motive of smart
4 growth and exploiting this site's wonderful
5 proximity to Metro. The actual positioning of
6 the doorways on the site, the positioning of
7 the main massing of the building is all
8 calibrated to take advantage of the eastern
9 proximity to Wisconsin and to Metro access and
10 to really help manage many, many things that
11 benefit from that.

12 So on the diagram on Sheet 5, the
13 orange dotted lines are the footpath if you go
14 from Wisconsin and the Metro and emerged in
15 the design was the provision of two main
16 doorways; one obviously on Nebraska, the
17 orange line that comes to the south of that
18 drawing with an arrow at the head of it
19 showing the Nebraska doorway, but also a very
20 important doorway on Yuma and an entry plaza
21 that will cater those folks who are on foot
22 and transiting from Metro to the building

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1 itself.

2 Additionally, in the green on this
3 drawing you are seeing the provision of
4 exterior bicycle storage and the positioning
5 of a Metro bus and transit bus stops along
6 Nebraska to make transit a theme that really
7 does enhance the entire site.

8 The light dot and orange lines are
9 the permeable walking paths that then progress
10 through the building. There's a number of
11 open passageways and covered walkways that
12 allow you to move into what is the central
13 piece of this campus, the preservation of the
14 open quad and the original alley of trees that
15 was originating with Dunblane.

16 There is a cordoning off, if you
17 will, of Yuma. There's actually the deletion
18 of three curb cuts on Yuma and the retention
19 of a single curb cut which is the only point
20 allowed for access to our consolidated loading
21 which uses the trace of the original surface
22 parking lot on the western tip of the project

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1 and maintains some of the surface parking
2 spaces for support of the building program at
3 that point.

4 There is additionally a singular
5 vehicular access off of Nebraska. It's the
6 purple arrows on that diagram. And that is
7 access for all 400 of the cars that are in the
8 two levels of below grade parking.

9 On Sheet 6 it shows a number of
10 complex floor plans that we won't go through
11 in great detail, but the planning of the
12 building, which is an enormously complex
13 undertaking, was very much changed, altered
14 and developed in support of this idea of a
15 campus of three independent buildings with
16 extensive open space moving between them.

17 On Sheet 7 there is a layer of the
18 plan that is completely below grade at the
19 level of the quadrangle that provides for
20 continuous access to all the various program
21 components, large scale classrooms, et cetera.

22 As you move up through on Sheet 8

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1 and Sheet 9 and Sheet 10 you'll see generally
2 a plan that reuses:

3 In its entirety Capital Hall
4 largely for administrative functions;

5 Places a moderately scaled building
6 along Yuma roughly in the footprints of the
7 original building and provides faculty office
8 and other kind of academic spaces, as well as
9 the dining facility, and;

10 Then on Nebraska at the corner of
11 Nebraska and Warren, again roughly in the
12 trace within ten feet of the existing
13 footprints, places the library for the law
14 school above an initial grade layered with
15 classrooms.

16 There is two levels proposed of
17 underground parking. I'm looking at Sheet 12,
18 again for 400 cars with a single access point
19 on Nebraska.

20 If you look at Sheet 13 there is a
21 series of elevations and sections that have
22 been carefully developed in conjunction with

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1 HPO that show the entire retention of Capital
2 Hall and the provision of new architecture
3 that we think is sensitively sited and
4 developed to compliment Capital Hall, the
5 Chapel and Dunblane. It is in this proposal
6 largely a masonry structure of Norman scale
7 brick in a kind of softer gray palette that
8 will harmonize with the Capital Hall
9 limestone. It'll have accents of fieldstone,
10 which is also used at the base of Capital
11 Hall.

12 The majority of the new building
13 will be punched window. Those windows are
14 derived from the proportions on Capital Hall
15 which are tending to be vertical and its
16 combined with limited areas of glazing around
17 circulation patterns. The lower elevation on
18 Sheet 13 provides a clear example on Yuma of
19 how that might look.

20 There has been a substantial effort
21 to also retain the entire Chapel to repurpose
22 that as a courthouse right in the middle of

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1 the composition and enclosing that in an
2 atrium. We think that will be pretty
3 fantastic. The room, if you've had a chance
4 to go in there, the old Chapel itself is a
5 spectacular room, in and of itself, and will
6 provide a wonderful facility for that purpose.

7 On Sheet 15, turning the corner
8 onto Warren, the building changes radically in
9 scale, again stepping down and incorporating
10 the extensive use of the punched window
11 language and really sort of to capture the
12 sense of the scale on Warren as we move to
13 smaller buildings.

14 The materials in front of you, the
15 proposed building is envisioned as
16 fundamentally brick with limestone trim,
17 limited areas of glass that will be framed in
18 a dark metal. There will be concrete
19 permeable paving systems. And this is a
20 palette that we think is completely within the
21 realm of compatibility with Capital Hall and
22 the existing Chapel.

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1 Is that clear? I'm sorry.

2 Turning to the rendering on Sheet
3 17, it shows an aerial view from the circle.
4 Great care has been used to site the new
5 building. We are exploiting the geometry of
6 the original Dunblane with the alley towards
7 Wisconsin and the development of subsequent
8 generations on the site to position our
9 building on the central axis of Capital Hall.

10 That does create one small setback variant on
11 Nebraska where we're within about ten feet of
12 where the original buildings were. But to get
13 this particular plan to work, we are over that
14 setback line. Other than that, the building in
15 all cases is well back of all the required
16 setbacks both for height and yard
17 requirements.

18 The view on Sheet 18 is a vision of
19 a reinvigorated front lawn for the Capital
20 Hall. It comes down into a new set of stairs
21 opening onto the circle. We're actually
22 regrading that front law to make it more

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1 useable by the public creating a circular
2 pathway that will provide access for the
3 disabled to the lawn. The stair itself is
4 minimized in scale. And all of the site work
5 will be rebuilt in a local stone and a local
6 stone technique that's been indicative of only
7 Washington around the perimeter of the site,
8 which is the lower captioned right hand shot.

9 If you look at Sheet 19, we're
10 moving up Yuma. We mentioned the provision of
11 a very major doorway for Metro access on Yuma,
12 that is the portion of the building directly
13 to the right of Capital Hall which is the left
14 hand most building in the rendering. And then
15 the building shrinks dramatically as we head
16 up the hill on Yuma maintaining that lower
17 height and feathering away from the street
18 itself.

19 View No. 20 is the re-establishment
20 of the quadrangle. As you've been able to
21 move through both retained height on Nebraska
22 and the main entry on Yuma, which is an open

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1 portal, you'll be able to access really the
2 quadrangle, the law quad as we're thinking of
3 it now, with retention of the major trees that
4 are in there, the provision of new
5 landscaping, a useable quadrangle plaza and a
6 pretty wonderful view back to Dunblane and the
7 existing large scale trees to the west.

8 View No. 21 shows -- you've moved
9 up now Yuma, you're looking roughly back
10 towards the southeast and you can see as the
11 new building moves uphill on Yuma, it also
12 moves dramatically away from Yuma and is
13 subdivided into three wings, each of which has
14 a very narrow profile toward the street. It
15 is rendered in brick again with punched
16 windows. And we think that combination of
17 narrow profile and moving away from the street
18 does a lot to diminish the scale of this
19 building as one sees it from the Yuma curb.

20 In View No. 22 we're moving around
21 onto Nebraska. This is Capital Hall on the
22 right hand side of that shot. And you can see

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1 the new building going to the left of the
2 existing Capital Hall elevation. The green
3 tone, we will remove all of those existing
4 concrete retaining walls and refurbish that
5 area with new landscaping and the continuation
6 of the historic stone walls and to feather
7 that into the neighborhood.

8 As part of our study of the impacts
9 on Nebraska, we did a series of renderings
10 from each house across the street, that is
11 starting at Sheet No. 23, just to gauge the
12 scale of the building and the impact and
13 positive impacts of landscaping and other
14 treatments as we move down the street.

15 So, in the lower right hand corner
16 there's a little key plan and that red
17 triangular arrow is basically the view shed
18 cone from our station plan in the computer and
19 from each one of the houses. So as you look
20 through 23 and 24 you can see us moving up the
21 street to 4345 to 4341 on Sheet No. 25. And
22 that continues on Sheet No. 26 4337. 4333

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1 Nebraska on Sheet No. 27. 28 is the closest t
2 130 feet, that's 4327 Nebraska. And then as
3 we move back toward the corner on Warren
4 you're now looking at the narrow end of that
5 Nebraska Avenue facade and you're beginning to
6 move up Warren to the left as the building
7 steps dramatically away from that corner.

8 We've done extensive tree surveys
9 on the site. There are a number of beautiful
10 specimens that we're preserving. The entire
11 stand of large oaks to the west of the
12 existing buildings will be retained. Those
13 are those large circles in there between the
14 building and Dunblane. We will be retaining
15 the trees in the quadrangle, and in all cases
16 then. And we are positioning the new
17 landscape that will be augmenting those trees
18 with new plantings that are appropriate.

19 The site is big enough, as I
20 mentioned, campus that we actually will have a
21 number of different discreet areas of
22 landscape. Obviously, the Ellipse Garden I

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1 mentioned is a re-imagining of the front of
2 the building towards Wisconsin. On Nebraska
3 and Yuma four courts will be re-landscaped.
4 The quadrangle will be preserved. The open
5 lawn will be preserved next to Dunblane.
6 Warren is buffered with new planting. And
7 there are a number of small interior gardens
8 to support both the Chapel and the new
9 program.

10 No one can argue with a great plant
11 palette, but it will be what we think of as
12 indigenous to the mid-Atlantic and
13 supportable, and environmentally appropriate.

14 So with that, I'd like to pass over
15 to Dan.

16 MR. TUMMONDS: I just have before
17 going on, could you describe the Historic
18 Preservation Review Board's decision regarding
19 this proposal?

20 MR. KING: We worked extensively
21 with both David and Steve and their entire
22 team over the course of months. And I think

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1 they would both attest to the fact that the
2 design changed dramatically in response to
3 their involvement. I think we got a positive
4 both from the Board, there was one minor
5 comment about coming back and looking at
6 penthouse designs and that kind of thing, but
7 overall it was very positive.

8 MR. TUMMONDS: Thank you.

9 MR. VanPELT: Good evening,
10 Commissioners. I'm Dan VanPelt, the principal
11 of Gorove/Slade Associates, transportation
12 planners, engineers. I'm here to speak with
13 you this evening about the traffic study that
14 was performed for the Tenley Campus. Also,
15 I'll have Rod Schiesel, who is the Project
16 Manager on our team, and he can help out with
17 any technical questions that you may have.

18 What I'd like to do is talk to you
19 a little bit about the existing transportation
20 characteristics of the law school and then
21 what that means if it's moved to Tenley
22 Campus. And we're also going to talk a little

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1 bit about the transportation features of the
2 proposed site plan, the results of the traffic
3 study capacity analysis and a little bit about
4 the on-street parking that was covered in our
5 report.

6 As has been mentioned already, one
7 of the major attributes from the
8 transportation standpoint with relocating the
9 law school to the Tenley Campus is the
10 proximity to the Metro station. Currently
11 it's about a mile of the Metro. With its
12 moving to the Tenley Campus it'll be about a
13 1,000 feet, which is a very walkable
14 difference.

15 When we go and look at the existing
16 law school and based on survey data that was
17 collected from the student, faculty and staff
18 population this figure shows the students
19 really, about half of them, are already using
20 some sort of means other than driving
21 themselves to campus. When you consider that
22 the existing school is about a mile from the

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1 Metro, that's actually a pretty good mode
2 split to have there.

3 When you look at the staff bar on
4 the right, you can see that the faculty and
5 staff about 88 percent of them are driving
6 themselves. So we think with the relocation of
7 the law school to the Tenley Campus, there can
8 certainly be some impact to the mode split, we
9 would expect that away from SOV trips,
10 probably the most impact maybe would be with
11 the faculty and staff.

12 What this figure shows is the
13 arrival of and departure pattern throughout
14 the hours of the day. One of the reasons that
15 I want to look at this is when we scoped out
16 the traffic study and met with DDoT, we wanted
17 to make sure that we were looking at, I guess
18 if you will, a kind of the worst case AM and
19 PM analysis. And when we look at the system
20 peaks of the network, they really overlap and
21 you can see in the morning there's an 8:00 and
22 10:00 kind of period when the traffic and the

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1 law school peaked and in the evening it's 5:00
2 to 6:00 PM. And those overlap the system
3 peaks.

4 I'm moving on and looking at the
5 parking demand. Our observations of the
6 existing law school determined that the
7 existing parking demand is about 410 spaces.
8 When we factor that up for the new population
9 of the law school, we come up with a parking
10 demand of about 450 spaces.

11 Now if we assume some modest modes
12 split shift away from automobile, that really
13 brings us down to about 400 spaces. And that
14 was the number that we carried forward for
15 planning the new law school.

16 One of the things that we wanted to
17 take a look at was the event parking demand.
18 So the University provided us a list of 110
19 events that occurred throughout the course of
20 the academic year. And when we looked at that
21 there were really only nine events that had
22 external attendees; those from outside the law

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1 school population because most of the events
2 actually are attended by law school students,
3 faculty and staff. Only nine of them had
4 external attendees that were over 40 and that
5 overlapped with kind of the highest times of
6 parking demand. Most all of those events
7 could be accommodated within the available
8 parking that would be expected when those
9 events would occur, and even with modest
10 transit use there probably would only be a
11 very few times of the year when the parking
12 demand could exceed the supply.

13 What we'd recommend is that transit
14 alternatives be marketed to all events,
15 regardless of their size and when they occur.

16 And then there's also the ability to use
17 parking on the Main Campus and shuttle people
18 back to the law school, if necessary.

19 Moving on and talking a little bit
20 about the access to the campus. There's
21 existing access there today that will be, as
22 David King described earlier, there will be

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1 curb cuts eliminated and the geometry here
2 would be tightened up to really allow for one
3 curb cut that would give access to the 40 to
4 50 parking spaces that would be located here,
5 along with the access for the loading
6 facilities.

7 With regards to the service vehicle
8 and the truck traffic, what is intended by the
9 geometry here is to allow truck traffic to
10 come to and from Tenley Circle and not into
11 the neighborhood.

12 There's also be parking spaces
13 reserved for Zipcar on the surface lot.

14 And based on the results of our
15 analysis this intersection would operate
16 unsignalized and would allow all turns to be
17 permitted.

18 Moving around to the Nebraska
19 Avenue access, this would be the primary
20 parking access for the campus, which would
21 access the 400 space garage that's located
22 underneath the building. There would also be

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1 provisions for pick up and drop off. And
2 based on our analysis it would also be
3 unsignalized and permit all turns.

4 But one of the things that we want
5 to take a little bit closer look at was the
6 left turn off of Nebraska Avenue into this new
7 access. As we explored this further with the
8 community there were concerns about how that
9 left turn could block through traffic. As you
10 can see in this photo, you'll looking at
11 Tenley Circle. So you're looking in a
12 northeasterly direction towards Tenley Circle.
13 On the right hand side of the image you can
14 see that there's on-street parking, so if
15 somebody is waiting to turn left into the
16 campus they would block the through traffic.
17 The only time that parking today is restricted
18 is in evening rush periods from 4:00 p.m. to
19 6:30 p.m.

20 So this caused us to look at some
21 alternatives, and I guess really we came up
22 with the three options:

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1 One was to do nothing;

2 Another one was to remove the on-
3 street parking on the opposite side of
4 Nebraska Avenue between Warren Street and
5 Tenley Circle, and;

6 The third one was to construct a
7 northbound left turn lane into the Tenley
8 Campus.

9 Now, our recommendation was to
10 widen Nebraska Avenue into the site to allow
11 for the construction of this left turn lane.
12 And that would give us enough room for at
13 least two cars to be cued without blocking the
14 through traffic, and based on our analysis
15 that would be sufficient.

16 Moving on and looking at the
17 pedestrian facilities. I guess the main
18 pedestrian flow is coming to and from the
19 Metro and would enter the Yuma Court, and
20 that's really oriented towards that traffic.
21 The Nebraska Court would serve the pedestrians
22 that are largely coming from the shuttle stop

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1 and the bus on Nebraska Avenue, and they would
2 enter that way.

3 There are also new internal
4 pathways, as David mentioned earlier, more
5 porosity to the site so there's more
6 pedestrian pathways through the campus for
7 pedestrians that are moving through and around
8 it.

9 Moving on to bike facilities,
10 there's 115 long term bike spaces in the
11 garage for those who would commute by bike.
12 There would also be shower facilities or
13 bicycle commuters. We're planning on 50 short
14 term bike spaces located external to the
15 buildings near the entry courts. And for part
16 of the transportation demand management, we
17 will be monitoring. This is one of the things
18 that will be monitored, and if it's found that
19 those bike spaces are being heavily utilized,
20 then we would look at additional bike parking.

21 There is also a Capital Bikeshare
22 station that we proposed for the Nebraska

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1 Court.

2 Moving on to talk about the
3 capacity analysis. As with any of our studies
4 we started out by scoping it with DDoT and ran
5 through all of our assumptions before we
6 proceeded with any of our work on our
7 analysis. This study does contain additional
8 data and additional intersections were studied
9 as a result of the Campus Plan process and
10 they were included in our study area.

11 Moving on to the trip generation.
12 The trip generation that we used for our
13 analysis was based on the best comparable we
14 have, which is the existing college of law.
15 And so we used the traffic count data along
16 with the survey data and we factored that up
17 for the changes in the population that are
18 proposed.

19 The one thing we did do from the
20 traffic standpoint was we made a much more
21 conservative assumption. We really didn't
22 assume much change in modal split. While we

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1 thing that will happen, to kind of look at a
2 worst case scenario from a traffic standpoint,
3 we pretty much kept the mode splits the way
4 they are today with the existing location of
5 the law school.

6 When you look at that what that
7 really means is that when you look at all the
8 intersections in the study area, the traffic
9 from the Washington College of Law School
10 would have about 2 percent to 22 percent of
11 the makeup of the traffic beyond the network
12 in the AM and the PM peak hours.

13 Looking a little bit closer when
14 you look at all the study area intersections,
15 you look at all the traffic that goes on in
16 that work and they look at the percentage of
17 that that is attributable to Washington
18 College of Law, it's about 2 to 22 percent of
19 the annual AM and PM peak hours.

20 Now if we move and we look more
21 local and immediately adjacent to the campus,
22 say at Yuma, 42nd Street and Warren Street,

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1 you know these are additional cars added to
2 the traffic ones that are already out there
3 today. But there would be one additional car
4 about every seven to eight minutes, specific
5 to 42nd Street and Warren. In the PM peak
6 hours there'd be one additional car about
7 every 22 minutes.

8 One of the things we did is we're
9 familiar with the way that the network
10 operates. We put an assignment together for
11 traffic that we think that people will
12 actually do based on the cuing that comes back
13 from the circle and the existing patterns of
14 traffic that are out there during the peak
15 periods.

16 So what the analysis really tells
17 us is when we look at future scenarios and we
18 assume no additional traffic associated with
19 Tenley Campus, we don't really see any
20 significant impact when we add that additional
21 traffic to the network. Because the overall
22 amount of traffic that is generated by the law

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1 school is really not high enough to really
2 make a dent when you consider all the commuter
3 traffic that's already on the network from the
4 very commuter dominated roadways.

5 There are areas of high delay out
6 there today in existing conditions, but those
7 will continue to exist regardless of whether
8 or not the law school is moved to the Tenley
9 Campus.

10 We did name some recommendations in
11 our report for DDoT to consider at each of the
12 individual intersections where it's
13 appropriate.

14 Moving on and talking about on-
15 street parking, the Good Neighbor Program will
16 be extended to the Tenley Campus. There are
17 also changes that will be made to the policies
18 of the Good Neighbor Program, such as not
19 waiving the first offenses and raising fines
20 for subsequent offenses. And also, I guess
21 giving more teeth to those violations could
22 also become part of administrative penalties

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1 to folks that are continuing to receive those
2 violations

3 Our report contains an on-street
4 parking study where we looked at the on-street
5 parking within a ten minute walk of the
6 campus. We inventoried each individual on-
7 street parking space by the type whether it's
8 RPP or metered, or whatnot, or unrestricted.
9 We also did occupancies in the afternoon and
10 the evening to get understanding of what kind
11 of a peak is during the day and then how
12 parking is used in the evenings when people
13 may be coming home. And based on that we've
14 made some recommendations in our report that
15 would include such things as: Having meters
16 or adding RPP if it doesn't exist there today
17 if parking is unrestricted, and things such as
18 removing the grace period where the RPP may be
19 heavily utilized by non-RPP parkers on a
20 particular block.

21 So in conclusion when we look at
22 the impacts of law school at Tenley Campus we

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1 really don't see that it would be a
2 detrimental impact.

3 The site plan itself encourages
4 other modes of transportation. The site
5 location just near the Metro station
6 inherently does that.

7 The new traffic that would be
8 generated is really very modest. And we
9 believe that the impacts to the on-street
10 parking could be minimized through the Good
11 Neighbor Program and to working with DDoT to
12 change parking regulations on the blocks
13 surrounding the campus.

14 Thank you for listening to my
15 testimony.

16 MR. ABUD: Good evening.

17 George Abud, American University
18 Assistant Vice President of Facilities
19 Development and Real Estate.

20 I would like to discuss two issues:
21 How our proposal is responsive to community
22 concerns and how it addresses the Office of

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1 Planning's recommendations.

2 Over the last two weeks ANC 3E, the
3 Tenley Campus Neighbors Association and AU
4 have engaged in intensive and fruitful
5 discussions about the proposed use of the
6 Tenley Campus. As a result of these
7 discussions, AU has agreed to 14 conditions
8 that we would ask be adopted by the Zoning
9 Commission. These condition address a wide
10 variety of issues that are of concern to
11 neighbors and cover the design, construction
12 and operation of the campus. The conditions
13 include:

14 A restriction on future development
15 of the western end of the Tenley Campus until
16 2032;

17 Phasing in of the enrollment cap
18 over the first four years of the law school's
19 use of the campus;

20 Limits on special events during
21 hours of peak enrollment;

22 Improvements to off-campus parking

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1 enforcement that include parameters for
2 application of the honor code;

3 Annual transportation demand
4 management monitoring reports and the
5 commitment to implement remedial measures when
6 needed, and;

7 A financial contribution to traffic
8 common measures on 42nd Street.

9 We are pleased that we have been
10 able to develop a proposal which addresses the
11 community's concerns and achieve the
12 University's goals as well.

13 The Office of Planning's report
14 supports our application and make four
15 recommendations. I would like to respond to
16 those recommendations.

17 OP asks that we add short term
18 bicycle parking which we have now incorporated
19 into the plan, as Mr. King pointed out.

20 OP asks that we continue to work on
21 improvements to off-campus parking. As stated
22 earlier, we've proposed improvements to our

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1 enforcement program as well as pledge to work
2 with DDoT and neighbors to improve parking.

3 OP asks that we schedule classes to
4 avoid peak transportation hours. That is our
5 current practice with peak class times
6 spanning across the day from 10:00 a.m. to
7 7:00 p.m. and we will continue that practice.

8 OP asks that we impose a limit on
9 the number of events in a given year. We do
10 not think that this is an effective way to
11 address concerns about the impact of events.
12 Events could result in negative impact if
13 they're scheduled at times when the law school
14 activity is already high. As a result, we
15 believe that the most effective response is to
16 limit non-AU participation during peak class
17 times. The condition I spoke of earlier would
18 limit non-AU participation to 150 people
19 during those peak class times.

20 We believe our plan fully addresses
21 OP's recommendations.

22 In closing, the proposed relocation

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1 of the Washington College of Law to the Tenley
2 Campus and the construction of the proposed
3 facilities satisfy all of the special
4 exception standards enumerated in Section 210
5 of the Zoning Regulations.

6 Thank you

7 MR. TUMMONDS: Thank you. That
8 concludes our presentation.

9 I would like to note that the one
10 additional document that we submitted for the
11 record this evening was American University's
12 responses to the conditions of the District
13 Department of Transportation's report, which
14 came in last Thursday, November 17th. So that
15 is a three page document that reviews our
16 discussion of the various conditions included
17 in that report.

18 We're now available to answer any
19 questions that you may have.

20 CHAIRMAN HOOD: Mr. Tummonds, I
21 just want to about the -- well, first of all,
22 let me thank everyone for their presentation.

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1 And I'm going to start off with
2 questions. But I do want to know about the
3 1986 Agreement. You know, we've been tossing
4 that around and throwing that way. Was that
5 Agreement pertaining to the law school?

6 MR. TUMMONDS: That was the
7 Agreement pertaining to the development of the
8 Tenley Campus.

9 CHAIRMAN HOOD: Okay. Apparently
10 it is your position that that Agreement went
11 away at the last Campus Plan meeting -- I
12 mean, the hearing 00 the previous Campus Plan?

13 MR. TUMMONDS: Right. The Zoning
14 Commission made that determination that, yes,
15 terms of the 1986 Agreement for zoning
16 purposes expired when they were not included
17 in conditions for the 2000 to 2011 plan.

18 I think the conditions that we're
19 proposing today is, in fact, a response to
20 those types of things of how do you address
21 the situation where maybe there is an
22 agreement between parties; do you put them in

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1 the conditions of the order? That's why we
2 believe that a lot of the hard work that AU
3 has gone through with ANC 3E, with TCNA over
4 the last week to come to a set of 14
5 conditions that everyone can agree to, we
6 believe that that is the most appropriate
7 mechanism for this body, the Zoning
8 Commission, to rule on things that it can. It
9 can make sure that these are conditions of the
10 Zoning Commission Case No. 11-07B, the
11 Washington College of Law relocation to Tenley
12 Campus.

13 CHAIRMAN HOOD: Mr. Tummonds, if
14 you can help me? I think I recall the Zoning
15 Commission, we don't normally get into
16 agreement between an applicant and the
17 community. But actually I would like to see
18 that agreement. I don't know if it's already
19 in here.

20 And also I would like to see what
21 the -- how it was a part of it, what we said
22 ten years ago. Sometimes I can't remember

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1 what I did yesterday, so I know I can't
2 remember what we said what we said.

3 I just recall us saying that we
4 don't enter into agreement, we don't get
5 involved with agreements between a community
6 and an applicant.

7 But I've heard some very strong
8 arguments in here because, you know
9 communities want predictability. We promised
10 them something in 1986, and I'd like to see
11 that. Because if we've promised them
12 something -- now these 14 conditions may be
13 more powerful than what was agreed to then and
14 then we say "Okay, you're right. Whatever we
15 said ten years ago, we did say it." But I
16 would like to revisit that. I just want to see
17 what's in that agreement.

18 And then also I would just like to
19 maybe further talk about that. But if this
20 right here supersedes and does better than
21 what's in that agreement, then I'll dismiss
22 it. But I think from what I've heard is

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1 people -- everybody keeps pointing back to
2 that agreement.

3 MR. TUMMONDS: Sure. And I'm
4 hopeful then when you hear from TCNA that will
5 help --

6 CHAIRMAN HOOD: We've given party
7 status. I don't know -- yes, okay.

8 MR. TUMMONDS: Yes.

9 CHAIRMAN HOOD: Okay. Right.

10 MR. TUMMONDS: Right. And,
11 hopefully, when you hear from them that will
12 also help persuade some of your concerns.

13 CHAIRMAN HOOD: Okay. Great.

14 Let me open it up, Commissioners.
15 Who'd like to start us off with questions?
16 Commissioner May?

17 COMMISSIONER MAY: Thank you. I
18 only have a few questions by my standards.
19 No, very few.

20 There were several references to
21 compare the existing buildings versus what's
22 proposed now. Can you give me some specific

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1 numbers on that or point me to it in the
2 submission? You can just tell me what it is
3 or, you know, or what lot occupancy now versus
4 what's proposed.

5 MR. TUMMONDS: I don't think -- we
6 can provide that for you on what lot occupancy
7 is.

8 COMMISSIONER MAY: Okay. Yes. I
9 mean, it looks very similar when you look at
10 the aerial photos and compared with the
11 drawings. But it's kind of hard to tell.

12 MR. TUMMONDS: Sure.

13 COMMISSIONER MAY: Also if you
14 could also provide some better images of the
15 existing campus? I mean, there's a little bit
16 in the submission, but there's not much that
17 shows what it looks like right now. So a good
18 aerial photo of existing conditions and then
19 some things that show us, particularly when
20 you gave it that very interesting sort of
21 house-by-house view of the campus. I have no
22 idea of what that looks like now. So, it would

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1 be helpful to see a few photos that resemble
2 some of those similar views.

3 I assume that the parking demand in
4 your analysis, Mr. VanPelt, that pointed to
5 400 parking spaces being sufficient, that that
6 assumed all of the projected growth of the law
7 school? I mean, you mentioned that in the
8 trip generation analysis. You didn't mention
9 it during the parking demand discussion.

10 MR. VanPELT: It does. It does
11 include the growth and then some slight mode
12 shift away from auto.

13 COMMISSIONER MAY: Okay. And then,
14 Mr. Abud, you gave us the verbal response, if
15 you will, to the OP report. Do we have
16 something that spells out those specific
17 points on paper or is that embedded in the 14
18 conditions, or is it --

19 MR. ABUD: It's in my --

20 COMMISSIONER MAY: I didn't see in
21 there at all like the response to events, but
22 I didn't, obviously, have much time to read

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1 it. Yes. And I'm looking at the 14 conditions
2 and I see restrictions --

3 MR. ABUD: At the top of page 3 --

4 COMMISSIONER MAY: Oh, I see,
5 that's where you see the events thing.

6 MR. ABUD: Excuse me. Page 2.

7 COMMISSIONER MAY: Yes. So
8 everything that you spoke of today is included
9 in this document?

10 MR. ABUD: Yes, it is.

11 COMMISSIONER MAY: Okay. On the 14
12 conditions? All right.

13 That's it. Thanks. I told you it
14 was a few.

15 CHAIRMAN HOOD: You're right. I
16 don't think I've ever experienced that. Okay.

17 Any other comments, Commissioners?
18 Commissioner Turnbull?

19 COMMISSIONER TURNBULL: Yes. Thank
20 you, Mr. Chairman. I have a few myself.

21 Looking at the Campus Plan, where
22 does trash get picked up? I see it's in that

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1 parking lot, by that loading dock somewhere.

2 MR. KING: There's a loading dock
3 on the west side of the building that fronts
4 that parking lot.

5 COMMISSIONER TURNBULL: Can we see
6 a map?

7 MR. KING: Yes. There's a loading
8 facility right in this location?

9 COMMISSIONER TURNBULL: But all of
10 the trash is inside?

11 MR. KING: There is a trash room
12 inside the building.

13 COMMISSIONER TURNBULL: Okay.
14 Nothing outside? No screened element? Okay.
15 Major mechanical, where is it?

16 MR. KING: There is a singular
17 penthouse. There are two portions of the site
18 that rise above the original line of Capital
19 Hall. One is a small floor of classroom on
20 Yuma. The second is the mechanical penthouse,
21 which is on the Nebraska building and that is
22 for chillers, boilers and cooling towers are

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1 located. Everything else we're placing in the
2 garages, where it can go in the garages and
3 distribution is floor-by-floor.

4 COMMISSIONER TURNBULL: Okay.
5 Lighting in the area?

6 MR. KING: The project is going to
7 seek LEED certification at the gold or
8 possibly even higher level and our lighting
9 will conform with that, which means it'll be
10 entirely shielded. We will light the interior
11 spaces as are required for their use, but
12 we'll be careful to select fixtures that don't
13 throw a lot of light through the windows we do
14 have. And, obviously, on the site it'll all
15 be shielded as well.

16 MR. TUMMONDS: And I would note,
17 Exhibit B to the 14 conditions the very last
18 page.

19 COMMISSIONER TURNBULL: Yes.

20 MR. TUMMONDS: Is the lighting plan
21 and the photometric contour legend.

22 MR. KING: It's very stimulating.

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1 COMMISSIONER TURNBULL: Okay. But
2 no direct lighting on the buildings or up
3 lighting on the buildings?

4 MR. KING: No, not at all. That's
5 not allowed under LEED and we wouldn't --

6 COMMISSIONER TURNBULL: Right. But
7 I just wanted to be sure that the neighborhood
8 looking out sees a very subdued lighting
9 scheme and that it's kind of residential in
10 character.

11 MR. KING: Right. We will,
12 obviously, want it safe because it is open to
13 the public as a useable exterior space. So
14 it'll just be that level of lighting and it
15 will be shielded.

16 COMMISSIONER TURNBULL: You have
17 the little security posts throughout the site?

18 MR. ABUD: Yes. There will be the
19 emergency phones, exterior emergency phones.

20 COMMISSIONER TURNBULL: Okay. Let
21 me go through my notes here.

22 When we talked about the parking

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1 Good Neighbor policy, the occupancy now you
2 did a study of what's on the street now. Your
3 intent by your comments sort of shows that
4 you're looking to protect the neighborhood or
5 residential parking of the neighborhoods from
6 overuse by the students; that's the feeling
7 that I'm getting by what you're trying to
8 achieve.

9 MR. ABUD: Yes, that's correct.
10 That's our goal.

11 COMMISSIONER TURNBULL: Okay. The
12 40 bikes outside is split between all those
13 locations or how is that set up? You had
14 several areas circled.

15 MR. ABUD: It's roughly split
16 between those locations. I think we'll
17 probably have a little bit of a bias toward
18 the Yuma side because we figure that that
19 would probably be a higher traffic area.

20 COMMISSIONER TURNBULL: Students
21 coming up from the main campus or --

22 MR. ABUD: The Yuma side is on the

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1 other side, just as you're coming down
2 Wisconsin Avenue.

3 COMMISSIONER TURNBULL: Oh, that's
4 right. Coming down Wisconsin. Okay. Gotcha.

5 The left turn lane, if we can talk
6 about the left turn lane. You talked about
7 that it was a choice, but that that was the
8 option that you were going to choose. You
9 didn't tell how you were accomplishing that.

10 Are you diminishing your site on
11 your side, you're cutting into the property,
12 are you cutting in to accomplish that? I
13 mean, I'm assuming that that's what you go to
14 to do.

15 MR. VanPELT: Yes. I mean, the
16 left turn lane is actually -- what we're doing
17 is we're pushing into the site, Nebraska
18 Avenue gets pushed into the site so we can
19 transition to get enough width in Nebraska
20 Avenue to allow that that left turn.

21 COMMISSIONER TURNBULL: And then
22 it's coming back as you come to the

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1 intersection?

2 MR. VanPELT: Before it gets to the
3 intersection, correct.

4 COMMISSIONER TURNBULL: Okay. Just
5 getting back to the architecture, the
6 philosophy of the design going around the
7 site. You're obviously mixing a palette of
8 brick and stone relating as we walk around
9 going from Yuma around, you're trying to blend
10 in with the residential, or what was your
11 philosophy in going around the site then?

12 MR. KING: Our overarching
13 philosophy is, obviously, compatibility with
14 the scale of Capital Hall, Dunblane and the
15 Chapel, and the neighborhood. And it's a
16 fairly unique mix of agendas.

17 COMMISSIONER TURNBULL: Right.

18 MR. KING: We started by looking
19 carefully at Capital Hall. And it is despite
20 kind of outward quick appearances, it changes
21 pretty dramatically from facade-to-facade. It
22 also has additions to it that make it

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1 asymmetrical.

2 We've chosen to fundamentally
3 render the new buildings, especially on the
4 western faces and the Yuma face, and the
5 Warren face and the punched window that is
6 derived from that original set of proportions
7 on the east face of Capital Hall, which also
8 happens to be the bigger window they used.
9 The brick in the rear of it will get
10 maintained, but it's sort of swallowed into
11 the building with the atria that opens on to
12 the Chapel.

13 The amount of sort of large scale
14 window wall we're using is limited to the gaps
15 we're trying to create in Yuma wall that's
16 really setback off the street to create the
17 void among the small scale pieces that march
18 up Yuma. And the same happens when we turn L-
19 shape buildings from Nebraska to Warren.

20 So, there is a curtain wall in
21 here, but it's pretty limited and really it is
22 only for those purposes of sort of creating

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1 the diagram from one brick building to the
2 next brick building.

3 The language then of Capital Hall's
4 base is used, so we have a lot of the
5 fieldstones sort of at the base of our
6 building as it rises in grade. Most of it
7 you'll see just as you enter and then as you
8 move into the quadrangle.

9 And then there is the large scale
10 retention of what's called the hyphen, which
11 is that '50s/'60s porch piece between the new
12 building and the old on Nebraska to again, to
13 render that sort of smaller scale consistent
14 throughout.

15 COMMISSIONER TURNBULL: Okay. On
16 the parking lot, I was looking at the
17 landscape plan. I see new trees, old trees and
18 then I see sort of faded in some other trees
19 in gray. Is it your intent to have shrubby or
20 something around the parking lot, or what are
21 you looking to do?

22 MR. KING: We do have a landscape

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1 plan that is developed. And there is,
2 obviously, a major effort also on this in the
3 areas rendered in terms of character to
4 describe the site, but the landscape treatment
5 will be holistic to the whole block.

6 So we are in this kind of drawing
7 cataloguing those trees that can be retained,
8 especially the big trees, positioning the new
9 construction, make sure we save those and then
10 we're beginning to outline the amount of tree
11 canopy that we can add to that with new trees
12 as well as the shrubs. There's an extensive
13 and somewhat enthralling looking series of
14 whole plans that are picked out to kind of
15 make those various areas at the level below
16 the tree canopy really work correctly.

17 COMMISSIONER TURNBULL: But I guess
18 my one question is you're trying to soften the
19 impact the impact of a parking lot within the
20 neighborhood, too.

21 MR. KING: Right. Yes.

22 COMMISSIONER TURNBULL: I mean,

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1 it's there.

2 MR. KING: Yes, extensively. There
3 will be new plantings on the west, north and
4 south of that parking lot.

5 COMMISSIONER TURNBULL: Okay. All
6 right. Thank you.

7 CHAIRMAN HOOD: Commissioner Cohen?

8 COMMISSIONER COHEN: You know, I
9 think that I wasn't up to speed with your
10 presentation when you were stating where the
11 access for the handicapped and physically
12 challenged people are. So, can you just
13 direct me to that again, please?

14 MR. KING: Yes. One moment. I'll
15 back up to the plan.

16 In all cases the --

17 COMMISSIONER COHEN: What page is
18 it?

19 MR. KING: I'm sorry. I'm looking
20 at page 5.

21 COMMISSIONER COHEN: Oh, okay.

22 MR. KING: Which I think is the

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1 simplest diagram of this. We're going to
2 great efforts right now to ensure that all the
3 pathways on the site itself are ADA handicap
4 accessible for someone who is disabled. All
5 of the main doors into the building are
6 regraded to provide access for the disabled.

7 So, if you trace the orange dotted
8 lines, say, coming up from the circle or
9 originating off of Nebraska, you could walk
10 directly into the building and, obviously,
11 it'll be free of obstacle. Your pathway would
12 be unhindered.

13 There is one series of small scale
14 paths around the chapel where they've provided
15 an accessible route on one side of the chapel
16 and were unable to from architectural needs to
17 maintain the appearance of the Chapel to do it
18 on both sides. But other than that very, very
19 small scale area, the disabled will have
20 complete access to the site.

21 COMMISSIONER COHEN: Also on Yuma
22 Street?

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1 MR. KING: Yes.

2 COMMISSIONER COHEN: Okay. All
3 right. It's difficult to change behavior of
4 people. And even though there's this less
5 than a mile away Metro stop, what kind of
6 effort really is the University undertaking to
7 get the staff and faculty to change their
8 habits? Just because it's there doesn't mean
9 they're going to use it and I would think that
10 there are some incentives that you could use
11 or sticks, if you need to. Because 88 percent
12 is really a high volume for using cars to get
13 to that campus.

14 MR. ABUD: Yes. And in some
15 respects, the law school at its current
16 location is unusual, but the University-wide
17 percentage even for faculty and staff is a
18 little lower for automobiles. So, we do plan
19 to, I admit one of the conditions of the 14
20 conditions does say that we'll study a variety
21 of incentives for use of public transportation
22 and discuss those with the community and try

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1 to implement as many of them as possible.

2 We have been very successful in
3 moving many of our students to public
4 transportation. And so the faculty and staff
5 are kind of next on the list.

6 COMMISSIONER COHEN: Do you charge
7 for parking?

8 MR. ABUD: Yes, we do.

9 COMMISSIONER COHEN: And is it
10 possible for you to use similar to what you're
11 doing with the Massachusetts Avenue Campus, to
12 look for other places for opportunistic
13 parking that it's not going to go to the
14 neighborhood, such as other parking garages,
15 you know immediate neighborhood, that you
16 could lease them to your staff and faculty?

17 MR. ABUD: We're certainly open to
18 that. We believe:

19 (1) We believe the parking
20 inventory that we're proposing is right at
21 what the parking demand is going to be. And
22 if we're able to move a little bit more in

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1 terms of mode split to public transportation,
2 that will be even better and have a little
3 more breathing room. If we find that we do
4 need for a period of time until that behavior
5 adjustment happens, we would propose to use
6 some of the Main Campus parking for the law
7 school and we do have a current shuttle system
8 that connects the two campuses as well as the
9 downtown Metro station. So, we would explore
10 that as well.

11 COMMISSIONER COHEN: One of the
12 things that I think I think, again, is going
13 to be brought up by the neighborhood is again
14 not only what the campus contributes, and it
15 seems like I thought it was 1/10th of percent
16 growth that's projected for the future when
17 you're at full staffing and full of students.
18 But there's so much else going on in that
19 neighborhood that you sort of touched on in
20 your study, but I guess maybe my questions are
21 more for the City's Department of
22 Transportation. Because I do believe that

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1 there is an existing problem now and it is
2 certainly going to be exacerbated and some of
3 these attributed and maybe even in the
4 people's minds, most of it's attributed to
5 your growth. So I just wanted to know if you
6 can comment on the fact that the development
7 in that area is going to exacerbate what is
8 already a troubled area for driving and
9 parking?

10 I didn't really understand all of
11 your beautiful drawings, to be honest with
12 you. That's an engineer kind of thing, I
13 guess.

14 MR. VanPELT: That's okay. I mean,
15 we have many conversations with Commissioner
16 Hood and May and Turnbull about what our
17 analysis really is; it's the same.

18 I think what --

19 COMMISSIONER COHEN: That makes me
20 feel better.

21 MR. VanPELT: Yes.

22 So, you know, I think that what we

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1 try to do is we try to look at, and we
2 understand that there are some existing
3 intersections that are challenged today. But
4 I think what we're trying to do is look at
5 what will that be in the future if there's no
6 Tenley Campus and then what really is the
7 little incremental impact if there if we move
8 to the Tenley Campus. And so when we look at
9 that, we kind of look at that delta. I mean,
10 the traffic that we're talking about here is
11 very small. So it's not really enough to
12 really move the dial one way or another.

13 COMMISSIONER COHEN: Yes.

14 MR. VanPELT: Now whether someone
15 chooses to believe that analysis or not, I
16 mean we're using industry standards,
17 methodology. We spoke with DDoT and they'll
18 talk to you about their review of your traffic
19 study. And that's what the analysis tells us.

20 COMMISSIONER COHEN: Okay. Thank
21 you.

22 CHAIRMAN HOOD: Okay. Mr.

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1 Tummonds, help me. Where is the law school
2 located now?

3 MR. TUMMONDS: It's currently
4 located at 4801 Massachusetts Avenue.

5 CHAIRMAN HOOD: Okay. So it's 4801
6 Mass. Avenue. Is that part of the campus?

7 MR. TUMMONDS: No. This is the
8 discussion I want. It's down Massachusetts
9 Avenue, it's in a commercial district. So it's
10 not currently located within the Campus Plan
11 boundaries.

12 CHAIRMAN HOOD: And what we would
13 be doing in this case is putting it back on
14 the campus?

15 MR. TUMMONDS: That's correct.

16 CHAIRMAN HOOD: Okay. Now, Mr.
17 VanPelt and also Mr. Tummonds, right now we
18 have 500 special -- some kind of special
19 program that's going on now at the campus at
20 Tenley?

21 MR. ABUD: The Washington Semester
22 program is at the Tenley Campus with about 500

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1 students and we have about 125 faculty and
2 staff who --

3 CHAIRMAN HOOD: So you've got about
4 650 individuals going to the campus now?
5 What's going to happen with them?

6 MR. ABUD: We haven't figured it
7 all out, but those students will be moving
8 probably to the Main Campus because primarily
9 we provide housing at the Tenley Campus as
10 well as their classrooms. And so they can be
11 accommodated on the Main Campus as part of our
12 growth in housing and classrooms there. And
13 the faculty and staff that are associated with
14 the program will go with them. It's likely
15 that other staff who are located at the Tenley
16 Campus would go to an off-campus facility.

17 CHAIRMAN HOOD: So for the most
18 part, the people who are occupying the Tenley
19 Campus now when the law school moves over,
20 will move somewhere else, another part of the
21 campus?

22 MR. ABUD: On the Main Campus, yes.

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1 CHAIRMAN HOOD: They will not be
2 also mingling with the law school students?

3 MR. ABUD: That's correct. The
4 Tenley Campus will be exclusively the law
5 school.

6 CHAIRMAN HOOD: And this is why the
7 questions. We got to stop avoiding the
8 questions. And I mentioned this during another
9 proceeding.

10 The 4208 or wherever the law school
11 is located now will be leaving, again what are
12 we going to do there? And here's the issue:
13 I believe a lot of -- some of the opposition
14 that we have is people in this city want
15 predictability. Now you know that. I don't
16 know if you live in the city or not, but your
17 neighborhoods you want to know what's coming
18 and what's going to happen, what impacts are
19 we going to have.

20 While I understand that AU has the
21 right, because they own that 4801 Mass., or
22 whatever it is, but at some point in time

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1 there needs to be some type of objective that
2 is relayed to the community and say "Hey,
3 look, these are some of the uses we possibly
4 are thinking about." At least give people
5 some type of thing that they can be thinking
6 about because if they're like I am in my
7 neighborhood, my mind goes all over the place.

8 And I don't think that's part of being what I
9 would call a good neighbor. The Good Neighbor
10 policy is past what you all are naming here.
11 The Good Neighbor policy is making sure we're
12 good neighbors and we're along with our
13 community and letting them know, "Hey, look,
14 this is what we're thinking about doing.
15 These are some of our possibilities." Maybe
16 ten or 15. But right now at least from where
17 I'm standing where you're moving from on Mass.
18 Avenue there's no predictability. And, you
19 know to some degree I think that we need to
20 put all that down and try to say "Okay, this
21 is what we're thinking about," and not let it
22 be a surprise. Because that's what causes

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1 some of the problems in communities.

2 Okay. Enough on that.

3 Mr. VanPelt, I will tell you going
4 from 500 to 2500 and as far as traffic
5 impacts, and I think you said it's minimal.
6 That's what I got out of your presentation
7 that it's not -- we won't even notice it.

8 MR. VanPELT: Well, I think you
9 want to make sure we understand the population
10 changes. The current enrollment of the law
11 school is 1700 or somewhere around there,
12 we're talking about going up to about 2,000.

13 The employee population is --
14 November, I don't recall exactly right off.
15 But that's going up to 500. So it's not 500
16 to 2500.

17 CHAIRMAN HOOD: But right now on
18 the Tenley Campus there from what I understand
19 it's a question of 600 --

20 MR. VanPELT: Oh, no. Yes.

21 CHAIRMAN HOOD: Right now it's 625.

22 And what's going to be there is 2500, am I

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1 correct.

2 MR. VanPELT: Now I understand your
3 question.

4 CHAIRMAN HOOD: Okay. So let me
5 make it clear. Six twenty-five is what's
6 happening now?

7 MR. VanPELT: Yes.

8 CHAIRMAN HOOD: Twenty-five hundred
9 is what's going to be happening if this is
10 approved?

11 MR. VanPELT: Yes. Now I think,
12 and just to be clear, I mean the traffic
13 analysis shows additional traffic on the
14 network. I mean, we're putting about 160 new
15 trips in the morning, 190 trips in the PM
16 peak. That's what the traffic analysis is
17 showing.

18 CHAIRMAN HOOD: I understand all
19 the -- you know, Mr. VanPelt, you are a
20 likeable guy.

21 MR. VanPELT: Yes, and you see a
22 lot of me here.

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1 CHAIRMAN HOOD: I see a lot of you.

2 And I know a lot of other traffic
3 consultants, and I say the same thing. Ask me
4 in the past 12 or 13 years that I've been
5 here. I hear those analysis, and I'm going to
6 tell you the truth. While I like you, I know
7 you got your job to do, I don't believe it.
8 I'm sorry. I just cannot believe it, and I
9 understand what some of the community is
10 saying.

11 We're going from 625 to 2500 and
12 you minimal impacts? Come on, let's be
13 realistic. But I understand. You make it
14 sound it good.

15 I can tell you, this is one
16 Commissioner that does not believe it. And
17 I've done this before. I just do it ever so
18 often. But let me just tell you, I do not
19 believe that traffic impact study. I do not
20 believe that it is minimal impacts.

21 MR. VanPELT: Okay. All I can say
22 is maybe you want to ask DDoT when it's their

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1 time. You know, but we've done -- we've
2 followed industry standards, we've followed --
3 I think we followed all the appropriate
4 methodology that is accepted in our industry,
5 and that's what the analysis tells us.

6 I mean, we're not saying that
7 there's not going to be new traffic on the
8 network. There will be new traffic on the
9 network.

10 CHAIRMAN HOOD: So some of the
11 mitigations --I forget right off.

12 I think we need to go down this
13 some more. I will revisit it with you.

14 Again, I think you're a likeable
15 guys, I just have problems with not just your
16 report, but a lot of the traffic reports I
17 hear. I've said that in the past, so I don't
18 want you to think I'm picking on you.

19 MR. VanPELT: No.

20 CHAIRMAN HOOD: You can remember
21 Osborne George, you can ask a young lady, I
22 can't think of her name, Ms. White; you can

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1 ask some of them who have been here who I
2 don't see anymore. I don't know why they don't
3 come back. But I will tell you I am starting
4 to be disturbed at some of the -- I've always
5 been disturbed at some of these, and
6 especially when I hear a level of service of D
7 is acceptable in the standards. But again, as
8 I said in other cases, when you're in traffic
9 you guys are the first people I think about.
10 And I think even at that I think that the
11 community is telling us, I mean realistically
12 all the book jargon is great, all the studies
13 and this city studies to death, but at the end
14 of the day it looks to me like transportation
15 is trying to move to the point that it pushes
16 all of us on public transportation. Is that
17 in the manual?

18 MR. VanPELT: Well, let me just
19 leave you with this thought. I think one of
20 the things that we have, I mean we live in a
21 traffic-saturated metropolitan area. There's
22 no doubt about that, and that's a function of

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1 our excellent economy. There's many other
2 places where we do work around the country
3 where they don't have the same problems we do.

4 They also don't have the excellent economy
5 that we do. But I guess there's different
6 ways to look at it.

7 I mean, certainly we need to think
8 more multi-modal. If you look at the bigger
9 picture of transportation, this is the right
10 thing to do for the law school. It brings it
11 closer to the Metro station so that less
12 people will have to drive to the law school.
13 So when you look at the bigger picture of it,
14 we have the opportunity to move more people to
15 transit and not so many in their cars and,
16 hopefully, take people off the network.

17 CHAIRMAN HOOD: And then again, as
18 my colleagues mentioned, I think is a mile
19 away?

20 MR. VanPELT: Currently today it
21 is.

22 CHAIRMAN HOOD: Today is a mile

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1 away. How far will it be a way?

2 MR. VanPELT: A 1,000 feet.

3 CHAIRMAN HOOD: Okay. Also, I
4 think in the Office of Planning reports it
5 discusses -- this might not be for you, Mr.
6 VanPelt. But the Police Department had some
7 issues, one of them was the parking overflow
8 and residential parking restrictions as well.

9 Is there RPP right in that area and is two
10 hours or so?

11 MR. VanPELT: Well, our report
12 inventories it. I mean, it depends on which
13 block you're looking at. There's RPP, there's
14 metered parking, there's actually some blocks
15 that are unrestricted. So it depends on which
16 block you're looking at.

17 CHAIRMAN HOOD: Actually, I'd like
18 to know about all the ones that are around
19 there, pretty much. If it's already in the
20 report, I will revisit that. But what are
21 going to do for those who park in the
22 neighborhoods? What are we going to do? It

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1 will be Good Neighbor policy? Is that what
2 we're doing? I know you mentioned it tonight
3 in this handout we got tonight was mentioned
4 about what we're going to do.

5 MR. ABUD: Yes, and Condition 11
6 speaks to that. We do plan to continue the
7 off-campus enforcement as we have at the Main
8 Campus and exist at Tenley Campus today. In
9 addition to that, in consultation with
10 community we've asked to put a little more
11 teeth in the enforcement mechanism. And so
12 we've agreed to a provision where upon the
13 issuance of a third violation then the case
14 gets referred to the Honor Court and
15 disciplinary action can be taken.

16 CHAIRMAN HOOD: What do the
17 students do now? How do they get on Mass.
18 Avenue, how do they get there? Do they catch
19 the Metro, do they drive?

20 MR. VanPELT: The students
21 themselves, I mean according to the survey,
22 about half of them are driving. The rest of

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1 them are taking other modes of transportation.

2 CHAIRMAN HOOD: So the ones who
3 drive, where are they parking?

4 MR. VanPELT: Well, there's
5 different -- there's a garage right in the
6 building itself. There's a Super Fresh lot.
7 There two or three other lots where they can
8 park. But the University has arrangements to
9 a lot of them being able to park off-street.

10 CHAIRMAN HOOD: So they're able to
11 park on the Super Fresh lot? Do they pay to
12 park on the Super Fresh lot?

13 MR. ABUD: Yes. Actually the
14 students don't get to park there. It's faculty
15 and staff. We also provide parking for the
16 law school at the Katzen Center Garage as
17 well.

18 CHAIRMAN HOOD: So the ones that
19 park on the Super Fresh lot, Super Fresh has
20 worked a deal out with American University?

21 MR. ABUD: Yes.

22 CHAIRMAN HOOD: Yes. Okay. All

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1 right.

2 But Mr. VanPelt, we're going to
3 have to talk about this traffic issue. Okay.

4 Any other questions?

5 COMMISSIONER TURNBULL: Mr Chair, I
6 just wanted to follow up on one thing that
7 you've brought up, and I think was brought up
8 earlier in our hearing on our hearing on the
9 Main Campus, and that was regarding the Tenley
10 Metro station. It's not as big as a lot of
11 Metro station. It's got one escalator, I
12 think, or it's smaller or shorter. I've never
13 gotten off at Tenley, actually, so I've never
14 had the chance to use that Metro station, but
15 I thought it was a smaller station or it's
16 not--

17 MR. VanPELT: Yes. The one thing I
18 wanted to say is we heard that during the
19 Campus Plan.

20 COMMISSIONER TURNBULL: Right.

21 MR. VanPELT: So one thing we did
22 do is we contacted WMATA. We talked to their

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1 long range planning people. And according to
2 the studies that they have done, they believe
3 with the growth in the area that the station
4 has the capacity to meet the needs of the
5 anticipated growth in the area.

6 They do have plans to improve the
7 service on the Red Line. They do admit that
8 there are times during peak of the peak when
9 there's bunching and there's issues on the
10 platform --

11 COMMISSIONER TURNBULL: Yes.

12 MR. VanPELT: -- but if you ask
13 WMATA, and we have, then they believe that the
14 capacity is there in the system.

15 COMMISSIONER TURNBULL: Do you have
16 anything from them?

17 MR. VanPELT: We could forward to
18 you their --

19 COMMISSIONER TURNBULL: Yes, if you
20 could? I think that would be good for our
21 record. I mean, I think we would like to have
22 that.

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1 MR. VanPELT: Sure.

2 COMMISSIONER COHEN: Commissioner,
3 I am a subway rider and they have two
4 escalators, one on the east side, one on the
5 west side.

6 COMMISSIONER TURNBULL: Okay.

7 COMMISSIONER COHEN: But, of
8 course, the west side I think you'd have to
9 cross the street to get to.

10 COMMISSIONER TURNBULL: Yes. I just
11 heard something. In fact, it came up in the
12 Main Campus hearing and it was a question at
13 the time.

14 And, Mr. Chair, getting back to
15 your question about credibility and all that.

16 Bruce Lee. Do you remember George White --
17 the mirrors, smoke. I'm kidding, I'm joking.

18 But, you know, I think we all think that
19 there's smoking mirrors involved with getting
20 a traffic study. It sometimes gets to be a
21 little bit -- I mean, you traffic engineers
22 obviously know your job and you do it very

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1 well, but it does get a little bit confusing.

2 And there is conflicts before, and you know
3 that Dan. We've had issues about levels of
4 service, as the Chair has said. A lot of
5 things seem to be almost contradictory when
6 you -- I mean even though you can back them
7 up, a lot of them just get if you're looking
8 at it from a layman's point of view, you look
9 at it and you go "That doesn't make sense."

10 You know, we're not doubting you.
11 We're not going against your veracity or your
12 professional credentials, it's just that at
13 times it just seems a little contradictory.

14 MR. VanPELT: Well, I think as
15 Commissioner Hood mentioned, I think it's kind
16 of maybe an attack on our profession as our
17 industry as a whole. I mean, we're trying to
18 do the best, honest assessment that we can and
19 we've done that working in concert with DDoT
20 to try to follow all the industry standards
21 and guidelines and bring that analysis to you.

22 COMMISSIONER TURNBULL: Well, I

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1 just happen to be repeating. I think George
2 White when he sat up here may have mentioned
3 the same thing about smoking mirrors, so I was
4 just carrying on the tradition.

5 Thank you.

6 CHAIRMAN HOOD: Okay. Commissioner
7 Cohen?

8 COMMISSIONER COHEN: Yes, I just
9 had a follow up question. Does American
10 University have in writing its Good Neighbor
11 policy and was it submitted under the prior
12 Commission hearings?

13 MR. ABUD: Yes, it is writing.
14 It's on our website as part of our overall
15 parking regulations.

16 COMMISSIONER COHEN: Yes. So
17 basically it's an issue of perception of
18 implementation that people are not confident
19 that the University spends enough time really
20 managing their Good Neighbor policy? That's
21 my impression. You don't have to say yes or
22 no.

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1 MR. ABUD: I think that that's an
2 accurate impression. You know, if you look at
3 the information that Gorove/Slade has provided
4 both for the general campus as well as for the
5 Campus Plan, it shows that very close to our
6 property, you know a couple of blocks away,
7 there's plenty of on-street parking available.
8 And so it's not that we've got hundreds of
9 people out there crowding up the community.

10 Is it annoying if someone parks in
11 front of your house? Sure, I'm sure it is.
12 And we catch many of those folks and get them
13 into the system. A few get away, and that's
14 always what we're trying to improve on.

15 COMMISSIONER COHEN: No. But I
16 think another issue that we haven't discussed
17 today, which I presume we'll hear about, is
18 noise around the campus. And I think, again,
19 it may be minimized based on some of the
20 designs that you've put into your plan. But I
21 think that's also one of the concerns and I
22 think you appear to have failed under that as

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1 well.

2 MR. TUMMONDS: I mean, I think in
3 answer to your question about it, you know
4 obviously one of the standards is that the use
5 shall not be objectionable due to noise,
6 traffic or other impacts. We believe that our
7 written statement adequately addresses the
8 noise question concern. OP's report also
9 concurred that there's not going to be
10 objectionable impacts due to noise. And I
11 think we've done that with:

12 (a) The use, the law school use,
13 and;

14 (b) The design. I think as Mr.
15 King noted that along Yuma Street the portion
16 where there is the closest proximity to
17 single-family homes, the buildings are
18 significantly setback from Yuma Street as Yuma
19 Street goes down into the neighborhood. So I
20 think we have addressed the concerns about
21 noise.

22 CHAIRMAN HOOD: Okay. Mr. VanPelt?

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1 I'm sorry. Commissioner May, go ahead.

2 COMMISSIONER MAY: Sorry. Just
3 completely unrelated to the traffic stuff. I
4 just had a follow up question on the campus
5 itself, and maybe you said this but I missed
6 this. Is there any kind of fencing around the
7 campus as it is right now and will there be in
8 the future?

9 MR. KING: No fencing now. It's
10 wide open for use and there won't be any in
11 the future.

12 COMMISSIONER MAY: But from all
13 directions?

14 MR. KING: Right.

15 COMMISSIONER MAY: And is there a
16 problem now with people with sort of social
17 trails from forming off of the west end of the
18 campus to the neighborhood and that area? I
19 mean, are there a lot of people walking
20 through the west side?

21 MR. ABUD: Just to correct Mr.
22 King, a portion of the property does have an

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1 existing chain link fence that was there when
2 we acquired the property in 1985. It would be
3 our preference to remove that fence.

4 COMMISSIONER MAY: Where is it now?

5 MR. ABUD: It is along 42nd Street
6 and a portion of Yuma at the western end of
7 the property. So we're at 42nd and Yuma
8 intersection. Comes up to about where the
9 driveway comes in along Yuma.

10 COMMISSIONER MAY: That area there?

11 Okay.

12 MR. ABUD: And along 42nd Street,
13 the fence exists because there's a significant
14 change in grade from the sidewalk up to our
15 property. So, we don't think having a fence
16 really accomplishes anything.

17 COMMISSIONER MAY: Yes.

18 MR. ABUD: And it is kind of
19 unsightly.

20 We do currently have people in the
21 community who use the campus for walking, dog
22 walking and encourage that. And the path that

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1 is depicted there would be an added benefit
2 for those folks.

3 COMMISSIONER MAY: So there's no
4 path like that right now?

5 MR. ABUD: No.

6 COMMISSIONER MAY: And you do
7 intend to get rid of all the chain link that's
8 around the campus?

9 MR. ABUD: Yes.

10 COMMISSIONER MAY: And as part of
11 this plan implementation?

12 MR. ABUD: Yes.

13 COMMISSIONER MAY: Okay. Thank
14 you.

15 COMMISSIONER COHEN: So I just
16 wanted to state that, you know chain link
17 verboten. Absolutely forever.

18 CHAIRMAN HOOD: Okay. Thank you,
19 Commissioner Cohen.

20 Mr. VanPelt, on page 44 of what we
21 received this evening, you mention about your
22 recommendation was to widen Nebraska Avenue, I

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1 think, for the left turn. Are we talking
2 about adding a lane on both sides? I just
3 remember you saying widening Nebraska Avenue.

4 It might have been 45 or 46 is what I -- it
5 was 44 in our submission. It was like a page
6 off. This is the one where you had Nebraska
7 Avenue access left turn.

8 MR. VanPELT: I mean, what this
9 shows is how the --

10 CHAIRMAN HOOD: Let's look at the
11 other picture. I like to look at the -- yes,
12 there we go.

13 MR. VanPELT: Okay. To accomplish
14 the left turn lane that you saw on the other
15 side, 45 I think it was, what we would be
16 doing is the curb line on the western side of
17 Nebraska Avenue would actually push into the
18 site and we would start at a transition, you
19 know, south of the circle so that we can get
20 enough width to be able to have the left turn
21 lane into the curb cut and then we would pull
22 the curb line back before it got to the

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1 intersection with Warren. So you actually
2 would have additional width, about an extra
3 ten feet or so of width where that curb line
4 exists and it would transition back to its
5 existing cross section before it go to the
6 intersection of Warren.

7 CHAIRMAN HOOD: So what I'm looking
8 at now will change?

9 MR. VanPELT: It would.

10 CHAIRMAN HOOD: It would add a
11 lane, more or less?

12 MR. VanPELT: Right. Yes, right at
13 the intersection it would be right about what
14 you see now and then it would widen out as you
15 go to the north and as the curb line pushes
16 into the site to give us enough width for that
17 left turn lane, and then it would come back
18 out of the site as you got closer to Tenley
19 Circle.

20 CHAIRMAN HOOD: Were the neighbors
21 consulted with that? Did you work with the
22 neighbors with that? Everybody's all holding

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1 hands and we all agreed to doing that?

2 MR. ABUD: Yes. That was an issue
3 that received lots of discussion and in
4 general the community supports the addition of
5 a left turn lane.

6 CHAIRMAN HOOD: Okay. Because I
7 can just imagine if that left lane -- that
8 would be left turn only, right? If you're in
9 that lane, you have to turn left?

10 MR. VanPELT: That's a left turn
11 lane, correct.

12 CHAIRMAN HOOD: And then we would
13 get rid of the -- well, I know right now
14 there's no restriction. You can't park there
15 between certain times in the other lanes, the
16 other lanes?

17 MR. VanPELT: On the right hand
18 side of the image where the truck is?

19 CHAIRMAN HOOD: Right.

20 MR. VanPELT: Yes. That you
21 actually can there and you can't park there
22 from 4:00 p.m. to 6:30 p.m. So it's

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1 restricted during the PM rush period.

2 CHAIRMAN HOOD: So even with that
3 left turn lane we still have two lanes going
4 in the same direction, correct?

5 MR. VanPELT: Correct.

6 CHAIRMAN HOOD: Okay. That's all.
7 Any other questions?

8 Okay. Let's see, do we have any
9 cross-examination Commissioner Bender?

10 ANC COMMISSIONER BENDER: In light
11 of --

12 CHAIRMAN HOOD: Can you come to the
13 mic and identify yourself?

14 ANC COMMISSIONER BENDER: Thank
15 you, Mr. Chairman. Good evening to you and
16 Commissioners.

17 Jonathan Bender for ANC 3E.

18 In light of the proposed conditions
19 that AU has submitted, we don't have any
20 questions.

21 CHAIRMAN HOOD: All right.
22 Commission Wiss, ANC 3F?

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1 ANC COMMISSIONER WISS: Good
2 evening, Cathy Wiss for ANC 3F.

3 I'd like to ask you, you mentioned
4 Mr. Abud, that you had meetings recently to
5 come up with your conditions. Was ANC 3F
6 involved in any of these meetings?

7 MR. ABUD: No. Those meetings were
8 with TCNA and representatives of ANC 3E
9 because TCNA is the most closely affected
10 neighbors.

11 ANC COMMISSIONER WISS: So the
12 people who live on Nebraska Avenue are not
13 closely affected even though they're across
14 the street?

15 MR. ABUD: They are, but in a
16 different way. And the conditions that we've
17 offered, frankly are inclusive of all of the
18 things that we've heard from various parts of
19 the community. And we think the plan that
20 we've presented addresses concerns of people
21 on the other side of Nebraska Avenue as well.

22 ANC COMMISSIONER WISS: Okay. I'm

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1 sorry. I didn't bring my conditions up here to
2 go over those conditions, but I'm not certain
3 that they actually include the views of the
4 people across street on Nebraska Avenue, some
5 of those conditions.

6 Now I'm thinking --

7 CHAIRMAN HOOD: Commissioner Wiss,
8 so you've had a chance to look at these
9 conditions?

10 ANC COMMISSIONER WISS: Well, I
11 just received them a minute ago. I mean, I
12 received them as I AU sat down. So I have not
13 seen the --

14 CHAIRMAN HOOD: So you have not had
15 the luxury like ANC 3E?

16 ANC COMMISSIONER WISS: No. Right.
17 I have not seen these before.

18 CHAIRMAN HOOD: Okay. Okay. Let's
19 see how the cross goes.

20 ANC COMMISSIONER WISS: Okay. So
21 let me just ask the questions that I prepared.

22 Now, you are tearing down some

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1 buildings and putting new ones up. How much
2 closer will the building on Nebraska Avenue be
3 to the corner of Nebraska and Warren Street
4 than it is now?

5 MR. KING: The corner of the new
6 building is ten feet closer to the property
7 line than the existing building is.

8 ANC COMMISSIONER WISS: Is this the
9 property line on Nebraska or on Warren?

10 MR. KING: Property line on
11 Nebraska. I'm sorry.

12 ANC COMMISSIONER WISS: And how
13 much higher will it be than the existing
14 building?

15 MR. BUTCAVAGE: Tom Butcavage with
16 SmithGroup.

17 The existing building is 53 feet
18 above the measuring point which occurs mid-
19 block on Nebraska. And the new building has
20 two wings, one of which is 50 feet above the
21 measuring point and one of which is 63 feet or
22 ten feet higher than the existing building on

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1 Nebraska.

2 ANC COMMISSIONER WISS: And which
3 is the part that is 63 feet?

4 MR. BUTCAVAGE: The part that is 63
5 feet is -- actually, it's hard to say it's on
6 Nebraska because it's almost perpendicular to
7 Nebraska, but it is the wing that's closest to
8 Nebraska.

9 ANC COMMISSIONER WISS: Is it close
10 to Tenley Circle or is closer to Warren
11 Street?

12 MR. BUTCAVAGE: Closer to Tenley
13 Circle.

14 ANC COMMISSIONER WISS: Near
15 Capital Hall?

16 MR. BUTCAVAGE: I can point to it
17 on the -- or David can point to it.

18 MR. KING: The portion that we're
19 referencing is at that corner that is ten feet
20 closer to the Nebraska property line than the
21 original.

22 ANC COMMISSIONER WISS: Okay. So

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1 it looks to me that it's closer to Warren
2 Street than to Tenley Circle.

3 MR. KING: Yes, that's accurate.
4 The heights that Tom has mentioned were this
5 portion is 63 and then the little portion of
6 50.

7 ANC COMMISSIONER WISS: Oh, I see.
8 The lower portion is setback. Okay.

9 So, the part that's close to
10 Nebraska, that corner that's 63 feet high and
11 ten feet closer, that would have been 53 feet
12 and ten feet farther back?

13 MR. KING: If you're referencing
14 the original conception, Yes. Absolutely.

15 ANC COMMISSIONER WISS: Yes. Okay.
16 So that's why you're asking for a variance?

17 MR. KING: Yes, at that one
18 particular spot.

19 ANC COMMISSIONER WISS: Now on the
20 Yuma Street side you did some step backs so
21 that the upper floors are setback a little
22 bit? They're not as close to the street and

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1 thus they don't appear as high from the
2 street. Why did you not consider doing that on
3 the Nebraska Avenue side for that corner?

4 MR. KING: Excuse me. There's
5 obviously a contiguous floor so the buildings
6 function horizontally and the portion that
7 you're referencing at this corner is actually
8 one full floor lower on Yuma than the upper
9 most floor on Yuma. And this is one of the
10 full functional floors for the library that we
11 need. So what is set in back in this diagram
12 is the actual mechanical penthouse, which is a
13 good distance from the corner but for reasons
14 of the program, the floors actually match and
15 this is the setback floor, which is the one
16 floor higher.

17 ANC COMMISSIONER WISS: Are they
18 joined in the hyphen or just --

19 MR. KING: They are joined. And
20 the hyphen is an open air walkway. These
21 buildings are joined in a grade connection
22 underneath that white terrace.

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1 ANC COMMISSIONER WISS: But it's
2 not joined on the upper floors, is it?

3 MR. KING: No, it's not.

4 ANC COMMISSIONER WISS: No? So the
5 reason that you would not do just a small step
6 back to make it less visually intrusive is
7 because it matches the height of the other
8 building?

9 MR. KING: It does match the
10 heights. That's a functional requirement from
11 the inside out. But we also don't agree with
12 the description of it as visually intrusive
13 and we like the design of that corner the way
14 it is.

15 ANC COMMISSIONER WISS: And the
16 penthouse, at the HPRB hearing one of the
17 Board Members asked that you look at the
18 height of that. Have you done any studies of
19 where you're going with that?

20 MR. KING: We have not done the
21 studies yet. We do remember the comment very
22 well. There was actually a specific comment

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1 about the long face of the penthouse and not
2 the height of it. And we fully intend to work
3 with Steve Callcott and David Maloney at the
4 staff to go through and redesign to satisfy
5 their concerns about it.

6 ANC COMMISSIONER WISS: We've
7 talked about noise. The penthouse is because
8 they have mechanicals. They're usually noisy
9 and, of course, this is close to the people on
10 Nebraska Avenue. What will you do to mitigate
11 the noise?

12 MR. KING: The best thing we can do
13 for sound, which does come off the cooling
14 towers, is to place those cooling towers on
15 the roof which is not necessarily the cheapest
16 way to do it, but we think the correct and
17 it's done routinely in settings, urban like
18 Washington, to minimize that.

19 The cooling towers are fully
20 screened and that creates sort of an acoustic
21 vent that challenges that sound upwards. But
22 we will also seek out an acoustician the most

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1 quiet possible equipment for the facility.
2 There are a number of different types of
3 cooling towers, chillers and boilers and we'll
4 seek the ones that are the most quiet.

5 MR. TUMMONDS: Mr. King, what's the
6 distance from that Nebraska Avenue building to
7 the homes across Nebraska Avenue?

8 MR. KING: The closest corner, the
9 one we've been referring to, to the closest
10 corner of the closest house is about 130 feet.
11 And the penthouse is then setback in addition
12 from that point about 40 feet.

13 ANC COMMISSIONER WISS: Okay.
14 Thank you.

15 You have promised to build to LEED
16 Gold standards. What changes would be needed
17 to receive LEED Platinum certification?

18 MR. KING: There are three or four
19 initiatives because of the characteristics --
20 I'm sorry, I'm presume everyone's familiar
21 with that. I can dive right in.

22 It would probably require a more

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1 extensive green roof system than we might
2 currently have in our scope.

3 It would require us to look further
4 at mechanical system efficiency.

5 And I had a list of four of them
6 here. I was thinking of Governor Perry here
7 for a moment.

8 The single largest requirement is
9 an efficient mechanical system and we have a
10 very high efficiency one envisioned at the
11 level of Gold and there are steps that you can
12 take to go further with those thoughts.

13 MR. TUMMONDS: And Mr. King, this
14 would be LEED Gold in the new standard?

15 MR. KING: Yes, which already is
16 much more aggressive than most of the ones
17 you've been hearing about.

18 ANC COMMISSIONER WISS: Okay.
19 Well, I know that -- no, I'm not going to
20 testify.

21 Where are the green roofs that
22 you're planning?

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1 MR. KING: There are several. They
2 are positioned on Yuma between the office
3 wings. And that is to extend the tangible
4 impact of landscape into the building so that
5 we get de minimis effect from that massing.

6 And there is a green roof system
7 that covers the terrace, if you will, that is
8 exposed to the garden.

9 To add additional ones, would be to
10 look at the main roof areas and to add green
11 in those locations.

12 ANC COMMISSIONER WISS: Now how
13 will run off water be captured from the
14 surface lot on Yuma?

15 MR. KING: We're planning a series
16 of storm water management devices that does
17 include some swales, landscape swales on the
18 site that will manage the little bit of
19 surface run off we have the small amount of
20 pavement that is retained.

21 ANC COMMISSIONER WISS: And what
22 about from the buildings themselves?

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1 MR. KING: The exact details of our
2 system are not designed. There's a number of
3 time honored ways over the last few years to
4 manage that and we have not committed to one
5 at this point.

6 ANC COMMISSIONER WISS: Would you
7 commit to capturing a certain amount of storm
8 water?

9 MR. KING: As I mentioned, we'll be
10 following LEED guidelines and there are a
11 number of requirements in there that would
12 dictate our conformance and the design of the
13 system.

14 ANC COMMISSIONER WISS: Now turning
15 to trees. What species of trees will be
16 planted on the Nebraska Avenue side of campus?
17 Your diagram shows quite a lot of them. New
18 ones?

19 MR. BUTCAVAGE: We're at the
20 conceptual stage. I have not selected specific
21 species anywhere on the site. The focus of
22 the study so far has been landscape character.

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1 So we simply have not progressed to that
2 level of detail in the design.

3 ANC COMMISSIONER WISS: Do you know
4 whether they'll be evergreen or deciduous?

5 MR. BUTCAVAGE: Again, we just
6 haven't gotten there yet.

7 ANC COMMISSIONER WISS: Or
8 ornamentals or tall canopy trees?

9 MR. BUTCAVAGE: I believe the area
10 you're specifically describing are the street
11 trees along Nebraska Avenue. And so they
12 would be a typical street tree character.

13 ANC COMMISSIONER WISS: Well, what
14 I'm really getting at as well, is you know
15 you've got wonderful trees there now that you
16 will be taking out, including the street trees
17 because you're going to cut in for the left
18 turn lane. But right now they do screen
19 residences from the light coming from the
20 buildings and the view of the buildings. So
21 I'm trying to get at are these all going to be
22 20 foot high dogwoods, or are they going to be

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1 -- that lose their leaves in the wintertime or
2 will they be something that will actually
3 screen?

4 MR. KING: The trees that are
5 planted in the streetscape that we imagine
6 which is shown on this drawing will be major
7 street trees, major deciduous canopy trees.
8 And then there's a whole litany of other
9 proposed for those multiple areas on the site.

10 And we would be happy to further provide
11 specifics on it, but at this point that's the
12 level of development.

13 ANC COMMISSIONER WISS: Okay.
14 Well, thank you. I was just trying to get at
15 how will this both enhance your property as
16 well as screen the residences from the light.

17 And talking about light, on your
18 north and east elevations which would be from
19 the Nebraska Avenue side as well as Warren
20 Street side, you do show a lot of windows.
21 When will the lights on the Nebraska view side
22 of the building and Warren Street side be

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1 turned off at night?

2 MR. ABUD: All of the spaces that
3 we plan have occupancy sensors. So when the
4 rooms are not being used, the lights go off.

5 Some of those spaces are classroom
6 spaces and our classes do go until 10:00 at
7 night. So they may be on until that time and
8 then be going off shortly after.

9 MR. KING: I would like to note
10 that the first 60 feet of that facade off that
11 corner is virtually opaque. It's an
12 ornamental limestone wall with very, very few
13 windows in it. Those windows largely occur on
14 that east face weld into the interior of our
15 site.

16 ANC COMMISSIONER WISS: But there
17 are some windows?

18 MR. KING: Yes, there are indeed.

19 ANC COMMISSIONER WISS: Okay. And
20 you're going to have the law school library
21 facing Nebraska Avenue and that does have
22 windows, right?

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1 MR. KING: What's show on the
2 rendering I'm looking at page 22, there's the
3 large limestone, ornamental limestone panel at
4 the corner about 60 feet into the building.
5 And then the reading room that's being
6 referred to is that portion of that facade.

7 ANC COMMISSIONER WISS: But then
8 there's some on the other side facing some of
9 the other homes that have, what did you call
10 them? Split windows or slit windows or --

11 MR. KING: Again, yes, there are--
12 and I keep racing back and forth here. There
13 are a series of small scale windows on that
14 south face.

15 ANC COMMISSIONER WISS: So, and
16 because the library is open, I believe, until
17 midnight and then 24 hours during exams, or is
18 that --

19 MR. ABUD: That's correct. This
20 particular view is of our classroom as opposed
21 to the library.

22 ANC COMMISSIONER WISS: The

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1 classroom that stopped being used at 10:00?

2 MR. ABUD: Correct.

3 ANC COMMISSIONER WISS: Okay. But
4 the upper floors would still have their lights
5 on if they're the library?

6 MR. ABUD: Yes.

7 ANC COMMISSIONER WISS: Okay. Now
8 you said that the lights would be shielded,
9 the ones inside. What does that mean?

10 MR. KING: There are a number of
11 new light fixtures out over the last decade
12 that are cordoned off, the throw of the light
13 is cordoned off so that it doesn't spill out
14 beyond the desired area of lighting. And that
15 allows you to position the lights within the
16 building so that, yes, the interior spaces are
17 lite, but there's no lights shining directly
18 through the window. That certainly would have
19 been a problem in older buildings and it will
20 not be the case here.

21 ANC COMMISSIONER WISS: So that is
22 your choice over using something like

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1 automated shades to screen windows?

2 MR. KING: As part of the LEED
3 system there's a daylighting study that is
4 done and things like shades and lighting
5 controls and light fixture selection, the
6 depth of the space is all part of our goal of
7 proving human comfort within the building.
8 And much of this nowadays is automated so that
9 blinds, light fixtures, et cetera are working
10 as part of a system to ensure that we don't
11 spend any more energy on electricity than we
12 have to and at the same time you can see and
13 enjoy the middle of the building.

14 ANC COMMISSIONER WISS: Okay.
15 Thank you.

16 Now turning toward transportation
17 impact. How many of the students in the dorms
18 at Tenley Campus drive to the campus?

19 MR. ABUD: Almost none.

20 ANC COMMISSIONER WISS: Okay. So
21 that one of the big changes will be that
22 everybody who is coming for the law school

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1 would have to get there either by car or
2 Metro, or foot, or bike, or whatever other
3 means?

4 MR. ABUD: That's correct.

5 ANC COMMISSIONER WISS: Okay. Now
6 I'd like to be able to refer to your --

7 COMMISSIONER MAY: I'm sorry. Can
8 we go back to that question for a second?

9 I'm sorry. Over here. I got
10 confused by that. You started asking about
11 parking; who comes by -- who drives?

12 ANC COMMISSIONER WISS: Yes.

13 COMMISSIONER MAY: And then you
14 asked everybody who is going to come is going
15 to have to come by car and by Metro, and by
16 transit, and everything else?

17 ANC COMMISSIONER WISS: Right.

18 COMMISSIONER MAY: I kind of missed
19 the point there because you started out
20 talking about the fact that there aren't a lot
21 of people driving, but then -- I mean, that's
22 not everybody. There are a lot of people who

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1 are already there right now, right? There are
2 600 and some who are already there. So
3 there's an incremental change?

4 ANC COMMISSIONER WISS: Well, the
5 point I was trying to make is right now the
6 students live there so they don't have to go
7 there so that the change will be 2500 people
8 will be coming, many of them driving
9 themselves -- the slide earlier, some will
10 drive, some will walk, some will bike, some
11 will --

12 COMMISSIONER MAY: Yes, but they're
13 not all driving?

14 ANC COMMISSIONER WISS: No, they're
15 not all driving.

16 COMMISSIONER MAY: So for the ones
17 who are there, they'll come and go by some
18 other means, right?

19 ANC COMMISSIONER WISS: The ones
20 that are there right now --

21 COMMISSIONER MAY: Come and go by
22 some other means?

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1 ANC COMMISSIONER WISS: Well, no,
2 because they stay at their campus, right?
3 They --

4 COMMISSIONER MAY: They stay at the
5 campus? They live there, but they go to
6 classes on the Main Campus.

7 MR. ABUD: That is true --

8 ANC COMMISSIONER WISS: Do they
9 also attend classes on the Main Campus?

10 MR. ABUD: Some do, about a third
11 go to classes on the Main Campus.

12 ANC COMMISSIONER WISS: And then
13 some of them take classes at the Tenley
14 Campus?

15 MR. ABUD: Yes.

16 ANC COMMISSIONER WISS: Okay.

17 MR. ABUD: And many of them also--
18 part of the Washington Semester Program is an
19 internship and so they -- other students will
20 leave several times a week to go to a job
21 downtown or elsewhere.

22 COMMISSIONER MAY: Okay.

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1 ANC COMMISSIONER WISS: Thanks.

2 COMMISSIONER MAY: Thank you.

3 ANC COMMISSIONER WISS: Now in your
4 transportation impact study you showed on
5 Figure 22 that travel to campus, more than
6 half of it, people coming to law school will
7 travel through ANC 3F. Figure 22 is on page
8 44.

9 I was curious about the routes that
10 you chose to travel through ANC 3F. You show
11 people driving up Connecticut Avenue to either
12 Van Ness or Yuma, and then all of them coming
13 into Yuma Street and accessing the circle.
14 Nobody using any other streets. You show 16
15 percent in the morning, 22 percent in the
16 evening using Wisconsin Avenue and traveling
17 either Van Ness or Warren Street. And why did
18 you choose those particular routes? Why not
19 cars going straight on Van Ness? Why not cars
20 going on Warren Street? Why do they all seem
21 to go to Yuma Street?

22 MR. VanPELT: I don't think that

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1 they all went to Yuma Street. I mean, I think
2 what we tried to do was look at what, first of
3 all, we got from the surveys we had zip code
4 data, so we were able to look at all that and
5 through GIS kind of map where people are
6 coming from.

7 And then we looked at based on
8 where the zip codes were what we thought
9 people would use as their routes to come to
10 the campus.

11 And based on where people are
12 coming from and we chose routes that we
13 thought would be the ones that people would
14 choose to use.

15 ANC COMMISSIONER WISS: You don't
16 think that people might choose to spread out
17 through the neighborhood and use other
18 streets?

19 MR. VanPELT: I mean, I think it's
20 possible. Anytime you have a network, people
21 will try to find their path of least
22 resistance. And what we did try to do was

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1 doing the assignment we felt, you know assign
2 traffic primarily approaching on the arterials
3 which people would come by based on their zip
4 codes and then we distributed that out to the
5 routes that we thought would make the most
6 sense. That doesn't mean that just because we
7 have traffic immediately assigned to specific
8 routes that some of that might find its way on
9 some other streets. There's certainly the
10 potential for that.

11 ANC COMMISSIONER WISS: And you
12 show that people will come up Wisconsin
13 Avenue, take a left on Van Ness, go all the
14 way to the light at Nebraska and then double
15 back to the campus. Why do you not show
16 people avoiding the light and taking the
17 shortcut by using 41st Street?

18 MR. VanPELT: I'm sorry. Could you
19 repeat that last part of your statement there,
20 the last part of your question?

21 ANC COMMISSIONER WISS: You show
22 people going all the way on Van Ness Street

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1 west to the stop light at Nebraska Avenue and
2 then kind of doing a hard right to get to the
3 Tenley Campus. Why do you not show them going
4 on 41st Street? 41st Street comes in before
5 you get to the stop light at Nebraska Avenue
6 and it doesn't have a traffic light.

7 MR. VanPELT: Yes. I think that
8 that has some potential that there could be
9 some traffic that would go through there.

10 ANC COMMISSIONER WISS: Who would
11 want to avoid staying in the cue of the light
12 and driving less?

13 MR. VanPELT: It's certainly the
14 potential that they would do that. I mean
15 traffic will find its path of least
16 resistance, that's generally what happens.

17 ANC COMMISSIONER WISS: Now in the
18 other case, ANC 3F asked that you study the
19 intersection 41st and Nebraska. Why did you
20 not do that?

21 MR. VanPELT: We went back and we
22 discussed the intersections that were brought

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1 up in the Campus Plan. And I don't recall
2 exactly why that was not included, but when we
3 scoped the study with DDoT it was not added to
4 the list.

5 ANC COMMISSIONER WISS: Well, we
6 mentioned it and DDoT said they would add it
7 to the list; that's why I'm asking. Could it
8 be that your map erroneously shows that 41st
9 Street is not cut all the way through to
10 Nebraska?

11 MR. VanPELT: I don't think it's a
12 matter, no.

13 ANC COMMISSIONER WISS: Okay. But
14 if it turns out that 41st Street ends up
15 getting a lot of traffic and cut through
16 traffic, would AU commit to mitigation on 41st
17 Street such as speed bumps if the residents
18 want them?

19 MR. ABUD: We're certainly open to
20 looking at a variety of mitigation measures as
21 we've stated in the condition -- more of our
22 conditions where we'll do annual monitoring.

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1 That's part of the reason to do that is to
2 understand what the more specific behaviors
3 are on the part of drivers and see what we can
4 do to change that behavior.

5 ANC COMMISSIONER WISS: Except your
6 annual monitoring seems to be intersections
7 and streets in ANC 3E, and at the bottom of
8 this is an ANC 3F.

9 MR. VanPELT: Yes. I mean, I think
10 one of the things that will come out of the
11 monitoring is if there's things that aren't
12 being addressed, I think DDoT's going to
13 probably ask us to take a look at them.

14 ANC COMMISSIONER WISS: And also
15 your traffic study shows that the intersection
16 of Warren and 40th Street, which is in that
17 same little area, has a very high accident
18 rate but that you say it will not -- that's on
19 page 85. But you don't recommend any
20 mitigation because you don't expect many cars
21 to use that, although you don't show that you
22 think any cars coming from Connecticut Avenue

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1 would use Warren, which kind of conflicts with
2 what you just said that people find their path
3 of least resistance.

4 Would AU commit to mitigation on
5 Warren if that stretch of Warren Street ends
6 up being more heavily traveled and more
7 accidents?

8 MR. ABUD: Yes. I think the
9 condition that we've talked about covers that.
10 I don't imagine that -- again we're going to
11 be looking at transportation as a system-wide
12 issue and whether or not we took specific
13 counts, we're going to share these
14 transportation demand management monitoring
15 reports with the community and have a
16 discussion with them about it. So I think if
17 there are issues that arise during that
18 discussion, then we'll seek ways to mitigate
19 them.

20 ANC COMMISSIONER WISS: Okay. Now
21 the left turn bay on Nebraska, in order to
22 create that you're going to move an extra ten

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1 feet into your property, or at least into the
2 public space on your side of Nebraska Avenue.

3 Would you pay to relocate the utilities that
4 are there? There's a hydrant, there's a
5 utility pole. And who knows, there may be a
6 few other utilities? Would you be responsible
7 for that, would you commit to paying for all
8 that?

9 MR. ABUD: Yes. That's a given.

10 ANC COMMISSIONER WISS: And you
11 said that you talked to neighbors that did not
12 want to remove the parking on Nebraska Avenue,
13 or did you? Did I misunderstand that? Why
14 did you decide that that was not an option?

15 MR. ABUD: Well, we did hear a
16 number of comments from the community. The
17 left turn lane seemed to be preferred by most
18 of the folks that we heard from. I don't know
19 that I specifically heard anyone argue against
20 removing the parking.

21 ANC COMMISSIONER WISS: Did you
22 speak to anybody who actually lives on

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1 Nebraska Avenue?

2 MR. ABUD: No.

3 ANC COMMISSIONER WISS: Now one of
4 the slides that you showed was not in this
5 transportation impact study. It seems to have
6 come from the Appendix. It's the one that
7 shows the traffic coming in and out throughout
8 the day. Who has seen this Appendix? It was
9 not provided to ANC 3F.

10 MR. VanPELT: The Appendix was
11 submitted, as we typically do, we'll submit
12 that to DDoT. I mean, it's really a matter of
13 it is background materials and it's kind of a
14 summary of all the information that's included
15 in our report, and therefore just in the
16 interest of generating additional paper that
17 we don't need to generate, we usually don't
18 give that unless it's requested.

19 MR. ABUD: It's also posted on AU's
20 Campus Plan website.

21 ANC COMMISSIONER WISS: I looked
22 for it. I couldn't find it. Okay.

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1 Now you did a survey of the
2 students. When was that?

3 MR. VanPELT: That was done in
4 April of 2010.

5 ANC COMMISSIONER WISS: And how do
6 you know that that mode split is still what's
7 occurring?

8 MR. VanPELT: We don't think that
9 there's any reason to believe that the
10 patterns would have changed significantly. I
11 mean, certainly anytime you take a survey
12 there could be some fluctuations slightly one
13 way or another. But unless there's any reason
14 for those patterns to change, then there's no
15 reason to expect that the travel demand has
16 changed significantly. And it's only been one
17 year.

18 ANC COMMISSIONER WISS: And so how
19 many people responded to that survey?

20 MR. VanPELT: There were a total of
21 651 respondents, so about a third of the
22 population.

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1 ANC COMMISSIONER WISS: And do you
2 feel that that is enough to --

3 MR. VanPELT: Obviously, the more
4 responses you get, the better I guess the
5 credibility of the data. But typically when
6 the surveys -- you know, if you get on the
7 order of 15 to 20 percent, that's usually
8 considered a pretty successful response rate.

9 ANC COMMISSIONER WISS: Now do you
10 know the split between staff and the students
11 and the faculty is?

12 MR. VanPELT: I mean, I think
13 that's what we've already -- oh, I'm sorry.
14 You're talking about on the survey.

15 ANC COMMISSIONER WISS: The survey,
16 right.

17 MR. VanPELT: Yes. There were 651
18 and out of that 651 there were 473 of those
19 were students.

20 ANC COMMISSIONER WISS: And did you
21 break it down by staff -- yes, you did break
22 it down by staff and faculty, right?

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1 MR. ABUD: No. Staff and faculty
2 was --

3 ANC COMMISSIONER WISS: Not
4 separated out from each other?

5 MR. ABUD: I don't believe so.

6 ANC COMMISSIONER WISS: And
7 adjuncts?

8 MR. ABUD: The responses were.

9 ANC COMMISSIONER WISS: Okay.

10 MR. VanPELT: They were broken out,
11 and that's given in Table 4 of our report.

12 ANC COMMISSIONER WISS: Now in the
13 proposed parking structure and surface lot
14 were the combined 450 spaces. In computing
15 the amount of parking there would be, did you
16 also include the continuing legal education
17 and events?

18 MR. VanPELT: We looked at daily
19 parking demand that exists there today, so
20 that would include all users.

21 ANC COMMISSIONER WISS: So the
22 events are going on right now as well?

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1 MR. ABUD: That's correct.

2 ANC COMMISSIONER WISS: Okay. I
3 don't understand this commitment that you've
4 made: During high volume days and hours you
5 will have only 150 non-AU people -- that you
6 will limit your CLE and events to 150 non-AU
7 people. Doesn't that mean that you'll be
8 having large numbers of people coming at the
9 same time that the law students are all there?

10 MR. ABUD: No, I don't think it
11 does. It depends on what your definition of
12 large, obviously, for our facility and for the
13 activity that normally occurs --

14 ANC COMMISSIONER WISS: Well, if
15 you've got, say --

16 MR. ABUD: -- at a law school and
17 given the location, we don't believe that 150
18 people is a large number.

19 ANC COMMISSIONER WISS: But I guess
20 what I'm trying to get at is in terms of the
21 parking and the traffic. Parking, how will
22 you be able to accommodate? Are you just

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1 expecting them all to go park at the Main
2 Campus and then take a shuttle bus?

3 MR. ABUD: It depends on the
4 individual circumstances. They may take public
5 transportation. They may drive. It's pretty
6 rare for us to have an event as big as 150 in
7 terms of outside participants. So, you know
8 the 150 is because it spans several hours
9 during the day when we have the peak of our
10 classroom enrollment.

11 CHAIRMAN HOOD: Commissioner Wiss,
12 let me just interrupt and ask how many more
13 questions do you have?

14 ANC COMMISSIONER WISS: Well, I
15 will limit what I've been given just from
16 various other people. I have some questions
17 about the Good Neighbor policy and about
18 transportation demand management.

19 CHAIRMAN HOOD: So some of the
20 people we've turned down party status handed
21 you questions to ask us?

22 ANC COMMISSIONER WISS: No, no.

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1 This is from my Commissioners.

2 CHAIRMAN HOOD: Oh, okay, good. I
3 was wondering. Okay. So probably what?
4 About 15 minutes or so?

5 ANC COMMISSIONER WISS: I'll try to
6 make it less than that, how's that?

7 CHAIRMAN HOOD: Okay. That's fine.
8 I'm not cutting you off, I just wanted to see
9 how far we're going to get. Some people may
10 be able to leave. Commissioners, I'm not
11 talking to us.

12 ANC COMMISSIONER WISS: Okay.

13 CHAIRMAN HOOD: But some people may
14 be able to leave a little early. We're going
15 to try to close up at about 10:30. And I
16 didn't know whether or not to keep --

17 ANC COMMISSIONER WISS: Okay. I'll
18 try to hurry it up.

19 CHAIRMAN HOOD: Okay.

20 ANC COMMISSIONER WISS: Okay. Now
21 the Good Neighbor policy, can you provide us a
22 copy of that, please?

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1 MR. ABUD: Sure. It's on our
2 website, but we can send you a printed copy.

3 ANC COMMISSIONER WISS: Okay.
4 Thank you.

5 And will you commit to monitor
6 parking in ANC 3F? I say that because the
7 diagram that you showed us conveniently
8 outlines the new boundaries of ANC 3E in
9 redistricting, but excludes all blocks in ANC
10 3F.

11 MR. ABUD: Yes. We adjust our off-
12 campus enforcement program to where we see
13 people going or where neighbors and residents
14 ask us to enforce.

15 ANC COMMISSIONER WISS: And how
16 will people be able to do that, to make that
17 request? What kind of system would be in
18 place, so that people will know?

19 MR. ABUD: They can call our
20 Parking Enforcement -- our Parking Office.

21 ANC COMMISSIONER WISS: Okay.

22 Will you update your transportation

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1 impact study to acknowledge that Zipcar has
2 lost most of its on-street vehicle locations
3 due to the Tenley Campus? And are you
4 committing to having two Zipcars on the Tenley
5 Campus?

6 MR. ABUD: Yes. We currently have
7 two on the Tenley Campus and we're committing
8 to have those two as a minimum.

9 ANC COMMISSIONER WISS: Okay. Will
10 you provide actual incentives to carpooling
11 and state what those incentives are?

12 MR. ABUD: The condition I had
13 mentioned earlier that's in our 14 conditions
14 does require us to do a study of potential
15 incentives for public transportation prior to
16 the opening of the law school, and so we will
17 do that and share those results with community
18 and discuss what incentives are appropriate.

19 ANC COMMISSIONER WISS: But
20 carpooling?

21 MR. ABUD: Carpooling discounts,
22 preferential treatment are typical incentives.

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1 We currently do have incentives in place.
2 This would be looking beyond what we already
3 have.

4 ANC COMMISSIONER WISS: What are
5 your incentives that you have right now?

6 MR. ABUD: We have discounted
7 parking for carpoolers. We have a bike to
8 work benefit program where we pay employees
9 who choose to bike to work essentially a sum
10 of money that's meant to help them maintain
11 their bicycles. We have --

12 ANC COMMISSIONER WISS: And how
13 much do you give them to bike to work?

14 MR. ABUD: I think it's something
15 on the order of \$20 or \$25 a month.

16 ANC COMMISSIONER WISS: Would you
17 consider raising that?

18 MR. ABUD: I believe the incentive
19 is geared toward the tax provision that limits
20 the amount of money that can be done without
21 counting it as compensation.

22 ANC COMMISSIONER WISS: Okay. I

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1 don't know if this is redundant or not. What
2 is the Smartbenefits program mentioned in
3 section 2.4? What benefits are offered to
4 whom and for how much? Is that redundant or
5 not?

6 MR. ABUD: Yes, it's pretty much
7 the benefits that we've been talking about.

8 COMMISSIONER COHEN: Excuse me.
9 Don't you also have Metro benefits for your
10 employees?

11 MR. ABUD: Yes. Employees can
12 purchase all sort of public transportation
13 fare pretax.

14 ANC COMMISSIONER WISS: It might be
15 helpful to know what those are. Do your
16 people have to pay for their benefits,
17 Smartbenefits?

18 MR. ABUD: They do have to pay for
19 their public transportation fare, but they can
20 do that through payroll deduction and pretax.

21 ANC COMMISSIONER WISS: This is my
22 last series of questions.

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1 You say "AU will become a corporate
2 member of Capital Bikeshare to provide
3 memberships to employees at discounted rates."

4 What level of corporate membership will AU
5 have?

6 MR. ABUD: I don't know.

7 ANC COMMISSIONER WISS: Okay. Do
8 you know what the discounted rate would be?

9 MR. ABUD: No.

10 ANC COMMISSIONER WISS: Okay.
11 Would students receive any discount for
12 membership?

13 MR. ABUD: I don't know.

14 ANC COMMISSIONER WISS: Okay. Now
15 your annual monitoring reports, will they be
16 submitted to ANC 3F?

17 MR. ABUD: Yes.

18 ANC COMMISSIONER WISS: Okay.

19 Thank you. That's all. Thank you.

20 CHAIRMAN HOOD: Thank you very
21 much.

22 COMMISSIONER TURNBULL: Mr.

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1 Chairman, could I just maybe get closure on
2 one of the questions that Commissioner Wiss
3 brought up? It was regarding the penthouses
4 and the sound levels. Normally we talk about
5 decibels when we do that, and maybe you don't
6 have the answer, we have to go back. But the
7 typical decibel rating that you get off a
8 penthouse, what are you going to get when you
9 get Gold? And what are you shooting for for
10 this residential area from a decibel rating so
11 that they have sort of a number, a basis that
12 they can look at and look at that.

13 MR. KING: We actually don't have
14 that now, but we can certainly generate our
15 target --

16 COMMISSIONER TURNBULL: Yes.

17 MR. KING: -- and compare that with
18 some kind of a background or baseline.

19 COMMISSIONER TURNBULL: Yes. I
20 think that would be good for them. I think
21 seeing some hard numbers might be able to
22 relate better to what a standard penthouse

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1 would do, what Gold does, how much better that
2 is and what efforts you think you can do for
3 in this residential area.

4 MR. KING: Right.

5 COMMISSIONER TURNBULL: Thank you.

6 MR. KING: We'll do it.

7 COMMISSIONER TURNBULL: Great.

8 CHAIRMAN HOOD: Okay. Thank you
9 very much.

10 Mr. Wheeler, John Wheeler with Ward
11 3 Vision, do you have any cross-examination?

12 MR. WHEELER: No.

13 CHAIRMAN HOOD: Okay. He has no
14 cross-examination.

15 Allison Fultz, Tenley Campus
16 Neighborhood Association? Is she still here?

17 Okay. So Mr. Ferenbach, are you
18 going to be doing cross? Okay. You're not
19 doing any cross? Okay.

20 So that's it? Ms. Chesser, you
21 know I'm just messing with you. I see you.
22 You're almost out of your seat now. Tenley

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1 Neighborhood Association, Ms. Chesser.

2 About how many questions do you --
3 oh, okay. Go right ahead.

4 COMMISSIONER TURNBULL: Ms.
5 Chesser, I just had one question before you
6 start your questioning. I'm just a little
7 confused between Tenley Neighbors, Tenley
8 Campus and 3F. I just want to -- the
9 neighbors on Nebraska Avenue, are they
10 represented by either of your groups, do you
11 know?

12 MS. CHESSER: Am I on now?

13 COMMISSIONER TURNBULL: Yes, you're
14 on.

15 MS. CHESSER: Tenley Neighbors
16 Association has existed for many years and
17 addresses many different issues.

18 COMMISSIONER TURNBULL: Yes.

19 MS. CHESSER: And we have members
20 on the Nebraska Avenue block opposite the
21 campus. But we do a lot of different issues,
22 besides just this particular project. The

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1 Tenley Campus Neighbors Association was formed
2 primarily --

3 COMMISSIONER TURNBULL: For the
4 neighbors around there?

5 MS. CHESSER: -- for the neighbors
6 directly around there, and they really exist--
7 and they can correct me, their sole purpose
8 for existence is that Tenley AU Campus that is
9 in the middle of their neighborhood.

10 COMMISSIONER TURNBULL: Okay. I
11 just wanted to make sure that everybody's
12 represented.

13 MS. CHESSER: Okay.

14 COMMISSIONER TURNBULL: Thank you.

15 MS. CHESSER: Okay. One question
16 is, perhaps just I'm missing a document or
17 something, Cathy references that there's a new
18 boundary for where the Good Neighbor policy
19 was going to be enforced, and I don't seem to
20 be able to find it. And maybe somebody can
21 just give it to me? Are we misreading a map
22 or something here?

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1 MR. ABUD: Right. That's not meant
2 to be the boundary.

3 MS. CHESSER: Okay. Okay. That's
4 what I was trying to figure out. Okay.

5 Quickly, I'm still trying to get
6 the schedule of the classes and how many
7 people are in each class, both the
8 matriculated students, the continuing legal
9 education classes and the list of events.
10 People have said there's a list of events,
11 which I also don't seem to have. Because as I
12 understood the numbers of matriculated
13 students now is about 1860, the faculty -- I'm
14 reading this and they are your documents. The
15 faculty is about -- I can't tell whether the
16 188 part time include the 130 adjuncts or
17 whether they're in addition. And then you
18 have 223 full time faculty. So I can't figure
19 out whether there's 411 faulty or 551, neither
20 of which sort of adds up to 500, but I'm
21 working with it.

22 MR. ABUD: Currently there are 1771

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1 students, that's a total head count. The
2 document that you have that showed 1430 full
3 time and 435 part time --

4 MS. CHESSER: Night. Night.

5 MR. ABUD: -- night students, the
6 1430 was in error. The middle two numbers
7 were revised; it's 1340.

8 MS. CHESSER: I see.

9 MR. ABUD: So if you add that up it
10 totals the 1770 that we've talked about for
11 quite a while.

12 Currently we have approximately 400
13 faculty and staff. Again, total head count.

14 But the list of events is in our
15 application submission as Exhibit B.

16 MS. CHESSER: Okay. And that gives
17 all -- because on your website you list a lot
18 of them also. And a lot of them are --

19 MR. TUMMONDS: I'm sorry. Exhibit
20 B is the comprehensive listing of all of the
21 special events.

22 MS. CHESSER: Okay. They have to

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1 be looked up, but I won't do that right this
2 might. A lot of the events on your website
3 are in the evening, not during the day. And
4 so I was sort of trying to figure out how they
5 relate to your chart where you have less than
6 cars coming in the evening. The zero to ten
7 seems to be the people arriving in the purple,
8 and yet a lot of your events are during that
9 period of time.

10 MR. ABUD: Again, approximately 70
11 percent of the people who attend events are
12 people from the law school who are already
13 there so that they wouldn't be coming.

14 MS. CHESSER: Okay. So then at the
15 ANC meeting you gave me a figure of 1,584 for
16 continuing legal education participants.
17 1584?

18 MR. ABUD: Over an entire academic
19 year, yes.

20 MS. CHESSER: So, I mean I'm just
21 trying to add up all these numbers. So it's
22 1770 students, 411 faculty right now, 1584

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1 continuing legal education and for the special
2 events you put up another 2800. Does that
3 include the CLE people?

4 MR. ABUD: There were 2900 internal
5 attendees to events. That's for --

6 MR. TUMMONDS: CLE.

7 MR. ABUD: -- the CLE.

8 MR. TUMMONDS: And again, this is
9 page 5 of Exhibit B to the applicant's
10 original statement.

11 MS. CHESSER: Okay. So if I add up
12 1771, 411 for the faculty and then 1584 is the
13 continuing legal education, so they're not
14 matriculated students, they wouldn't be part
15 of the 1771?

16 MR. ABUD: That's correct.

17 MS. CHESSER: And then you'd have
18 how many other people do you have at the
19 events that are not internal?

20 MR. ABUD: The event is meant for
21 exclusively external.

22 MS. CHESSER: Well, that's the CLE.

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1 But you said there were other -- a lot of --
2 110 events that are not CLE events?

3 MR. ABUD: There's 647 people attending
4 those events, again --

5 MR. TUMMONDS: That's page 3 of
6 Exhibit B.

7 MR. ABUD: -- throughout the year.

8 MS. CHESSER: Okay. So we can add
9 1771, 411, 637 and 1584 for, more or less, the
10 number of human beings who come to your campus
11 each year? That doesn't include the increases
12 that you're projecting?

13 MR. ABUD: I don't think you can
14 add those numbers together and make it mean
15 anything.

16 The 1771 and the 441 faculty and
17 staff are people who regularly attend.

18 MS. CHESSER: Daily?

19 MR. ABUD: Not necessarily daily,
20 but who regularly attend, come to the campus.

21 The other numbers having to do with events
22 are people who. more often than not, are

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1 coming one hour, one day, perhaps to three
2 days in a row within a given year. So this
3 also could be the same person coming back five
4 times. So I don't think you can add those
5 numbers together.

6 MS. CHESSER: Okay. I guess I'm
7 sort of trying to get a handle on how many
8 comings and goings there are, and it's very
9 difficult to try to assess that, as you can
10 imagine.

11 The 1584 continuing education
12 people, they're there repeatedly, one time
13 shots, some of them five times, some of them
14 once? I mean, I'm just trying to get a handle
15 on it.

16 MR. ABUD: Most of them are one
17 time shot for a couple of hours or half a day.

18 MS. CHESSER: Okay. And vaguely
19 for a large portion of these people, currently
20 58 percent of them come via car, and we're
21 hoping that number is going to decrease, but
22 58.3 is your numbers?

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1 MR. ABUD: Of event attendees?

2 MS. CHESSER: Students and faculty.

3 Events I'm assuming is -- per chance it's
4 higher? I mean you don't have any survey on
5 your event people, so you have nothing to base
6 it on.

7 You say you disagree with me DDoT's
8 desire to not have you rent your parking
9 spaces out to people who don't attend events
10 on your campus? Who would you be renting your
11 spaces to?

12 MR. ABUD: One of the things that
13 we've been asked to consider by the community
14 is making available to teachers at Janney
15 School or other like organizations. And we'd
16 like to be open to considering that if we have
17 empty space. That's not likely to happen in
18 the first few years of operation. But in the
19 future, it's hard to tell.

20 MS. CHESSER: And we had an
21 experience with somebody else who had rented
22 all of their spaces out and so all of the

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1 participants were parking in the street. So,
2 it just raises concerns.

3 How much do you charge currently
4 for the parking for the faculty and the
5 students?

6 MR. ABUD: \$123 a month.

7 MS. CHESSER: For both?

8 MR. ABUD: Yes, they pay the same.

9 MS. CHESSER: Okay. And the people
10 who go to the events or the CLE, how would
11 they get access to the parking spaces you have
12 when you have to buy a permit to let you use
13 those?

14 MR. ABUD: At many of our parking
15 venues we also allow people to pay in cash as
16 you go, credit cards. So presumably we'd have
17 an option --

18 MS. CHESSER: They can just have a
19 one time shot?

20 MR. ABUD: Right.

21 MS. CHESSER: Okay. And that would
22 help, make it obvious to them that they could

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1 do that kind of thing?

2 MR. ABUD: Yes, we would. Yes. If
3 we're inviting them to part, we would make
4 that information available to them.

5 MS. CHESSER: You have, or actually
6 it's your transportation study, you are
7 suggesting -- it's page 88 Figure 50 in there,
8 the October 21 study. I don't know if you've
9 got this same thing here currently. All
10 right.

11 You recommend many more
12 restrictive parking policies for a lot of
13 these blocks, which is sort of interesting
14 although a lot of the blocks that have like 80
15 and 90 percent occupancy sort of don't seem to
16 be getting any help. And it seems like for
17 some of these they were going to make them
18 more restrictive, there was actually no houses
19 on those blocks, so it would be pushing people
20 into the blocks where there are housing. And
21 I'm not going to go through it block-by-block
22 tonight. You can go through it. But I'm just

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1 thinking someone should maybe sit with the
2 neighbors and discuss a little bit about the
3 more consequence of impacts of some of these
4 proposals.

5 MS. CHESSER: Yes. And Condition 5
6 essentially addresses that we would support
7 community designation of different RPP
8 changes--

9 MS. CHESSER: Like to do away with
10 the two hour flip over possibility --

11 MR. ABUD: Right. So we'd be
12 looking for guidance from the community about
13 that. We don't seek to impose that externally
14 ourselves.

15 MS. CHESSER: Okay. The other
16 thing is that there's a lot of attention given
17 to the west side of Wisconsin and it tends to
18 be as we go along here, a little less given to
19 the east side of Wisconsin. We are, at least
20 at this time in a different ANC, for example,
21 and so as we do this we really need to address
22 both sides of it because I know that my block

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1 there's like no parking spaces between me and
2 the campus, and I'm definitely a ten minutes
3 walk. So even though I'm, on the other side
4 of the circle if I'm going to park in the
5 neighborhood and I were a law school student,
6 I might easily park on that side. And you can
7 see from your traffic patterns you have people
8 coming from that side, like 20 percent of them
9 or something, or 22 percent. So that's just
10 something to keep in mind.

11 And I think that that is all of my
12 questions.

13 CHAIRMAN HOOD: Okay. Thank you
14 very much.

15 Let's go to the Office of Planning
16 and DDoT.

17 MS. CHESSER: Thank you.

18 CHAIRMAN HOOD: Okay. Thank you.

19 Ms. Jackson?

20 MS. JACKSON: Sure. Good evening,
21 Chair, Members of the Commission. For the
22 record, my name is Arlova Jackson with the

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1 Office of Planning.

2 The Office of Planning supports
3 American University's request to bring the
4 Washington College of Law onto the Tenley
5 Campus and finds that the project meets the
6 general conditions for approval of special
7 exception requests both applicable to Campus
8 Plan Further Processing requests in Section
9 201 of the Zoning Regulations as well as the
10 tests for variance relief.

11 The proposed law school facility
12 would be located in a new complex comprised of
13 the existing Chapel, Capital Hall and Dunblane
14 Hall as well as two new structures located
15 along Yuma Street and Nebraska Avenue.

16 The mass of the buildings would be
17 oriented toward the north and east sides of
18 the campus closest to the Wisconsin Avenue
19 commercial corridor and public transit
20 networks. Larger classroom spaces are located
21 primarily in the lower levels of the building
22 and open gathering spaces are located in the

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1 center of the site, shielded from adjacent
2 residential buildings by the proposed three to
3 four story buildings.

4 The buildings would also be located
5 at least 112 feet from the apron residences
6 and existing and new landscaping features
7 would partially shield use of the buildings
8 from adjacent uses and the street.

9 AU has agreed to capped the number
10 of students, faculty and staff on the campus
11 and better manage special events and
12 activities to mitigate its potential impact on
13 the neighborhood.

14 Access to the site will be
15 accommodated via curb cuts on Yuma to
16 accommodate loading and surface parking and
17 Nebraska to access the below grade parking lot
18 and drop off area.

19 The project would create new
20 opportunities for indoor and outdoor bicycle
21 parking, internal bicycle storage and shower
22 facilities, and a new Capital Bikeshare

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1 station.

2 Finally, the campus is located a
3 short distance from the Tenleytown metrorail
4 station, several Metro bus routes and the AU
5 shuttle bus. As a result, the proposed Tenley
6 Campus development should not be objectionable
7 to neighboring properties with regard to
8 noise, traffic, number of students or other
9 conditions.

10 With regard to the variance tests,
11 the proposed project requires relief from
12 '400.9 which limits building height relative
13 to the setback provided from lot lines. In
14 this case, the east facing portion of the
15 Nebraska Avenue building which is proposed to
16 be 63 feet in height does not meet the setback
17 requirement.

18 The exceptional characteristics of
19 the site including its shape, topography and
20 existing historic structures and academic
21 courtyard make it difficult for AU to
22 accommodate a new law school facility on the

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1 campus and provide the requested setback in
2 this portion of the lot. A Zoning compliance
3 solution would either result in an awkward
4 floor plan for the upper level of the building
5 or a reduction in the width of the interior
6 courtyard which currently provides an opened
7 uninterrupted access between the existing
8 historic structures.

9 The proposed 12.2 four foot setback
10 from the east lot line plus the 100 foot wide
11 right-of-way creates a significance distance
12 between the proposed building and the nearest
13 residences across Nebraska Avenue to the east.

14 Shadow studies conducted by the
15 Applicant indicate the proposal should not
16 negatively impact the provision of light and
17 air to neighboring properties, and landscaping
18 features would help shield the building from
19 view.

20 Therefore, granting the requests
21 for relief for the building along Nebraska
22 Avenue should not have a negative impact on

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1 the public good or Zone Plan.

2 To sum. OP recommends approval of
3 the Further Processing request subject to
4 approval of the AU Campus Plan. And we'd be
5 happy to take any questions you have at this
6 time.

7 CHAIRMAN HOOD: Okay.
8 Commissioners, I would recommend, let's see if
9 there's any objection, that we go straight to
10 DDoT and we ask our questions of both. Think
11 we can do that? Okay.

12 MR. HENSON: Good evening. My name
13 is Jamie Henson. I'm a Planner with DDoT.
14 And I'll be delivering our testimony this
15 evening.

16 DDoT would like to note that
17 according to our Zoning laws that DDoT does
18 not find the proposed development will
19 adversely effect neighboring properties.

20 DDoT would also like to acknowledge
21 the extensive effort put forward by the
22 Applicant in the case. Applicant worked

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1 closely with DDoT coordinating the scope of
2 work and produced a quality report documenting
3 changes to the transportation system that can
4 be expected from a reconstructed and
5 repurposed Tenley Campus. DDoT offers the
6 following overview of the Applicant's
7 evaluation.

8 Prior to getting to that, let me
9 give a slight disclaimer. DDoT understands
10 that the Applicant has entered into agreement
11 with various community stakeholders regarding
12 future campus growth and a benefits package.
13 While DDoT has seen this document, DDoT has
14 not been able to fully evaluate the document
15 to understand the potential implications on
16 changes being proposed. As such, the written
17 report submitted Thursday, November 17th, the
18 testimony that we're about to provide and any
19 questions that we're about to answer does not
20 take into account disagreement.

21 DDoT will review the document and
22 hopes to provide, if necessary, a

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1 supplementary report hopefully prior to the
2 next hearing which is scheduled for December
3 1st.

4 After an extensive multi-
5 administration review, DDoT's confident that
6 the reconstruction of the Tenley Campus to
7 house the Washington College of Law will
8 moduli impact the immediate roadway network.
9 The proposed project will generate a moderate
10 number of vehicular, transit, pedestrian and
11 bicycle trips. As a result of the additional
12 vehicle trips, there will be a slight increase
13 in vehicle delay and cut through trips in the
14 adjacent neighborhood.

15 DDoT does acknowledge that not all
16 affected intersections have been evaluated and
17 there will be intersections outside the study
18 area which will realize new trips. However,
19 DDoT expects minimal to no increase in delay
20 outside the study area as a result of the
21 project.

22 DDoT's testimony will be divided up

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1 into a few areas:

2 First we'll comment on the
3 assumptions used for the evaluation;

4 Second, we'll look at the site and
5 the immediate vicinity;

6 Third, we'll look at the off-site
7 concerns;

8 Fourth, we'll look at the TDM
9 measures, and;

10 Fifth we'll talk about a monitoring
11 program that we propose.

12 First assumptions. As part of the
13 transportation impact assessment, DDoT
14 requires the Applicant to evaluate impacts to
15 the pedestrian transit and roadway system,
16 similarly the basic elements and assumptions
17 of the Applicant's assessment follow:

18 Total number of projected trips in
19 both the AM and PM peak periods is just above
20 300 total trips, of which between 150 and 200
21 are expected to be made by auto drivers. DDoT
22 agrees with this and would like to note that

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1 it's based on a very robust study of 650 odd
2 respondents. And the robustness of the study
3 is worthy of special note. We don't usually
4 get this level of data reported to us, and so
5 it is different and it is worth noting that
6 these projections are based on a high level of
7 data specific to these groups of people that
8 will be using it.

9 The Applicant in conjunction with
10 DDoT in considering input from the community
11 as well as the Zoning Commission identified
12 approximately 20 intersections where a
13 detailed level of service analysis would be
14 performed. We thought that was appropriate.

15 Background was from a regional
16 traffic demand model and combined that with
17 information from the Giant PUD in the
18 immediate vicinity as well as the Main Campus
19 Plan were used to develop background growth
20 rates, which is appropriate.

21 The Applicant utilized a realistic
22 assignment in distribution of trips in the

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1 area to evaluate impacts. They did not focus
2 their trips just on the arterial network, but
3 showed what is likely to happen, which is
4 trips distributing through the network and
5 some being cut through trips.

6 So, some of the basic assumptions
7 that DDoT found in addition to what the
8 Applicant submitted was that a difference in
9 travel time for the commute to the Tenley
10 Campus as compared to the existing Washington
11 Law Campus is on the order of ten to 20
12 minutes less, and we'll talk about that more
13 later. By reducing that transit travel time
14 and a variety of TDM measures to be discussed
15 later that the Applicant's already committed
16 to, DDoT expects that the metrorail share to
17 fall in the range of 30 to 40 percent of total
18 trips as opposed to on the order of 15 percent
19 now. And auto-oriented modes to fall in the
20 range of 30 to 40 percent as well from
21 somewhere on the order of 60 percent now.

22 This potential shift in travel mode

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1 is supported by zip code residency and work
2 location data provided by the Applicant. It is
3 also further supported by a WMATA study that
4 looked at just such issues to determine trip
5 generation in station areas.

6 That covers the assumptions.

7 Let me go and talk through the site
8 evaluation. This includes the access as well
9 as the parking.

10 After reviewing the site plan
11 analysis related to the program proposed for
12 the Tenley Campus, DDoT has the following
13 comments:

14 Applicant is requesting loading
15 access for the site along Yuma Street. DDoT
16 considers this an appropriate location as long
17 as loading or heavy vehicles access the site
18 to and from Tenley Circle.

19 Applicant has requested curb cuts
20 in a manner not exactly consistent with DDoT
21 practice. So while DDoT is in agreement with
22 the access points, are indeed in the

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1 appropriate location, the proposed curb cuts
2 should be modified such that they are each of
3 them whether the one on Nebraska, the one on
4 Yuma are indeed orthogonal to the street
5 through the public space and there should not
6 be what amounts to a circular driveway.

7 DDoT agrees with the Applicant that
8 pedestrian facilities should be constructed
9 along the south of the site. As the project
10 moves into the design phase, DDoT expects AU
11 to propose these pedestrian facilities in the
12 parking lane on the north side of Warren
13 Street.

14 To assist bike and ped travel
15 demand between the Main Campus and the Tenley
16 Campus, DDoT requires that AU widen the
17 sidewalk on the northwest side of Nebraska
18 Avenue connecting the two campus.

19 Ten bike parking spots or spaces at
20 each of the two entrances seems less than what
21 is needed. DDoT suggests at least 20.

22 And supports the shower facilities

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1 that will be provided.

2 For the future Tenley Campus, the
3 Applicant is assuming that the parking demand
4 will increase by approximately 10 to 12
5 percent according to the data they collected,
6 just less than the proportion of growth in the
7 students, faculty and staff, which is
8 somewhere on the order of 15 to 20 percent.

9 DDoT believes that the parking
10 demand for the Tenley Campus will be
11 significantly lower than the 450 proposed
12 spaces. A more probable estimate based on the
13 WMATA study that I noted earlier, as well as
14 other data, suggests a more appropriate level
15 of spaces would be on the order of 250. DDoT
16 believes that reducing the on-site parking and
17 combine that with managing curb parking will
18 indeed minimize the vehicle trip generation
19 associated with the site and the potential
20 impacts to the area not only in this ten year
21 Campus Plan, but all subsequent ten year
22 Campus Plans.

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1 If the parking supply is approved
2 at the requested number of 450 spaces, there
3 is indeed a greater potential for vehicle
4 trips to be generated in the future.

5 I'll now move to an off-site
6 evaluation of what DDoT found. But first I'd
7 like to note a typographical error that we
8 made in our report. If you'll notice on page
9 9 it's in the section labeled "Conversion of
10 Parking Spaces to Turn Pockets on Warren
11 Street." And I believe it's the third
12 sentence. We incorrectly noted Nebraska
13 Avenue and said Wisconsin Avenue.

14 The third sentence starts:
15 "However, DDoT does not agree that spaces
16 should be removed on the west bound entry of
17 Warren Street to Nebraska." That was actually
18 a repeat of what we said in an earlier
19 sentence. That should read "Wisconsin." The
20 reason -- no, I'm sorry. Nebraska to
21 Wisconsin. So the intersection that we had
22 noted in the report was "Warren at Nebraska,"

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1 it should be "Warren at Wisconsin." We
2 apologize for that mistake.

3 According to the Applicant's
4 analysis no project trips will enter that leg
5 of the intersection and thus, no mitigation
6 will be allowed at that location.

7 I'll follow up with our concerns
8 that we noted in the report. Despite a likely
9 over projection of vehicular traffic to the
10 site, the analysis does not suggest major
11 objectionable conditions will result from
12 completion of the campus as proposed. If, as
13 DDoT expects, vehicle trips to and from the
14 site are lower than projected, then the
15 increase in delay would be less than what is
16 suggested in the analysis provided by the
17 Applicant.

18 The Applicant requests a northbound
19 left turn pocket be constructed on Nebraska
20 Avenue to the main vehicular entrance. DDoT
21 rejects this mitigation, understanding that
22 this mitigation would be constructed actually

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1 on DDoT property within the public space.
2 However, we do understand that there is a need
3 to satisfy that left turn demand. To address
4 this, DDoT suggests that AU work with DDoT and
5 area residents to remove the parking along
6 both sides of Nebraska in this block to
7 provide more vehicle capacity so that turns
8 into the site can be completed with minimal
9 delay to the vehicles in the corridor.

10 DDoT agrees that removing two
11 parking spaces on the westbound entry from
12 Warren to Nebraska is acceptable. And as I
13 mentioned earlier, DDoT does not agree that
14 spaces should be removed on the westbound
15 entry of Warren to Wisconsin.

16 The Applicant requests signal
17 timing modifications at the intersection of
18 Albermarle and Nebraska. DDoT will monitor
19 the corridor and when the time is appropriate,
20 DDoT will adjust the signal timing of this
21 intersection in conjunction with other signal
22 modifications in the area.

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1 Applicant has suggested an always
2 stop be implemented at the intersection of
3 Albermarle and 40th and Fort Drive. DDoT
4 believed this is an improvement and will be
5 appropriate.

6 The Applicant projects that the
7 most highly traffic cut through locations
8 along the intersections on 42nd Street and the
9 most highly traveled are in the peak hour.
10 There would be an additional 25 vehicle trips.

11 DDoT believes that this is most likely to be
12 the case, although it is virtually impossible
13 to determine that for sure. Neighborhood cut
14 through traffic would likely be most intense
15 along Warren and 42nd connecting Tenley users
16 to the River Road and Wisconsin Avenue
17 corridors.

18 As proposed in the Rock Creek West
19 II Livability Study, DDoT requires the
20 Applicant construct traffic circles at the
21 diagonal entry points of Warren Street on
22 42nd.

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1 DDoT also requires the Applicant to
2 implement the signage and striping portion of
3 the Janney School for school recommendations
4 noted for 42nd Street.

5 And the Applicant through DDoT in
6 conjunction with area stakeholders must
7 conduct an analysis of impacts to residential
8 parking and the necessary proposal scheme to
9 manage curbsides in light of future
10 conditions. DDoT envisions this process to
11 address locations where RPP Protection for
12 neighborhood parking is necessary and
13 necessary to be changed.

14 I won't dwell on the TDM measures
15 that the Applicant has proposed. They're
16 relatively significant. DDoT suggested minor
17 modifications. I do want to skip to the
18 monitoring section because this is relatively
19 unique.

20 DDoT requested vehicle activity
21 monitoring program as part of the approval of
22 the Further Processing application. We request

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1 monitoring at three areas:

2 Vehicles trips into the Nebraska
3 Avenue entrance;

4 The amount of neighborhood parking,
5 and then;

6 The amount of cut through traffic.

7 Reports shall be submitted to DDoT
8 Policy Planning and Sustainability
9 Administration in addition to our Operations
10 Administration along with the affected ANCs
11 and as well as the Office of Planning.

12 If in the annual monitoring report
13 the average neighborhood parking demand at
14 anytime determined to result from the Tenley
15 Campus exceeds 75 vehicles, extensive TDM
16 measures will be required. If the data found
17 more than 50 Tenley-related cut through trips
18 along Warren or 42nd in the peak hours,
19 extensive TDM measures will be required,
20 additional TDM measures.

21 DDoT will require peak period turn
22 movement counts and level of service analysis

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1 for the intersection, the main Tenley driveway
2 on Nebraska. If the annual monitoring report
3 finds northbound left turns into the site
4 exceed 100 per hour or southbound right turns
5 into the site exceed 159 per hour, then DDoT
6 AU to employ significant TDM measures in the
7 first year following the finding. If in the
8 following year vehicle trips still exceed the
9 threshold, then AU will be required to
10 construct appropriate turn pockets as
11 necessary to maintain their public space
12 permit for the driveway.

13 And with that, I will conclude our
14 testimony and welcome any questions.

15 CHAIRMAN HOOD: Okay. Thank you,
16 Mr. Henson.

17 I just have one quick suggestion
18 and then I'll open it up to my colleagues.

19 We think we can take your report up
20 at another point. Most of us up here are over
21 40 and I was told by my eye doctor when I get
22 over 40, small things are going to be hard for

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1 me to see. And at this point I'm over 40, so
2 if you could help us. If you can kind of
3 gauge it towards the Office of Planning's
4 report, that point size would help us out a
5 little bit.

6 I'm sure Peter and Commissioner
7 Turnbull and Commissioner Cohen don't have
8 that problem, but I seem to be having that
9 problem.

10 Okay. Any questions,
11 Commissioners?

12 COMMISSIONER COHEN: Commissioner
13 Hood, we really go the report today, plus the
14 Applicant's response tonight. And I would
15 like some time to review this and digest it
16 and have more opportunities to ask more
17 detailed questions. Even though I heard the
18 report, I really need to reflect on it.

19 The only question that I have for
20 tonight, actually for DDoT, well two
21 questions. Have you taken into account other
22 reports that have been made about what is

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1 going on in this particular neighborhood, such
2 as the Homeland Security report, the Rock
3 Creek report which I guess is the Homeland
4 Security report or is this just a focus on the
5 Tenley Campus? I just want to know if you've
6 taken into a much more macro evaluation?

7 MR. HENSON: Every time we do these
8 we make sure that it takes into account other
9 potential growth in the area.

10 COMMISSIONER COHEN: Okay. There
11 are some recommendations that you're making,
12 and whose responsibility is it to fund these
13 recommendations? Is it DDoT's, or the
14 Applicant, or is mixed? Because I don't think
15 your report really goes into that.

16 MR. HENSON: Unless specifically
17 noted, we're asking the Applicant to pay.

18 CHAIRMAN HOOD: Commissioner Cohen,
19 I think you're actually right. And we needed
20 to do this actually before we even heard the
21 report. The report was submitted five days, I
22 believe late. Thursday. This report is late.

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1 Commissioners, hopefully, we don't have any
2 objections.

3 Can we waive our rules to accept
4 the DDoT report?

5 COMMISSIONER COHEN: I would like
6 to, actually, have DDoT come back next week so
7 we can maybe ask them the questions that we're
8 unable to ask this week.

9 CHAIRMAN HOOD: Okay. Well, let's
10 do this first. Let's -- we can discuss that
11 right after this.

12 Can we waive the rule to accept the
13 DDoT report? General consensus.

14 COMMISSIONER TURNBULL: Yes.

15 CHAIRMAN HOOD: Okay. Good.

16 Now let's go back to Commissioner
17 Cohen. And she wants to be able to digest
18 DDoT report, all of us do. She would like for
19 DDoT to come back next week -- do we have a
20 hearing next week?

21 MS. SCHELLIN: No, December 1st.

22 CHAIRMAN HOOD: December 1st.

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1 But let's ask DDoT if you all can
2 come back and maybe what we'll do is we'll
3 start at that point. Some cross of DDoT
4 tonight. And then Commissioner Cohen, let's
5 see, she still wants DDoT to come back next
6 week because she may have some questions up
7 front before we get started for you. Mr.
8 Henson, is that okay?

9 MR. HENSON: We were planning on
10 it.

11 CHAIRMAN HOOD: Oh, you were
12 planning to come? Okay. So we can do that.
13 All right. All right.

14 COMMISSIONER COHEN: Thank you.

15 CHAIRMAN HOOD: Any other questions
16 of Office of Planning or DDoT?

17 COMMISSIONER TURNBULL: Yes. Mr.
18 Chairman, I just have one and again, I think I
19 would like to go over this also. The
20 Applicant's proposal on Nebraska Avenue,
21 you're not in favor of them, but you're
22 talking about maybe removing parking from both

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1 sides of the street and not having them veer
2 into their side of the street with the turn
3 lane?

4 MR. HENSON: That is correct. But
5 I'll note that the space that they're talking
6 about using is actually DDoT or District of
7 Columbia right-of-way, so they're not veering
8 into their side of the street.

9 COMMISSIONER TURNBULL: Right.

10 MR. HENSON: But we're asking them
11 to remove parking.

12 COMMISSIONER TURNBULL: That's a
13 good point. That's a good point.

14 So would you remove parking just on
15 that side of the street --

16 MR. HENSON: At this point --

17 COMMISSIONER TURNBULL: -- or both?

18 MR. HENSON: At this point we're
19 asking for both.

20 COMMISSIONER TURNBULL: Okay.

21 MR. HENSON: And I'd also note that
22 if I'm remembering correctly, there is very

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1 little or virtually no parking on the campus
2 side as exists, so --

3 COMMISSIONER TURNBULL: And on the
4 other side, is it residential parking for the
5 residents?

6 MR. HENSON: There's a few spaces.
7 I can't remember the number off the top of my
8 head. If I'm remembering correctly, it's on
9 the order of four or five spaces.

10 COMMISSIONER TURNBULL: Okay.
11 Okay. Thank you.

12 CHAIRMAN HOOD: Commissioner May?

13 COMMISSIONER MAY: Yes. I will
14 follow up on that line for a second.

15 You're proposing that there be a
16 shift of the travel lane into what is now the
17 parking lane so that the turn lane in the
18 middle could be accounted?

19 MR. HENSON: No. We're proposing
20 that it be like most every other District
21 facility with two lanes in each direction.

22 COMMISSIONER MAY: Oh, but you

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1 allow the left turn --

2 MR. HENSON: Allow the left turn in
3 the center lane. And so what happens is, I
4 believe, the Applicant noted in their
5 testimony is that during off peak periods
6 there's parking in the far right lane. And so
7 if somebody decides to turn left, the entire
8 facility in the northbound direction stops.
9 And so by removing the parking all the time,
10 you end up with that extra vehicle capacity
11 and the whole facility doesn't shut down.

12 COMMISSIONER MAY: All right. And
13 so in rush hour would you still be able to
14 make that left turn and block that traffic?
15 Because right now there seems to be a need for
16 two lanes during PM rush.

17 MR. HENSON: The analysis suggests
18 that it would be able to be accommodated with
19 minimal delay.

20 COMMISSIONER MAY: Okay. All
21 right. Let me go back to the Office of
22 Planning for a second.

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1 You heard Mr. Abud's testimony
2 about the various conditions that they hope
3 are responsive to any conditions that you
4 would have had or brought up. I'm just
5 wondering if you're satisfied with their 14
6 conditions or whether there's further
7 discussions that you would like to have to be
8 satisfied?

9 MS. JACKSON: Well, we also only
10 saw the report today, so we have not had time
11 to digest the information.

12 COMMISSIONER MAY: Well if we're
13 going to have DDoT come back and answer
14 further questions on their report and their
15 reaction to the University's submission in
16 response to their conditions, then it would be
17 helpful I think to get further information
18 from the Office of Planning on the same topic.

19 Because, you know we received detailed
20 information on both counts that I'd like to
21 understand better and can't really on the fly.

22 CHAIRMAN HOOD: Mr. Tummonds, let

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1 me just ask, you know we spend a lot of times
2 on Saturday and Sunday, and the way the
3 Redskins and the Giants have been playing,
4 we've had a lot of time to pay more attention
5 on this. So, why did we get this so late that
6 we haven't pushed everything? Was it last
7 minute results?

8 MR. TUMMONDS: I'm not sure it's
9 come across as much as we would have liked it
10 to. These conditions were extensively,
11 extensively negotiated with TCNA and ANC 3E.
12 I think there's a reason why TCNA was not
13 cross-examining tonight. ANC 3E was not
14 cross-examining tonight. And I can tell you
15 this document was a lot of work.

16 CHAIRMAN HOOD: So it went right up
17 to the last minute?

18 MR. TUMMONDS: It went right up to
19 the last minute until 9:00 last night.

20 CHAIRMAN HOOD: So, we will accept
21 that. We will accept that. You're right,
22 they did not cross-examination. We'll accept

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1 that and we'll look forward to asking our
2 questions and dealing with OP and DDoT and get
3 their responses to you.

4 MR. TUMMONDS: I mean, we
5 appreciate everything that you're doing, but
6 this was not as if something we were sitting
7 on. This was --

8 CHAIRMAN HOOD: Okay.

9 MR. TUMMONDS: -- pushing all
10 parties to get this done so it was done prior
11 to night.

12 CHAIRMAN HOOD: I don't buy much,
13 like Mr. VanPelt's report, but I'll buy that.
14 I will buy that. And I'm starting to disagree
15 with DDoT now, but I would say I appreciate
16 the effort of all the groups in this in making
17 our load a lot less.

18 Any questions of cross-examine?

19 COMMISSIONER TURNBULL: I just had
20 a question following up on Commissioner May's
21 comments.

22 Mr. Steingasser, would you then be

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1 submitting a supplemental report for us or how
2 would you be addressing that?

3 MS. STEINGASSER: If there's things
4 we disagree with or we feel need additional
5 clarification, we would request that we submit
6 a supplemental. But we'd ready on the 1st --

7 COMMISSIONER TURNBULL: On the 1st?

8
9 MS. STEINGASSER: -- to answer most
10 of it orally.

11 COMMISSIONER TURNBULL: Okay.
12 Great Thanks.

13 CHAIRMAN HOOD: Okay. Anybody
14 else?

15 Let's go to cross-examination of
16 either Office of Planning or DDoT.

17 Commissioner Bender?

18 Oh, I'm sorry, Mr. Tummonds?

19 MR. TUMMONDS: No cross.

20 CHAIRMAN HOOD: Okay. Commissioner
21 Bender?

22 ANC COMMISSIONER BENDER: Thank

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1 you, Mr. Chairman. Just a couple of questions
2 for DDoT.

3 You've mentioned that, and I'm
4 paraphrasing, but that more underground
5 parking spaces means more trip generation. Is
6 that a fair paragraph?

7 MR. HENSON: It's hard to say it's
8 a one/one comparison all the time, but
9 generally that is the case.

10 ANC COMMISSIONER BENDER: But I
11 mean isn't it really the case that that
12 depends largely on how successful AU is that
13 enforcing parking restrictions in the
14 neighborhood?

15 MR. HENSON: And that's why I
16 wasn't as definitive, because it depends on
17 pricing and enforcement and those sorts of
18 things, yes.

19 ANC COMMISSIONER BENDER: Right.
20 So we agree that to the extent that folks can
21 just park in the neighborhood that analysis
22 breaks down?

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1 MR. HENSON: Yes.

2 ANC COMMISSIONER BENDER: Okay.

3 And then one final area. I just wanted to ask
4 about the left turn on Nebraska. It's true,
5 isn't it, that Nebraska in either direction as
6 you come out of the AU law school there's a
7 traffic circle pretty soon thereafter?

8 MR. HENSON: In the northbound
9 direction there is the traffic circle, yes.

10 ANC COMMISSIONER BENDER: Well,
11 there's Ward Circle and then there's --

12 MR. HENSON: Yes, sure. A half mile
13 south, there's Ward Circle, yes.

14 ANC COMMISSIONER BENDER: I'm just
15 wondering, given that you guys -- how
16 seriously did you guys consider not having any
17 left turn. just making it right turn only
18 since the folks making a right in either
19 direction could turn around in the traffic
20 circle?

21 MR. HENSON: We do consider it. It
22 didn't seem to be a need for the traffic

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1 conditions there, also understanding that ride
2 in/ride out reduces the ability to circulate
3 and potentially could actually cause my
4 impacts to the neighborhood.

5 ANC COMMISSIONER BENDER: Okay.
6 Thank you.

7 MR. HENSON: You're welcome.

8 CHAIRMAN HOOD: Thank you.

9 Commissioner Wiss, ANC 3F, any
10 cross-examination? Commissioner, about how
11 many questions?

12 ANC COMMISSIONER WISS: Very few
13 questions because I just received all this
14 material this afternoon. So I glanced at it on
15 the subway down here. So, I don't have very
16 many questions. I probably should have them,
17 though.

18 This is for DDoT. You said you
19 were looking at the immediate study area and
20 there was minimal to no increase. What was
21 the study area that you were considering?

22 MR. HENSON: The study area is

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1 noted in the report.

2 ANC COMMISSIONER WISS: Well,
3 refresh me because you just gave me the
4 report, so what is the study area?

5 MR. HENSON: Actually, the study
6 area is noted in the Applicant's report.

7 ANC COMMISSIONER WISS: Okay. Is
8 that the one that's just the boundaries of the
9 campus, in other words Warren Street from
10 Nebraska to 42nd, 42nd Street to Yuma, Yuma to
11 Tenley Circle and then Tenley Circle to
12 Nebraska?

13 MR. HENSON: I think it's a little
14 broader than that, but that's a rough outline.
15 I think it goes up to Albermarle over to Fort
16 Drive, down to the circle, down to Van Ness,
17 across Van Ness to 42nd and up 42nd. I think
18 that's a rough idea.

19 ANC COMMISSIONER WISS: The reason
20 I'm asking is I saw something in their report
21 that seemed to not include Warren Street east
22 of Nebraska Avenue in the study area, or 41st

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1 Street. And it seemed to me that if you're
2 trying to consider impacts, you should be
3 considering those blocks that are immediately
4 adjacent or just on the other side of Nebraska
5 Avenue.

6 MR. HENSON: So, as I noted earlier
7 in our testimony, not every single
8 intersection in that study area, for lack of a
9 better term, is evaluated in a level of
10 service. Generally those intersections not
11 evaluated are likely to receive minimal trips.

12 I think the 41st Street that you've noted and
13 Warren Street east of the site fit that
14 category. I don't think DDoT nor the
15 Applicant would say there are no trips, but
16 they would be a relatively small number of
17 trips.

18 ANC COMMISSIONER WISS: Is that
19 because they're local streets now and they
20 don't have as much traffic as, say, Nebraska
21 Avenue would or Wisconsin?

22 MR. HENSON: They're not the

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1 primary movers of vehicles from longer
2 distances.

3 ANC COMMISSIONER WISS: But if
4 somebody's trying to access the law school
5 parking garage, even though they are not full
6 of cars coming from all over the place,
7 wouldn't they be having more cars going
8 directly to the parking garage on them?

9 MR. HENSON: I'm sorry, I'm not
10 quite understanding your question.

11 ANC COMMISSIONER WISS: The parking
12 garage is just a few feet from their section
13 of Warren and Nebraska and it's just maybe 50
14 feet more down to 41st and Nebraska. Wouldn't
15 they be sort of a tag end of a trip coming to
16 the parking garage?

17 MR. HENSON: It depends on where
18 the trips are actually coming for. So, for
19 some it absolutely would. I believe if you'll
20 look at the Applicant's numbers, it's still a
21 relatively small number of trips either coming
22 across Van Ness that would use 41st Street and

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1 that's projected to come up Nebraska Avenue.

2 ANC COMMISSIONER WISS: But my
3 recollection of looking at what they had, is
4 first of all they showed all the traffic
5 coming from the south on Connecticut going
6 across up to Yuma Street to go around the
7 whole circle and all the intersections of the
8 circle to go then south on Nebraska. And then
9 they showed all the traffic coming up north on
10 Wisconsin. They showed some of it a split,
11 some of it going on Warren, some of it going
12 on Van Ness.

13 MR. HENSON: Yes.

14 ANC COMMISSIONER WISS: And, in
15 fact, they showed that 41st Street did not cut
16 through at all to Nebraska, which is not
17 correct.

18 So, wouldn't it be plausible that
19 their report would reflect no impact because
20 in fact they decided that wasn't where cars
21 were going to travel and where in fact they do
22 travel on those streets?

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1 MR. HENSON: I think I would --

2 MR. DELFS: If I could jump in for
3 a minute. This is Chris Delfs from DDoT.

4 If I'm following the line of
5 questioning, I wanted to maybe jump a head a
6 little bit. I think I understand your concern.

7 I wanted to reiterate what Jamie said, which
8 the traffic study is a function of the
9 assumptions that are made. And the Applicant
10 team and DDoT takes its best shot at making
11 those assumptions. But I think given some of
12 the questions that you've asked, I think 41st
13 Street in particular I think that we should
14 include that in the monitoring program that
15 we've been talking about. And I think that
16 American University indicated earlier in one
17 of their statements that that make sense.

18 I think we want to make sure that
19 we understand the impacts on the back end, not
20 just on the front end as well.

21 ANC COMMISSIONER WISS: And about
22 also Warren Street and particularly between

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1 Wisconsin and Nebraska, but there could also
2 be affects on the other side of Wisconsin?

3 MR. DELFS: We'll take a look at
4 that as well.

5 ANC COMMISSIONER WISS: Because, in
6 fact, that showed accidents at 40th and Warren
7 Street.

8 MR. HENSON: I will note that the
9 assumptions here are most likely to be
10 somewhat conservative because it's showing
11 more traffic going through the circle which
12 tends to be more congested then Warren Street
13 at Wisconsin. The level of service up at the
14 light of Warren and Wisconsin is somewhere on
15 the order of an aggregate of 24 seconds per
16 vehicle.

17 ANC COMMISSIONER WISS: Right.

18 MR. HENSON: Which is relatively
19 low. So I think that that would argue that
20 it's a more conservative approach to see the
21 traffic try to go through that circle and look
22 at the impacts there. But I don't think

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1 you're going to hear us disagree that there is
2 the potential for the vehicles to use Warren
3 and there probably will be some.

4 ANC COMMISSIONER WISS: Well,
5 that's the thing. I mean if you were trying
6 to get to the campus, it's a lot easier to
7 just go down Warren where there's no cue nd
8 there's only one light, and then you sort of
9 zip across and there's just a couple of feet
10 until you can turn left and you don't have to
11 go through all those lights at the circle.

12 MR. HENSON: That's true, but then
13 you have to wait and turn left into the
14 campus. So, I mean it's not necessarily --
15 you're not going to find all folks doing the
16 same thing every time. Obviously, we all have
17 different preferences for how we like to
18 travel.

19 ANC COMMISSIONER WISS: But as I
20 recall, something like 22 percent of the cars
21 are going to be coming from the east and then
22 another 20 some percent were coming from the

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1 south. So there was a lot of people.

2 MR. HENSON: Distributed over a
3 couple of streets and potentially the circle.

4 So in an aggregate form you're looking at not
5 many trips. I mean, still on the order of I
6 think 20, maybe 30 trips. And that's noted in
7 the pages, the set of figures, the volume
8 figures generated by the site which I'm not
9 exactly sure which pages those are on.

10 MR. DELFS: Yes. The assumption is
11 that the delta will be small.

12 ANC COMMISSIONER WISS: Okay.
13 Well, and I also note that on page 9, and I'm
14 not sure I got the reading of this right, the
15 conversion of parking to turn pockets on
16 Warren -- what's a turn pocket?

17 MR. HENSON: A turn lane.

18 ANC COMMISSIONER WISS: Turn lane?

19 MR. HENSON: Yes, ma'am.

20 ANC COMMISSIONER WISS: So you'd be
21 adding turn lanes -- that the recommendation
22 had been to add turn lanes on Warren Street?

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1 MR. HENSON: The recommendation was
2 to put a very small turn lane at the
3 intersection of Warren and Nebraska, so to
4 remove two spaces right at the intersection to
5 allow, if I'm remembering correctly, a right
6 turn, to turn right to go up toward the
7 campus.

8 ANC COMMISSIONER WISS: Okay. This
9 is still on page 9. Signal timing at
10 Albermarle Street and Nebraska, you're not
11 interested in changes to the signal timing of
12 this intersection. Are you familiar with some
13 of the history of this? This, unfortunately,
14 is a little bit beyond this. Maybe we should
15 have -- but there used to be different signal
16 timing and it was made so that actually
17 Nebraska now has a very long phase and
18 somewhat shorter phase on Albermarle, which
19 means that people tend to cross the street
20 against the light because they get tired of
21 waiting. Is this something that you would
22 consider changing signal timing for?

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1 MR. HENSON: I think in general we
2 try to look at our signal timings on a regular
3 basis where we have problems. And so that's
4 what we were alluding to here is that DDoT
5 would look at that in light of the entire
6 system as to when it would be necessary to
7 change it in light of the entire system.

8 ANC COMMISSIONER WISS: Okay. I'm
9 going to ask about this idea that excess
10 parking demand would be met by having people
11 park at the Katzen Center.

12 MR. HENSON: Sure.

13 ANC COMMISSIONER WISS: And then
14 take the shuttle bus, which seems to add 10 or
15 20 minutes to your trip according to the other
16 testimony, to their CLE class, and then return
17 maybe at 10:00 or 11:00 at night to the Katzen
18 Center for their car. Do you think this is
19 realistic?

20 MR. HENSON: Realistic to --

21 ANC COMMISSIONER WISS: People will
22 choose to park at the Katzen Center --

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1 MR. HENSON: Currently somewhere on
2 the order of 50 --

3 ANC COMMISSIONER WISS: -- other
4 then at Tenley Campus?

5 MR. HENSON: Currently somewhere on
6 the order of 50 odd people are parking at the
7 Katzen Center now according to the Applicant
8 and are walking up to the existing campus,
9 which is on the order of the same distance
10 away, either walking or riding the shuttle.
11 So, yes, it does seem reasonable.

12 ANC COMMISSIONER WISS: Okay.
13 That's all I have at this time. Thank you.

14 CHAIRMAN HOOD: Okay. Thank you.

15 Ward 3 Vision, any cross-
16 examination?

17 MR. WHEELER: No cross-examination.

18 CHAIRMAN HOOD: Okay. Thank you,
19 Mr. Wheeler.

20 Now I don't see anyone from Tenley
21 Campus Neighbors Association. But let me call
22 for them. I'm not seeing them.

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1 Tenley Neighbors Association, Ms.
2 Chesser? About how many questions do you
3 think--

4 MS. CHESSER: Possibly three,
5 depending.

6 This is a question to Office of
7 Planning. The outside events, the Applicant
8 has put in their conditions tonight that they
9 would restrict outside events to 150 people
10 during peak use hours, which appear to be only
11 during the middle of the day where you have
12 800 students there. At one point OP suggested
13 that there be a cap on the number of events
14 per year. I've been looking through my papers
15 trying to figure out where you did that. I
16 think it was the number of the events,
17 although you didn't put a cap on the number of
18 people. It was like 110 or something. Does
19 anybody remember?

20 MS. STEINGASSER: We don't. As we
21 stated, today's the first day we've received
22 this document, so we haven't had a chance to

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1 go through it and cross reference it with any
2 of our other positions.

3 MS. CHESSER: Okay. And you don't
4 remember the number of events that you
5 suggested as a cap before?

6 MS. STEINGASSER: Was that part of
7 for the processing or is that part of the
8 Campus Plan?

9 MS. CHESSER: I think it was part
10 of the previous --

11 MS. STEINGASSER: We'll make sure
12 to get that --

13 MS. CHESSER: I was trying to pull
14 it altogether. Because I think that you were
15 saying that there should be X number of events
16 per year. They've said that they'll agree to
17 limiting it to 150 people, but only during the
18 peak hours. Because most of their events
19 occur in the evening anyway. And I was trying
20 to figure out whether any of this sort of
21 actually was going to restrict anybody because
22 it seemed like you wanted the number of events

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1 plus the number of people at the events to
2 somehow --

3 MS. STEINGASSER: Well, I think
4 what we recommended -- I don't think we said a
5 number. I think we recommended that the
6 University consider setting that based on what
7 they projected because that information we
8 didn't have yet. So, again, this is the first
9 we've seen this document night and we'll be
10 ready on the 1st to have additional --

11 MS. CHESSER: Okay. Okay. As I
12 say, it just seems like somehow the corners
13 should be squared because the condition that
14 was proposed tonight doesn't seem to apply
15 very often when the events actually occur.

16 This question is for DDoT. Two
17 quick things. One is in one of the traffic
18 studies it says about 20 percent of the people
19 are driving from the direction of Connecticut
20 Avenue up to the Tenley Campus. And for those
21 who might err and park in the residential
22 areas, they probably never cross Fort Drive.

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1 They would probably be parking before then.

2 I'm pointing this out because your
3 study stops at Fort Drive, which is like very
4 close to the campus and yet a lot of them will
5 be parking the residential blocks, which sort
6 of go into the circle. They wouldn't reach
7 Fort Drive, so they'd be parking before they
8 ever get into your schematic. So, yes, part
9 of it I'm trying to encourage is that for the
10 future if you're going to do a report, that
11 you go out a few blocks beyond where you have,
12 perhaps in every direction. I don't know.
13 But--

14 MR. HENSON: And we actually have.
15 If you'll note the Applicant's maps --

16 MS. CHESSER: Right.

17 MR. HENSON: -- I think in the
18 parking section towards the end of the report,
19 88 and further it does show how the Applicant
20 has decided to -- or has monitored, looked at
21 the type of curb management as well as the
22 occupancy on those blocks, exactly as you've

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1 said. And what we've said is our position
2 right now is that that's the starting point.
3 That's where you start in your evaluation.
4 And as American mentioned, if they find folks
5 parking outside of that range they'll expand
6 it. And I think the same goes for us; if they
7 find folks parking outside the range, we would
8 be interested in expanding as well.

9 MS. CHESSER: Okay. And those
10 blocks are on that chart that were in red that
11 were 80 to 100 percent, a lot of those were
12 the residential street that then when they
13 suggest mitigating efforts, most of them don't
14 get named because I think most of them already
15 have restricted residential parking, but they
16 have the two hour flip over which would give
17 them enough to go to class and back. So,
18 that's just something to consider.

19 MR. HENSON: And also DDoT would
20 like the Applicant to work with the community
21 to figure out how those curbsides should be
22 signed. That's one of -- in our opinion, but

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1 frankly it may end up being the most important
2 element that comes out of this process is to
3 figure out to manage the curbside in a manner
4 that doesn't allow impacts to the
5 neighborhood. And so we're very much
6 interested in partnering to figure out how
7 best to do that, not only for the 3F side but
8 the 3E side as well. In particular along the
9 3E side there is some unrestricted areas that
10 will need to be managed more appropriately. It
11 would be within reason to expect folks to park
12 there.

13 MS. CHESSER: Right. Thank you.

14 And you know that the Good Neighbor
15 policy now, less than one person a day is
16 actually paying a ticket.

17 MR. HENSON: I'm not sure if that's
18 -- I won't comment on that.

19 MS. CHESSER: Three hundred and
20 thirty-five a year.

21 MR. HENSON: I was under the
22 impression it was significantly more than

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1 that, but I don't know. I don't have the
2 number off the top of my head.

3 MS. CHESSER: Well, actually
4 getting tickets, but only 345 are actually
5 paying them because there is a lot of
6 forgiveness.

7 MR. HENSON: Okay.

8 MS. CHESSER: I just thought we'd
9 just factor that into your thinking.

10 MR. HENSON: Thank you.

11 MS. CHESSER: Thank you.

12 CHAIRMAN HOOD: Okay. Thank you,
13 Ms. Chesser.

14 MS. CHESSER: Thank you.

15 CHAIRMAN HOOD: What I would like
16 to try to do, for the same of time, trying to
17 move along efficiently. I know typically we
18 deal with other reports of other government
19 agencies. We've heard from DDoT, we've heard
20 from OP. We also had something from Historic
21 Preservation and their comments, which they
22 agree to. HPO recommends that the Board

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1 approve the conceptual design and consistent
2 with the purpose of the Preservation Act. And
3 that's also attached from Steve Callcott in
4 the OP report.

5 And I think that that was all that
6 I saw or remember seeing, and we'll leave it
7 at that.

8 Typically we go after that to the
9 ANCs, in this case it would ANC 3E and also
10 ANC 3F. What I'd like to do tonight is to
11 move the agenda and rearrange this and we'll
12 hear their reports on December 1st. But I
13 wanted to go first to see if Ward 3 Vision,
14 who is a party in support, and if the ANCs
15 would not mind if Ward 3 Vision was ready to
16 go tonight with their presentation? If that's
17 the case, we'll do it at this time.

18 And also while Mr. Wheeler is
19 coming to the table, I'm going to ask those
20 who just received the parties who need to
21 cross, some additional cross, Commissioner
22 Wiss and possibly Ms. Chesser, Tenley

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1 Neighbors or any other party, if you could let
2 me know tonight if you need to comment on
3 those conditions, those last minute conditions
4 that got resolved by a few ANCs. If you need
5 to comment more on that on December 1st I need
6 you to let me know, if you'd let Ms. Schellin
7 know tonight because that will not be open.
8 That opportunity would not be open on December
9 1st. So, if you can come up and see Ms.
10 Schellin right now or during this part while
11 we're listening to Mr. Wheeler, that would be
12 great. Okay?

13 Did I cover that correctly?

14 MS. SCHELLIN: Yes.

15 Mr. Wheeler, I believe, is 15
16 minutes for his presentation.

17 MR. WHEELER: Well, actually you
18 asked if we -- we are prepared to go tonight--

19 MS. SCHELLIN: Oh, you're ready.

20 MR. WHEELER: But I think in light
21 of the agreement that the ANC and the Tenley
22 Campus Neighbors Association, and American

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1 University has reached, it's unlikely that we
2 would have any significant testimony.

3 We were expecting to go in order
4 behind the ANCs, but like I said, I don't
5 think -- we just found out about that
6 agreement earlier today. And that in our mind
7 totally changes the picture of things and I
8 think that we really are unlikely to have any
9 testimony.

10 CHAIRMAN HOOD: But you still want
11 to leave the opportunity?

12 MR. WHEELER: I'd like to do that.

13 CHAIRMAN HOOD: Okay. Let's do
14 this. I think this is a good breaking point.
15 We all have the materials in front of us.
16 Okay. So, Mr. Wheeler, we'll hear from you on
17 the 1st.

18 MR. WHEELER: Thank you.

19 CHAIRMAN HOOD: What about this?
20 Do we have any people who are here in support
21 that they would like to testify tonight?
22 Okay. Do we have anybody that's coming down?

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1 MS. SCHELLIN: No one was on the
2 list, no.

3 CHAIRMAN HOOD: Are you here in
4 support? You're here in opposition?

5 Do we have anybody else whose is
6 here tonight in opposition who would like to
7 testify? So most people are probably coming
8 on the 1st for that?

9 MS. SCHELLIN: They're probably
10 anticipating that, yes.

11 CHAIRMAN HOOD: Yes. I don't want
12 to get myself in trouble.

13 Okay. Can you come back on the
14 1st?

15 MS. SCHELLIN: You need to turn the
16 mic on.

17 MR. MODELL: I'm going to be in
18 California.

19 CHAIRMAN HOOD: Okay. Well, you
20 have three minutes. You can go right ahead.

21 MR. MODELL: Okay. My name is Jeff
22 Modell. I live at 4225 41st Street Northwest

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1 within ANC 3F. I live within 200 feet of the
2 Tenley Campus.

3 I have several concerns. The 300
4 percent increase in the population is a huge
5 increase and the student cap is a major
6 increase over the existing campus where live
7 on campus.

8 And additionally, they're
9 requesting a variance to add a floor to the
10 building at the corner of Warren and Nebraska
11 and it expands closer to the corner.

12 I request that the Zoning
13 Commission reject the requested variance since
14 it will tower over and impinge upon the single-
15 family houses right across the street and
16 catty-corner, including my own. It is
17 incompatible with the residential nature of
18 Nebraska Avenue.

19 With the addition of 400 parking
20 spaces, rushes to class that weren't accounted
21 for in the traffic study because they use one
22 hour intervals and class generally, people

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1 show up right before class, and left and right
2 turns into and out of the parking lot -- I'm
3 very concerned about the ability to cross
4 Nebraska at the crosswalks as well as the
5 ability to safely traverse the driveway with
6 my two young children because there's many
7 people going in and out.

8 I'm sorry. I think moving the
9 traffic light from near Tenley Circle to the
10 driveway with no right turn on red will make a
11 huge difference in terms of safety and we
12 would request that that be made a condition.

13 I was going to say that this whole
14 addition of a left turn lane is wholly
15 insufficient, but it looks like that's not
16 even going to be there.

17 AU is allowed free parking after
18 hours at the Katzen Center. Similarly, that
19 would go a long way towards keeping users of
20 the facility from parking on neighborhood
21 streets at night. AU should provide the same
22 condition as for the Katzen at this facility.

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1 I'm pleased to see that lighting on
2 the building facing the corner of Nebraska and
3 Wisconsin will be directed or shaded from the
4 houses across the street.

5 Most concern to me individually,
6 though, as you've heard Cathy representing --
7 the lone voice representing those of us on the
8 other side of the street. The Tenley Campus
9 Neighbors Association has not engaged anyone
10 from the other side of the street, nor was TNA
11 really had a discussion about this topic. And
12 so the AU/Tenley Campus Neighborhood
13 Association, which I just saw, notes that AU
14 would support the closure of Warren between
15 Nebraska and 42nd or making it one way. This
16 would stop those of us across Nebraska from
17 using Warren to cross into the AU park
18 neighborhood. Given that we reside in the
19 same school district and the same school
20 district as those across the street, and the
21 traffic at the Tenley Circle and Nebraska, the
22 Van Ness intersection are both heavily, that

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1 would have a significant impact on us.

2 Additionally, the agreement
3 includes funding for traffic counting on the
4 other side of Nebraska only doing 41st and
5 Warren between Nebraska and Wisconsin. I
6 object to AU's focusing exclusively on that
7 one side of Nebraska and ask that the Zoning
8 Commission reject the conditions that divide
9 the neighborhood.

10 Overall I object to the
11 application.

12 Thanks for your time.

13 CHAIRMAN HOOD: Thank you, Mr.
14 Modell. Now you say you live on the other
15 side of Nebraska. Which one of these groups
16 does that encompass? Is it Tenley Campus
17 Neighborhood Association or the Tenley
18 Neighbors Association? I know you're in 3F,
19 right?

20 MR. MODELL: Yes, I'm in 3F. I'm
21 not sure that any of our neighbors are -- I
22 know none of our neighbors are part of the

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1 TCNA. There may be neighbors that are part of
2 the Tenley Neighbors Association, however as
3 far as no there has been no discussion on this
4 topic including those neighbors.

5 CHAIRMAN HOOD: Okay. I see Ms.
6 Chesser. Ms. Chesser, you might want to invite
7 him to some of those meeting. But I don't see
8 the laptop. The laptop is gone. That's all
9 right. I guess he's in opposition. We're not
10 going to be able to see that.

11 The question, we want to know, we
12 were trying to figure out where you live.

13 MR. MODELL: Right off the corner
14 of 41st and Nebraska, one house in.

15 COMMISSIONER TURNBULL: Are you
16 across from the circle on Wisconsin Avenue--

17 MR. MODELL: No.

18 COMMISSIONER TURNBULL: You're down
19 on 41st? How far?

20 MR. MODELL: Where 41st hits
21 Nebraska, I'm basically right at the corner.
22 I'm one house in.

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1 COMMISSIONER TURNBULL: Okay.

2 MR. MODELL: 41st, that's over on
3 the south side of the circle. It's a two
4 block street, and that's the one that Cathy
5 represented that will also be a cut through
6 from Nebraska.

7 COMMISSIONER MAY: Are you Nebraska
8 or on 41st?

9 MR. MODELL: On 41st.

10 COMMISSIONER MAY: So you're the
11 second one from the corner? The corner with
12 Veazey?

13 MR. MODELL: Not quite Veazey.
14 Well, actually, yes. Second one from Veazey.
15 There's only one house that's on 41st in that
16 block.

17 COMMISSIONER MAY: Yes.

18 MR. MODELL: And that's ours.

19 COMMISSIONER MAY: Okay. Well, it
20 looks like from the plan we have it looks like
21 there are two.

22 CHAIRMAN HOOD: Let me ask is that

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1 number two?

2 COMMISSIONER MAY: Yes.

3 CHAIRMAN HOOD: Yes, that's what
4 we're looking at too. Is that the one that has
5 number 2 by it?

6 COMMISSIONER MAY: He didn't have
7 that.

8 COMMISSIONER TURNBULL: Is there
9 like an alley that cuts in from 41st and then
10 comes out on Warren?

11 MR. MODELL: No.

12 CHAIRMAN HOOD: Are you on the
13 corner?

14 MR. MODELL: The one on the corner
15 is actually a Nebraska Avenue residence. I'm
16 the one in from that.

17 COMMISSIONER TURNBULL: Right. But
18 we also are looking at No. 2 page 2 on the
19 original report, or your latest submission, I
20 guess.

21 CHAIRMAN HOOD: We're just trying
22 to locate where he is.

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1 ANC COMMISSIONER WISS: Could I
2 just say, the Applicant's report their map is
3 erroneous. It does not show the part of 41st
4 Street where Mr. Modell lives.

5 The Office of Planning report on
6 the front has an accurate map that shows all
7 of 41st Street and shows his house.

8 CHAIRMAN HOOD: Okay. Thank you.
9 Tell us where it is on there, Mr.
10 Modell. Tell us where it is on there.

11 MR. MODELL: So it's right between
12 Veazey and Nebraska. It's in the center there
13 on 41st.

14 CHAIRMAN HOOD: Okay. Everybody
15 see it? I think that's number 10. Okay.
16 Okay. We got you.

17 MR. MODELL: Thanks.

18 COMMISSIONER MAY: Can I ask a
19 question?

20 CHAIRMAN HOOD: Yes.

21 COMMISSIONER MAY: You said you're
22 within 200 feet?

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1 MR. MODELL: Yes. And my name is
2 listed in the --

3 COMMISSIONER MAY: Okay. That's
4 fine.

5 As I understand it, the Tenley
6 Campus Neighbors Association is everyone
7 within 200 feet or at least the folks who are
8 in it are within 200 feet. Were you aware of
9 their meetings and goings on and did you opt
10 out or were unable to participate, or were
11 they not interested in anybody who was across
12 Nebraska?

13 MR. MODELL: They -- the TCNA has -
14 - is mostly made up of people on 42nd Street
15 and Yuma. And I went to one of the meetings,
16 that's where their primary focus was. As a
17 matter of fact, you know we had a discussion,
18 a good natured discussion about the Warren
19 Street, and they choose that that was very
20 important to them, closing Warren Street or
21 making it one way. And on our side of the
22 street it would clearly not be a good thing.

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1 COMMISSIONER MAY: And which
2 portion of Warren Street are they proposing to
3 close or make one way?

4 MR. MODELL: Between Nebraska and
5 42nd.

6 COMMISSIONER MAY: Okay. Thanks.

7 CHAIRMAN HOOD: Any other
8 questions, Commissioners, for Mr. Modell?

9 Mr. Modell, do we have your
10 testimony in writing?

11 MR. MODELL: Sure. I don't have it
12 printed out.

13 CHAIRMAN HOOD: I mean do we have
14 it?

15 MR. MODELL: No.

16 CHAIRMAN HOOD: Okay.

17 MR. MODELL: But if you need it, I
18 can mail it.

19 CHAIRMAN HOOD: Yes, it would be
20 good if you could get that to us. And you can
21 work that out with Ms. Schellin.

22 Any cross-examination? Applicant

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1 have any cross-examination?

2 MR. TUMMONDS: None.

3 CHAIRMAN HOOD: Okay. Does any of
4 the parties who are here, any of the ANCs have
5 any cross? Anybody have any cross-examination
6 of Mr. Modell?

7 Okay. Thank you very much.

8 Just curious, you going on pleasure
9 or business. You going to California for
10 pleasure or business? I was going to say have
11 a good time and think about us -- don't think
12 about this.

13 Okay. I think this is a good
14 breaking point.

15 Ms. Schellin, where we going to
16 start out on December 1st?

17 MS. SCHELLIN: The only party that
18 came forward that wants to reserve further
19 cross-examination of the Office of Planning
20 and DDoT that approached me was ANC 3F. So--

21 CHAIRMAN HOOD: I'm surprised. ANC
22 3F wants to reserve?

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1 MS. SCHELLIN: They were the only
2 ones that came up as you instructed.

3 You want to cross-examine OP?
4 Okay. And DDoT.

5 CHAIRMAN HOOD: Ms. Chesser, if you
6 can have that conversation with Ms. Schellin
7 and not with all of us, then I think she can
8 relay it to us.

9 MS. SCHELLIN: Cross-examination of
10 the Applicant is over. So then, you're done.

11 So we are starting next Thursday
12 with the DDoT and OP further questions first
13 by the Commissioners and then ANC 3F if Ms.
14 Wiss has further questions, cross-examination
15 questions she wanted to reserve that right.
16 She's not sure if she will, but if she does,
17 she wanted to reserve that right.

18 CHAIRMAN HOOD: Okay.

19 MS. SCHELLIN: And then we'll pick
20 up from there with Mr. Wheeler's presentation.

21 CHAIRMAN HOOD: We'll go to parties
22 in supports and then we'll go to organizations

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1 and persons in support and parties in
2 opposition. Then we'll go to organizations and
3 persons in opposition. Rebuttal and closing by
4 Applicant.

5 I'm hoping that we can finish
6 everything on December the 1st.

7 MS. SCHELLIN: And I will say if
8 Mr. Wheeler does not have a presentation, at
9 this point the parties have 35 minutes and 35
10 seconds to share, the parties in opposition.
11 And if Mr. Wheeler takes his time, then that
12 could be a little more time for them. But at
13 this point is 35 minutes and 35 seconds.

14 CHAIRMAN HOOD: Okay. All right.
15 So we are where we are. We do try to make
16 accommodations sometimes, and sometimes
17 actually changing stuff gets us in a little
18 trouble. But we'll get everything back in
19 order on December the 1st.

20 And I want to thank everyone for
21 their participation tonight. And we'll see
22 everyone on December the 1st at 6:30.

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Good night.

(Whereupon, the Zoning Commission
Public Hearing was adjourned at 10:21 p.m.)