

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF: :

AMERICAN UNIVERSITY - CAMPUS : Case No.

PLAN AND FURTHER PROCESSING : 11-07
----- :

Thursday,
September 22, 2011

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

The Public Hearing of Case No. 11-07 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerry R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
KONRAD W. SCHLATER, Vice Chairman
MICHAEL G. TURNBULL, FAIA,
Commissioner (OAC)

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

PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

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

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

ANNA CHAMBERLAIN
JAMIE HINSON

The transcript constitutes the
minutes from the Public Hearing held on
September 22, 2011.

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

2 6:32 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen.

5 This is a public hearing of the
6 Zoning Commission for the District of Columbia
7 for Thursday, September 22, 2011.

8 My name is Anthony Hood. Joining
9 me are Vice Chairman Schlater, Commissioner
10 May and Commissioner Turnbull. We're also
11 joined by the Office of Zoning staff Ms.
12 Sharon Schellin, Office of Planning Staff Ms.
13 Steingasser and Mr. Lawson -- and one of these
14 days I'm going to get DDOT's name correct. So
15 I'm going to ask them if they can introduce
16 themselves.

17 MS. CHAMBERLIN: Anna Chamberlin.

18 MR. HINSON: Jamie Hinson.

19 CHAIRMAN HOOD: Okay. Thank you
20 very much.

21 This proceeding is being recorded

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1 by a court reporter and is also webcast live.

2 Accordingly, we must ask you to refrain from
3 any disruptive noises or actions in the
4 hearing room.

5 The subject of this evening's
6 hearing is Zoning Commission Case No. 11-07.
7 This is a request by American University for
8 Special Exception Relief pursuant to 210 and
9 3104.1 of the Zoning Regulations.

10 Notice of today's hearing was
11 published in the *D.C. Register* on April 1,
12 2011, and copies of that announcement are
13 available to my left on the wall near the
14 door.

15 The hearing will be conducted in
16 accordance with provisions of 11 DCMR 3117 as
17 follows: preliminary matters; DDOT's report;
18 report of Advisory Neighborhood Commissions
19 3D, 3E and 3F, in that order; organizations
20 and persons in support; presentation by the
21 parties in opposition; organizations and

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1 persons in opposition; rebuttal and closing by
2 the Applicant.

3 The following time constraints
4 will be maintained in this meeting: ANC, 60
5 minutes each, if needed; parties, 61 minutes
6 combined total, organizations, five minutes;
7 individuals, three minutes. The Commission
8 intends to adhere to the time limits as
9 strictly as possible in order to hear the case
10 in a reasonable period of time.

11 All persons appearing before the
12 Commission are to fill out two witness cards.

13 These cards are located to my left on the
14 table near the door. Upon coming forward to
15 speak to the Commission, please give both
16 cards to the reporter sitting to my right
17 before taking a seat at the table.

18 When presenting information to the
19 Commission, please turn on and speak into the
20 microphone first stating your name and home
21 address. When you are finished speaking,

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1 please turn your microphone off so that your
2 microphone is no longer picking up sound or
3 background noise.

4 The staff will be available
5 throughout the hearing to discuss procedural
6 questions. Please turn off all beepers and
7 cell phones at this time so not to disrupt
8 these proceedings.

9 Okay. Would all individuals
10 wishing to testify please rise to take the
11 oath?

12 MS. SCHELLIN: Please raise your
13 right hand.

14 Do you solemnly swear or affirm
15 the testimony you'll give this evening will be
16 the truth, the whole truth and nothing but the
17 truth?

18 (A CHORUS OF AYES.)

19 MS. SCHELLIN: Thank you.

20 CHAIRMAN HOOD: Okay. Ms.
21 Schellin, if you could help me remember where

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1 we left off. I think that we are --

2 MS. SCHELLIN: Starting with
3 DDOT's report.

4 CHAIRMAN HOOD: -- DDOT's report.

5 MS. SCHELLIN: Yes, sir.

6 CHAIRMAN HOOD: Our questions, and
7 then we'll go down to ANC and parties if
8 there's any cross of DDOT.

9 So I'm not sure who's going to
10 take the lead. Ms. Chambers -- Chamberlin.
11 Okay. Ms. Chamberlin?

12 MS. CHAMBERLIN: Good evening.

13 So DDOT has reviewed the AU
14 transportation report and supports the 2011
15 Campus Plan provided that a complete traffic
16 impact study be performed and completed for
17 the proposed Tenley campus and that all the
18 traffic impacts are mitigated.

19 DDOT has met with resident
20 representatives and with AU and their
21 consultant Grove Slade on numerous occasions

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1 during this last year. So we've done a lot of
2 coordination with them. And the coordination
3 has been extensive over the past year, and
4 various administrations within DDOT have
5 reviewed the traffic impact study and the
6 appendices and other reports that were
7 submitted.

8 In our analysis, we reviewed the
9 pedestrian, transit and bigger impacts of the
10 proposed plan. The East Campus proposal is
11 expected to increase pedestrian crossings
12 during the PM peak hour by 432 and 206 during
13 the AM peak hour along Nebraska Avenue between
14 Ward Circle and New Mexico Avenue. We believe
15 this increase in pedestrians can be
16 accommodated by the existing signal timing and
17 that the proposed mid-block signal will
18 further disperse pedestrians along this
19 stretch of Nebraska and improve safety for all
20 modes. If correctly timed, the mid-block
21 signal will have minimal to no effect on

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1 traffic, and the Applicant should provide DDOT
2 with their proposed signal timing and all
3 modeling.

4 AU proposes to consolidate the
5 WMATA and AU shuttle bus stops on Nebraska.
6 These changes can reduce travel delays along
7 the corridor, make the system more user-
8 friendly and allow the shuttles to serve the
9 entire Main Campus and proposed dorms on the
10 East Campus. It should be noted that any
11 changes to the bus stops need to be
12 coordinated and approved by DDOT's Progressive
13 Transportation Administration staff and with
14 WMATA. DDOT expects that AU will fund the
15 entire infrastructure necessary to support any
16 of the bus stop consolidations.

17 According to AU's fall shuttle
18 2010 ridership numbers, there are
19 approximately 6,000 daily rides to and from
20 the Main Campus from the Metro station and
21 2,000 daily rides to and from the law school

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1 to the Metro station. In addition, AU needs
2 to make improvements to their layover and bus
3 stops locations at the Tenleytown Metro
4 Station on 40th Street and Fort Drive. And
5 they need to coordinate these efforts with
6 DDOT, with WMATA and with DHS since DHS also
7 has some shuttle stops right behind the Tenley
8 Station.

9 For the neighborhood parking
10 occupancy study requested by DDOT, it shows
11 that students parking in the surrounding
12 streets by the Main Campus are fewer than ten
13 percent of the parking total or about 150
14 spaces. With that, we're expecting there
15 would be a limited number of new vehicle trips
16 which about 100 new vehicle trips are expected
17 to be increased during the peak hour.

18 We also feel that AU needs to
19 provide some curbside management strategies
20 such as dedicated RPP-only spots which would
21 further discourage vehicle trips by ensuring

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1 that vehicles are not parking on residential
2 streets. DDOT requests that the Applicant
3 review all the curbside regulations and
4 signage within a five-minute walkshed to both
5 their Main Campus and to the proposed Tenley
6 Campus. In addition to those regulations, we
7 feel that that would help minimize any student
8 parking in the surrounding area.

9 And in regards to transportation
10 demand strategies, as some of you might know,
11 it further reduces vehicular trips by
12 providing incentives to use alternative modes
13 of transportation. So in addition to the bus
14 stop consolidation, AU should ensure that
15 their shuttle services are maximized and as
16 full utilization as possible and that they
17 install two Capital BikeShares -- one at their
18 Main Campus and one at the proposed Tenley
19 Campus.

20 So in summary, DDOT recommends and
21 expects the Applicant to complete a full

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1 transportation impact study for the proposed
2 Tenley Campus which will address all expected
3 transportation impacts and provide mitigation
4 strategies, complete a full warrant analysis
5 for the proposed mid-block signal on Nebraska
6 Avenue, and submit to us any proposed signal
7 timing information and modeling, to coordinate
8 with DDOT staff and WMATA on the proposed bus
9 stop consolidation proposals and to coordinate
10 with WMATA and DHS on the layover and shuttle
11 stop locations on 40th Street and Fort Drive.

12 In addition, we would like them to
13 complete a neighborhood parking study to
14 identify curbside management strategies in
15 order to reduce student parking within a five-
16 minute walkshed surrounding both the Main
17 Campus and the proposed Tenley Campus and the
18 commercial parking lots used by students and
19 visitors throughout the area. In addition, we
20 would like them to appoint a transportation
21 demand management coordinator -- somebody who

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1 would oversee the strategies, ensure that
2 they're being implemented, what the numbers
3 are, how they're working and interface with
4 DDOT, with WMATA, DHS and community on the
5 various transportation issues.

6 CHAIRMAN HOOD: Okay. Thank you
7 very much, Ms. Chamberlin.

8 Some of the recommendations -- I'm
9 just going to start right off -- some of the
10 recommendations that you asked for in your
11 letter of June 6 which you just cited, you
12 want a lot of this done if not all of it done
13 before the Zoning Commission or before we take
14 final action on this campus plan. Am I
15 correct?

16 MS. CHAMBERLIN: Not necessarily
17 that they need to be completed before the
18 zoning. But it's a requirement as part of the
19 zoning that this be completed before they do
20 any expansion.

21 CHAIRMAN HOOD: Okay. For example

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1 -- I'm just trying to make sure I can figure
2 out where in the process how all this is going
3 to come together. For example, the last one
4 says "AU should commission a neighborhood
5 study that identifies and implements curbside
6 parking management strategies that could
7 identify such measures as enhanced residential
8 parking permit only areas."

9 Now the reason why I'm asking
10 because before we make a decision, I would
11 like to know what DDOT's input is prior to --
12 at least that's the way I'm looking at it and
13 envisioning it -- prior to us making any
14 approvals, we would need to hear from you
15 about whatever plan or whatever strategies
16 they put in place. So that's what I was kind
17 of thinking of the time frame of when this
18 would be -- how all this is going to work.
19 When do you expect this?

20 MS. CHAMBERLIN: Well, the
21 strategies -- the curbside management

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1 strategies would just further enhance and
2 protect the neighborhood parking. It wouldn't
3 necessarily -- I mean, it would be an
4 improvement if it could be done today
5 obviously. But because we don't think that
6 the proposed campus plan -- the increase in
7 the trip generation is that high, they don't
8 have to do this before being approved, but
9 they should do this as part of it once
10 approved.

11 CHAIRMAN HOOD: Okay. So a
12 conditional requirement or expectation --

13 MS. CHAMBERLIN: Correct.
14 Correct.

15 CHAIRMAN HOOD: -- with maybe some
16 type of time limit. Okay. Okay. I got you.

17 All right. Let me open it up,
18 Commissioners. Those are all the questions I
19 have.

20 Commissioner May?

21 COMMISSIONER MAY: I just have a

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1 couple of quick things.

2 I have your report of June 6, but
3 it seems like some of what you just delivered
4 goes beyond that. Do you have a supplemental
5 report that I don't or not putting my hands on
6 that are in the record?

7 MS. CHAMBERLIN: No, we did not
8 provide one.

9 COMMISSIONER MAY: Okay. Then is
10 it possible to just get a copy of your
11 testimony from today?

12 MS. CHAMBERLIN: Yes.

13 COMMISSIONER MAY: Because I think
14 that would be helpful. There's a lot of
15 information to absorb, and I think you
16 summarized some of it well.

17 Okay. Then the next question I
18 have there is a warrant analysis in the record
19 having to do with -- I thought it was a mid-
20 block crossing. Is that what you just
21 requested?

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1 MS. CHAMBERLIN: Correct. Well,
2 we requested, but it didn't come with all the
3 signal timing and the modeling.

4 COMMISSIONER MAY: Oh, okay. So I
5 guess we'll have to hear from the Applicant as
6 to whether that's still to be submitted.

7 But you've reviewed the warrant
8 analysis that's in the record that we have?

9 MS. CHAMBERLIN: Correct.

10 COMMISSIONER MAY: And it's not
11 sufficient?

12 MS. CHAMBERLIN: Correct. No, for
13 the warrant it is. The warrant came after our
14 June 6 testimony.

15 COMMISSIONER MAY: Right.

16 MS. CHAMBERLIN: But we still need
17 to discuss the signal timing.

18 COMMISSIONER MAY: Discuss the
19 signal timing or you need another submission
20 from them?

21 MS. CHAMBERLIN: Well, a

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1 submission of the signal timing.

2 COMMISSIONER MAY: Okay. All
3 right. Thanks.

4 CHAIRMAN HOOD: Any other
5 questions of DDOT? Mr. Turnbull?

6 COMMISSIONER TURNBULL: Yes.
7 Thank you, Mr. Chair.

8 I want to continue on with that
9 kind of same question.

10 When you were talking about
11 Nebraska Avenue, you talked about the signals,
12 and your one comment said if correctly timed.

13 I wonder if you could -- what kind of a
14 process -- I mean, you have the data, the
15 Applicant's has the data, and there's going to
16 be this is not something that you go out and
17 you simply set the signals. And it's a series
18 of signals that are all going to interact. So
19 this is going to be some kind of an iterative
20 process where you're going to go out and then
21 you're going to monitor it for a while I would

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1 think to see if that's correct?

2 MS. CHAMBERLIN: Well, the signal
3 timing would have to match the existing timing
4 of the Nebraska and the New Mexico in order so
5 it doesn't turn red when they still have
6 green. So you could slow -- not slow the
7 traffic -- you could keep in the same flow
8 where they would both turn red at the same
9 time. Because it's software programming.

10 COMMISSIONER TURNBULL: Right.

11 MS. CHAMBERLIN: So you just have
12 to ensure that they match what's existing out
13 there or if any improvements need to be made
14 with the existing to ensure that it's
15 coordinated correctly with the mid-block one.

16 COMMISSIONER TURNBULL: Well, but
17 is there a process then after you've done the
18 timing that people are watching this -- you're
19 looking at this to see if the traffic does
20 correspond to at least what the proposed data
21 would show is going to happen?

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1 MS. CHAMBERLIN: We could send
2 somebody out there, yes.

3 COMMISSIONER TURNBULL: Well, I'm
4 just wondering. You talked about the TMD --
5 the coordinator. Is that somebody who then
6 would work from the University with your staff
7 to indeed --

8 MS. CHAMBERLIN: Correct. It
9 would be somebody who would interface with us
10 on a regular basis on various issues.

11 COMMISSIONER TURNBULL: Okay.
12 Thank you.

13 CHAIRMAN HOOD: Okay. Any other
14 questions, Commissioners?

15 Okay. I'm sorry. Vice Chairman?

16 VICE CHAIRMAN SCHLATER: I guess
17 the most fundamental question we have for DDOT
18 is the traffic impacts on the new development.

19 And the campus plan does project a
20 significant amount of new square footage on
21 the campus.

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1 How does DDOT evaluate whether
2 it's too much for the transportation network
3 that exists in that area which is already
4 challenged?

5 MS. CHAMBERLIN: Jamie, do you
6 want to speak to that?

7 MR. HINSON: Sure. So what we
8 asked the Applicant to do was go through a
9 study that evaluated the level of service
10 which is basically the aggregate delay at each
11 of the intersections to see what it is now and
12 what it would be with their future traffic.
13 So we asked them to do that. They submitted
14 it to us.

15 And basically what we saw on a big
16 picture level is that there's just very little
17 increase in delay -- a few seconds at a few of
18 the intersections. And so it's really
19 minimal.

20 VICE CHAIRMAN SCHLATER: Okay.
21 And you looked at the transportation study.

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1 You agree with the mode splits and the basic
2 underlying assumptions in that study?

3 MR. HINSON: We do.

4 VICE CHAIRMAN SCHLATER: Okay.
5 Thank you very much.

6 CHAIRMAN HOOD: Okay. Any other
7 questions?

8 (No audible response.)

9 CHAIRMAN HOOD: Okay. Let's start
10 with cross-examination of DDOT. Mr. Tummonds?

11 MR. TUMMONDS: Thank you.

12 Following up with the question
13 that Vice Chairman Schlater just asked, in
14 addition to your acquiescence to the
15 methodology that the Grove Slade study used
16 for the vehicular traffic impacts, do you also
17 agree with the methodology that they used in
18 calculating the impact that the pedestrians
19 crossing Nebraska Avenue from the East Campus
20 to the campus on the other side of Nebraska?
21 Do you agree with that methodology?

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1 MS. CHAMBERLIN: Yes.

2 MR. TUMMONDS: Thank you.

3 The only other question I had is
4 -- I don't want to beat a dead horse -- on
5 the signal warrant analysis. So the June 17th
6 submission where we had the signal warrant
7 analysis that said a mid-block signal was
8 warranted. And that's your understanding as
9 well? A mid-block signal is warranted?

10 MS. CHAMBERLIN: Correct.

11 MR. TUMMONDS: And so the
12 additional information that you're seeking
13 from the Applicant is really of a technical
14 nature to determine the timing cycles for
15 green, red?

16 MS. CHAMBERLIN: Correct.

17 MR. TUMMONDS: Great.

18 I have no further questions.

19 CHAIRMAN HOOD: Okay. Thank you.

20 Let's go right to our ANC. ANC
21 3D, Commissioner Smith?

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1 MR. SMITH: Good evening.

2 On page one of your
3 recommendation, you indicate that the addition
4 of new facilities on the campus is going to
5 significantly change pedestrian patterns.
6 Other than the East Campus further processing,
7 are there any other proposals in the plan that
8 you expect to impact pedestrian patterns?

9 MS. CHAMBERLIN: You're talking
10 about the Main Campus?

11 MR. SMITH: I'm talking about the
12 overall campus plan.

13 MS. CHAMBERLIN: Well, I guess for
14 Tenley, we don't know yet because we haven't
15 seen all those figures and analysis.

16 MR. SMITH: Okay. You also said
17 that the East Campus will create the most
18 significant changes to the pedestrian
19 patterns. Are those changes confined to the
20 number of trips that will take place
21 throughout the day? Or is there some other

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1 change that you're anticipating?

2 MS. CHAMBERLIN: Well, just the
3 increase in the pedestrian volume.

4 MR. SMITH: So what are the peak
5 pedestrian hours then at that location? What
6 is your determination of what the peak
7 pedestrian hours are?

8 MR. HINSON: The peak pedestrian
9 hour we used was for the PM peak hour. And I
10 can't remember that off the top of my head.
11 But it's on the order of 4:45 or 5:00 o'clock.

12 MR. SMITH: The PM peak vehicle
13 hour or pedestrian hour?

14 MR. HINSON: So we -- not we --
15 the Applicant analyzed that particular hour.
16 But the signal timings are set such that at
17 any time of the day, there's adequate time for
18 pedestrians to cross.

19 MR. SMITH: Yes. But that's not
20 my question. My question is what was the peak
21 pedestrian hour that you identified for the

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1 campus. I mean, what you were referring to, I
2 think -- and tell me if I'm wrong -- was the
3 peak vehicle hour, right?

4 MS. CHAMBERLIN: Right.

5 MR. SMITH: So when was the peak
6 pedestrian hour?

7 MS. CHAMBERLIN: I don't think --
8 we didn't identify the peak pedestrian hour.

9 MR. SMITH: Well, I guess that's
10 my question. I mean, in terms of trying to
11 assess pedestrian traffic, is that an
12 important piece of information to have?

13 MS. CHAMBERLIN: Well, the impacts
14 that the pedestrians are going to have on the
15 traffic, the most important hour is the peak
16 vehicular hour. That's the most important
17 hour in regards to how the pedestrians and the
18 vehicles are going to interact.

19 MR. SMITH: But don't traffic
20 standards state that the pedestrian peak is
21 supposed to be the basis for any kind of

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1 pedestrian improvements -- improvements to
2 pedestrian traffic issues?

3 MS. CHAMBERLIN: If you felt the
4 facilities didn't adequately support the
5 amount of pedestrians, yes.

6 MR. SMITH: Well, but isn't that
7 part of what that mid-block crossing is all
8 about -- that that's necessary because it
9 doesn't support the --

10 MS. CHAMBERLIN: No. No, it's
11 because it's an existing -- when technicians
12 went out there, they already observed mid-
13 block crossings. So a pedestrian is already
14 crossing at that location.

15 MR. SMITH: Well, how do you know
16 that that -- I mean, if you don't have any
17 pedestrian data, how do you know that there
18 aren't additional things beyond that mid-block
19 signal that are necessary at the site?

20 MS. CHAMBERLIN: Such as?

21 MR. SMITH: I don't know. I mean,

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1 if you don't have the information, how do you
2 know that what you're evaluating -- how do you
3 know that your recommendation is adequate
4 enough to take care of what potential problem
5 there might be if you don't have any data from
6 which to look at?

7 MR. HINSON: I wouldn't
8 characterize it that we don't have data. We
9 have data for the PM peak period. But also,
10 the pedestrian crossing time is the basis for
11 our signal timing.

12 So whatever the case, we always
13 set -- the pedestrian crossing time is the
14 basis of which we work all the other green
15 time around. So we always plan for that. And
16 there's basically no way that there's going to
17 be more pedestrians that are going to cross at
18 those three intersections than the signals are
19 going to be timed for.

20 MR. SMITH: But how can you even
21 figure out the timing of the signals if you

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1 don't have the pedestrian data?

2 I'm not a traffic guy, but I'm
3 just trying to understand this from a logic
4 perspective here. I mean, if you have no
5 pedestrian data, how can you figure out the
6 signal timing for this stuff?

7 MS. CHAMBERLIN: But you have to
8 balance what the traffic needs.

9 So if you're worried that there's
10 an increase in pedestrians, how you'd address
11 that is you widen the crosswalk area or you'd
12 widen the sidewalk area or the curb area. But
13 given the existing conditions -- I mean, we
14 don't feel that the increased number requires
15 any of that. At the very least maybe you
16 could widen the crosswalk area.

17 MR. SMITH: Okay. You've done
18 some changes to the signal timing up at Ward
19 Circle now, isn't that right?

20 MS. CHAMBERLIN: Yes. We've added
21 a leading pedestrian interval. I believe it's

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1 three seconds.

2 MR. SMITH: Have you been out
3 there to assess the impact on traffic since
4 you've done it?

5 MS. CHAMBERLIN: I personally have
6 not.

7 MR. SMITH: Okay. Don't you think
8 that would be helpful?

9 You seem to be relying a great
10 deal on signal timing to solve the problem.
11 You just made some changes in the signal
12 timing that actually don't appear to have
13 solved any problem but actually may have
14 created more problem given the gridlock up
15 there. Don't you think that it would be a
16 good idea to go and see what the impact of
17 that is in terms of making some assessments
18 about the role of signal timing?

19 MS. CHAMBERLIN: Our technicians
20 might have done that.

21 MR. SMITH: Okay. The Rock Creek

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1 Livability Study that is reference
2 substantially in AU's campus plan to suggest
3 that there won't be any impact on traffic, it
4 their traffic plan didn't look at the streets
5 on the Spring Valley and Wesley Heights side
6 of the south side of the circle. Would that
7 have been important in terms of looking at
8 these issues?

9 MS. CHAMBERLIN: The issues for
10 the Rock Creek Church or the issues for the --

11 MR. SMITH: No. I mean, AU makes
12 lots of references to the Rock Creek
13 Livability Study that suggests that their
14 proposals will have no impact at all on
15 traffic issues. But your Rock Creek
16 Livability Study, as I understand it, did not
17 look at any of the streets on the Spring
18 Valley and Wesley Heights side of the circle
19 -- the south side of the circle.

20 MS. CHAMBERLIN: That's correct.

21 MR. SMITH: So is that a viable

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1 assumption then for the study to make that if
2 the Rock Creek Livability Study didn't look at
3 these things and they're citing Rock Creek
4 Livability Study to say there's no problem,
5 isn't that a problem?

6 MS. CHAMBERLIN: Well, I don't
7 think that they're relying on the livability
8 study to say that they don't have any impacts.

9 MR. SMITH: Okay. Do you have any
10 understanding of when the mid-block traffic
11 light is going to be installed?

12 MS. CHAMBERLIN: No.

13 MR. SMITH: So it could be
14 installed what -- ten -- five years from now,
15 four years from now?

16 MS. CHAMBERLIN: Yes. That's
17 something that still needs to be coordinated.

18 MR. SMITH: Okay. All right.

19 According to Grove Slade, they say
20 that there are no unacceptable pedestrian
21 delays in the area. And they say that no, in

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1 every part, they say no pedestrian mitigation
2 measures were necessary to be evaluated in
3 order to improve pedestrian delays at
4 crosswalks. If the report is correct, then
5 why is the mid-block light necessary?

6 MS. CHAMBERLIN: Well, I think it
7 was because currently they wanted to keep that
8 curb cut. So in order to make use of the
9 existing curb cut and make improvements to the
10 mid-block crossing issues that were already
11 occurring.

12 MR. SMITH: Okay. All right.
13 Wouldn't the light though given
14 its location and the fact that it does not
15 lead to a pathway into the campus actually
16 encourage more jaywalking in that area?

17 MS. CHAMBERLIN: Not necessarily.

18 MR. SMITH: Okay. What's the
19 basis then for your conclusion that the mid-
20 block traffic light is going to disperse
21 pedestrian traffic?

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1 MS. CHAMBERLIN: Well --

2 MR. SMITH: And from your
3 standpoint, who's going to use this light?

4 MS. CHAMBERLIN: Well, it was
5 already observed in the field that people are
6 crossing around that location. So if you're
7 coming out of one of the buildings -- let's
8 say the SIS -- and you want to get to the
9 dorms, you might start walking up and --
10 everybody always wants to take the fastest
11 route and the easiest route. So --

12 MR. SMITH: Yes. Well, you
13 mentioned the SIS building. But the SIS
14 building is right there at the corner where
15 there already is an existing light.

16 So I guess that's my question. I
17 mean, given the plan that's before -- the
18 application that's before us -- the proposal
19 for the East Campus -- who's going to be using
20 that mid-block crossing? I mean, what is your
21 thought? When you were looking at this and

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1 trying to evaluate it and how it would
2 disperse pedestrian traffic, who's going to
3 use it? I mean, is it coming from the dorms?

4 Is it coming from the parking lot? I mean,
5 who's going to likely be using it?

6 MS. CHAMBERLIN: Well, I think
7 it's both. So people always take the shortest
8 route. And if one of the intersections if
9 there's a lot of people at the intersection
10 and you come out right in front of there and
11 you're walking, you're going to look over and
12 you're going to see that you can cross there
13 and you're going to take it.

14 MR. SMITH: So if they take the
15 shortest route, what they're really going to
16 do though is jaywalk because --

17 MS. CHAMBERLIN: But the light --

18 MR. SMITH: -- the mid-block
19 pedestrian light is not going to be at the
20 entrances to the dorms.

21 MS. CHAMBERLIN: Well, but the

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1 light's going to help prevent that or
2 ameliorate an existing condition.

3 MR. SMITH: I mean, there's some
4 discussion about some of these buildings being
5 used for academic purposes. Are they going to
6 be using that mid-block? Given the location
7 of those academic buildings, are they likely
8 to be using that mid-block traffic light?

9 MS. CHAMBERLIN: I think so.

10 MR. SMITH: When you recommended
11 the signal, did you have access to a queue
12 analysis?

13 MR. HINSON: I think we did but I
14 can't remember off the top of my head.

15 MR. SMITH: Well, the queue
16 analysis focuses on Nebraska Avenue going in
17 the direction to the circle, not away from the
18 circle. So what does the queue analysis tell
19 you about traffic back-up into Ward Circle and
20 down Mass Avenue from the western side of
21 Nebraska?

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1 MR. HINSON: Can you repeat the
2 location again? I have to look at the map to
3 make sure I'm answering correctly.

4 MR. SMITH: The queue analysis
5 focuses on Nebraska Avenue --

6 MR. HINSON: Right.

7 MR. SMITH: -- going in the
8 direction of the circle. In other words, from
9 New Mexico Avenue to the Circle.

10 MR. HINSON: Right.

11 MR. SMITH: Okay? The queue
12 analysis doesn't tell you anything about
13 traffic back-up into the circle going from
14 Mass Avenue to New Mexico Avenue.

15 So have you seen any kind of
16 analysis about the back-up of traffic into
17 Ward Circle stemming from the light?

18 MS. CHAMBERLIN: No.

19 MR. SMITH: Has there been any
20 analysis as far as you know?

21 MS. CHAMBERLIN: No.

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1 MR. SMITH: So then, you don't
2 really know what the potential traffic back-up
3 impact is for --

4 MS. CHAMBERLIN: Well, that's
5 where the signal timing and the modeling would
6 come in. For a warrant analysis, you don't
7 look at the queuing.

8 MR. SMITH: But isn't it likely
9 that it's going to create some additional
10 back-up especially at the peak hours -- what
11 you say are the peak hours at the existing
12 traffic signals?

13 MS. CHAMBERLIN: The timing and
14 the modeling would determine that.

15 MR. SMITH: Well, I guess that
16 goes back to my earlier question. Is timing
17 the solution to the problems at Ward Circle?
18 I mean, we all know that there are problems at
19 Ward Circle. Is signal timing the solution to
20 the problems at Ward Circle?

21 MS. CHAMBERLIN: Could be.

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1 MR. SMITH: Could be.

2 AU's been required to submit
3 monthly reports on traffic and pedestrian flow
4 at the New Mexico/Nebraska Avenue
5 intersection. Have you seen any of that data?

6 MS. CHAMBERLIN: No, I have not.

7 MR. SMITH: So that data was not
8 considered. This relates to the use of the
9 SIS parking lot, right? So none of that issue
10 was taken into account when you did the
11 analysis of AU's traffic study?

12 MS. CHAMBERLIN: No.

13 MR. SMITH: Have you seen queue
14 analysis for New Mexico Avenue for people
15 turning left into the new underground parking
16 lot at the East Campus?

17 MS. CHAMBERLIN: So the New Mexico
18 turning into the --

19 MR. SMITH: Underground. The
20 underground parking lot at the East Campus.
21 Turning left from New Mexico Avenue into the

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1 parking lot.

2 MS. CHAMBERLIN: What they're
3 calling the commuter --

4 MR. SMITH: I'm not sure what
5 they're calling it.

6 MS. CHAMBERLIN: On page ten of --

7 MR. SMITH: I mean, I don't think
8 that's the way they've --

9 MS. CHAMBERLIN: -- the main --

10 MR. SMITH: I don't think you've
11 referenced it that way in your -- it's the
12 underground parking at the East Campus -- the
13 proposed underground parking lot at the East
14 Campus.

15 MS. CHAMBERLIN: Oh, the new one?

16 MR. SMITH: Yes, yes.

17 MS. CHAMBERLIN: Oh, I thought you
18 meant the existing --

19 MR. SMITH: I'm sorry. No, no,
20 no. I'm sorry.

21 MS. CHAMBERLIN: It's been a while

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1 since --

2 MR. SMITH: I think I'm already
3 anticipating that's going to happen.

4 Why don't I just move on and ask a
5 different question.

6 MS. CHAMBERLIN: Sure.

7 MR. SMITH: Because it doesn't
8 sound like there was any data for that.

9 Did you consider the impact on
10 traffic of retail at the East Campus site?

11 MS. CHAMBERLIN: No, we didn't.

12 MR. SMITH: Why is that?

13 MS. CHAMBERLIN: There are no
14 details on what the retail proposal was.

15 MR. SMITH: But wouldn't that be
16 an important factor in terms of the impact on
17 transportation issues and the transportation
18 infrastructure there?

19 MS. CHAMBERLIN: Well -- wait,
20 we've been --

21 MR. HINSON: Not necessarily. It

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1 depends on who the retail's going to serve.
2 So if a student-serving retail and there are
3 no vehicle trips generated which was what we
4 understood that to be, the impact is going to
5 be either nil or potentially positive by
6 taking vehicle trips off the road.

7 MR. SMITH: Well, but AU has
8 indicated at these hearings that they're
9 considering things like Apple Computer and
10 Panera Bread that would extend beyond student-
11 serving retails. So I guess my question is
12 why did you make that assumption? Was there
13 something that you had that the rest of the us
14 don't have that enabled you to make that
15 assumption?

16 MR. HINSON: Because the report
17 said student-serving retail. And so if they
18 do put more of a destination retail, that
19 would not be what we evaluated.

20 MR. SMITH: So would you need to
21 re-visit that traffic analysis if other types

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1 of retail were --

2 MR. HINSON: Depending on the type
3 of retail.

4 MR. SMITH: Well, if there was an
5 Apple Computer or Panera Bread or things that
6 would attract people from outside --
7 nonstudents. Would you feel a need to re-
8 visit that traffic analysis?

9 MR. HINSON: Something that's
10 going to attract nonstudents with vehicles
11 would need to be addressed.

12 MR. SMITH: Did you consider the
13 impact of the campus plan proposals on
14 neighborhood streets in the area, like for
15 example, data provided for University and 45th
16 Street neighborhood streets showed existing
17 failing levels of service? Did that figure
18 into any of your analysis?

19 I mean, really what I'm talking
20 about is transportation demand strategies.
21 When looking at the intersections that are

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1 identified in their analysis as being failed
2 intersections, why aren't you recommending
3 some transportation demand management
4 strategies targeted to those areas?

5 MS. CHAMBERLIN: What
6 intersections?

7 MR. SMITH: Well, one of them, for
8 example, is University and 45th.

9 MS. CHAMBERLIN: I don't see
10 University and 45th as part of their -- I see
11 University and 46th?

12 MR. SMITH: Okay. Let me --

13 MS. CHAMBERLIN: Is that the one?

14 MR. SMITH: No. Actually it's
15 University and 45th. But let me move on and
16 ask another question. It's a related
17 question.

18 On page three of the report, you
19 indicate that you requested a neighborhood
20 parking occupancy study. Did you approve the
21 study area for that occupancy study -- for

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1 that parking occupancy study?

2 MS. CHAMBERLIN: I don't remember.

3 MR. HINSON: I don't specifically
4 remember approving that specific study --
5 those specific blocks.

6 MR. SMITH: And that's the study
7 that concludes that there's no parking problem
8 in the neighborhood, correct?

9 MS. CHAMBERLIN: Well, there's
10 minimal -- yes, it's showing ten percent.

11 MR. SMITH: Minimal. Okay.
12 Minimal impact.

13 Were you aware that the parking
14 occupancy study area was actually limited and
15 didn't cover even the areas that AU itself
16 patrols as part of its good neighbor parking
17 policy?

18 CHAIRMAN HOOD: Commissioner
19 Smith, let me just say this. I let it go for
20 a little while.

21 It would be good if you asked a

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1 question. In your questions, it seems like
2 you're testifying.

3 MR. SMITH: I'm sorry. I'm sorry
4 if I did. Okay.

5 CHAIRMAN HOOD: Just get to the
6 question. Are you aware -- boom, or whatever
7 the question --

8 MR. SMITH: Okay.

9 CHAIRMAN HOOD: -- without giving
10 us all that.

11 MR. SMITH: Okay. Well, that
12 would be my question. Thank you. Thank you,
13 Chairman.

14 I mean, are you aware that that
15 study area doesn't include all the areas that
16 the University patrols?

17 MS. CHAMBERLIN: No.

18 MR. SMITH: Wouldn't that have
19 been an important piece of this parking issue?

20 MS. CHAMBERLIN: Yes.

21 MR. SMITH: I mean, did you know

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1 that AU ticketed 6,000 cars -- illegally
2 parked cars last year?

3 MS. CHAMBERLIN: Yes, I read that.

4 MR. SMITH: Is there a reason why
5 you have not asked AU to commit to a minimal
6 number of parking spaces for its campus plan
7 in this cycle unlike what's happened in the
8 past?

9 MS. CHAMBERLIN: Well, we thought
10 that they're reducing their existing parking
11 so we wouldn't need to require the minimum.

12 MR. SMITH: I'm sorry?

13 MS. CHAMBERLIN: They're reducing
14 their existing parking already.

15 MR. SMITH: No, I know that. But
16 I mean, in past plans they've always indicated
17 that there was a requirement that they provide
18 a certain minimum number of parking spaces.
19 This plan does not. Is there a reason why you
20 didn't insist this time around on maintaining
21 a minimum number of parking spaces throughout

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1 the ten-year plan?

2 MS. CHAMBERLIN: DDOT generally
3 now prefers to impose maximum on parking and
4 not minimum.

5 MR. SMITH: In your analysis, did
6 you make any assessment of how the parking lot
7 on the East Campus would be used as overflow
8 for the law school site or the projected new
9 law school site?

10 MS. CHAMBERLIN: No.

11 MR. SMITH: So that is not a part
12 of your analysis? Okay.

13 Were you aware that that was a
14 possibility that they were looking at using
15 the East Campus parking lot as back-up for the
16 law school?

17 MS. CHAMBERLIN: No.

18 MR. SMITH: I just really have a
19 couple more questions and I will pass on to
20 others because I know others have more
21 questions.

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1 When you reviewed AU's
2 transportation study, did you take into
3 account or consider the impact of the increase
4 in shuttle buses on the same streets stemming
5 from the proposed expansion of the Nebraska
6 Avenue complex?

7 MS. CHAMBERLIN: Well, some of the
8 numbers from Nebraska Avenue were considered
9 in the background traffic modeling for the
10 future proposed.

11 MR. SMITH: Did you consider the
12 cumulative impact on the area of both the AU
13 campus plan and the Nebraska Avenue complex
14 plans?

15 MS. CHAMBERLIN: Well, the
16 Nebraska Avenue isn't complete yet. So
17 they're currently re-working their study --
18 their traffic impact study. So the existing
19 one that's public still the draft was
20 considered as part of this. But that's still
21 in I guess motion or fluctuation.

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1 MR. SMITH: Have you considered --
2 and this will be my last question -- have you
3 considered asking AU to commit to a maximum
4 number of vehicle trips generated throughout
5 the life of the plan, and if AU reaches that
6 level then requiring them to put in place
7 additional mitigation measures?

8 MS. CHAMBERLIN: Have you thought
9 about that?

10 MR. SMITH: Yes.

11 MS. CHAMBERLIN: No.

12 MR. SMITH: Okay. Thank you.

13 CHAIRMAN HOOD: Okay. Thank you.

14 ANC 3F, Commissioner, do you have
15 any questions?

16 (No audible response.)

17 CHAIRMAN HOOD: Now Commissioner
18 Bender from ANC 3E, if I remember correctly, I
19 have you listed as going last because you're
20 not going to have that many cross-examination
21 questions. Hasn't worked out that way yet but

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1 that's -- okay. It could happen. Okay,
2 great.

3 MS. WISS: Good evening.
4 Commissioner Wiss from ANC 3F for the record.

5 I was looking over your report.
6 And it says that you would like AU to give a
7 full traffic impact study for the Tenley
8 Campus. I'd like to know what you mean by
9 that because I'm a layperson and I really
10 don't know what that is. So I'd like you to
11 sort of give more details because that's
12 pretty vague.

13 MS. CHAMBERLIN: Well, currently
14 we haven't gotten that much information from
15 the Tenley. Everything that they've submitted
16 was vague.

17 And so essentially what we want to
18 know is exactly -- we still need to negotiate
19 because no curb cuts have been approved. It's
20 not clear to us exactly where the entrance is
21 going to be, which curb cuts they're closing,

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1 how many parking spaces -- I mean, they range
2 between 400 and 500. So we would know exactly
3 what the proposals are and run all the
4 modeling, do the parking study inventory, the
5 curbside management inventory of the area and
6 discuss the mode splits and all the
7 assumptions that go into analysis and for trip
8 generation. So they're currently working on
9 it for their processing and we've seen a draft
10 scope for a complete study. But we haven't
11 seen the complete study.

12 MS. WISS: Okay. And some of that
13 I can certainly comprehend. After a while,
14 you tend to lose me. I can understand where
15 the curbcuts are and so on. That makes some
16 sense.

17 Run all modeling analyses, that I
18 have a harder time understanding what that
19 means.

20 MS. CHAMBERLIN: So that would be
21 the level of service analysis --

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1 MS. WISS: Oh, okay.

2 MS. CHAMBERLIN: -- that they did
3 for the Main Campus where they calculate how
4 many cars are going to be through an
5 intersection and what the delay is at that
6 intersection.

7 MS. WISS: Would this include such
8 things as queuing along Nebraska Avenue where
9 the parking entrance is planned to be?

10 MS. CHAMBERLIN: Correct.

11 MS. WISS: Would there be studies
12 of that parking entrance itself -- how that
13 might affect Nebraska Avenue?

14 MS. CHAMBERLIN: Yes.

15 MS. WISS: Okay. And would this
16 include a full analysis of intersections
17 nearby?

18 MS. CHAMBERLIN: Yes.

19 MS. WISS: Okay. Let me ask you
20 about a few of the intersections just because
21 I looked at their report and as you may know,

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1 ANC 3F bounds the Tenley Campus on two sides
2 -- Wisconsin Avenue and Nebraska. And I did
3 see that there were a lot of intersections
4 studied around Tenley Circle. They did study
5 Wisconsin and Van Ness.

6 Did you go over with them which
7 intersections they should do or just took what
8 they gave you?

9 MS. CHAMBERLIN: No. We've added
10 a couple more. Do you remember? It was 42nd
11 and Albemarle. I mean, I think that there's
12 maybe two more intersections to be requested.
13 But I don't remember it on the top of my
14 head.

15 MS. WISS: Well, what about Warren
16 and Wisconsin?

17 MS. CHAMBERLIN: I don't think we
18 requested that.

19 MS. WISS: Why would you not have
20 requested that?

21 MS. CHAMBERLIN: I'm trying to

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1 look at a map right now but don't have one.

2 Warren and Wisconsin on the other
3 side then.

4 MS. WISS: It's on Wisconsin?
5 It's in ANC 3F. I mean, our people live close
6 to the Tenley Campus, just across the street.

7 MS. CHAMBERLIN: Yes. And I don't
8 recall if we requested that one.

9 MS. WISS: Okay. Do you know
10 whether there's a traffic light there?

11 MS. CHAMBERLIN: I don't.

12 MS. WISS: Well, there's an error
13 in their traffic study and it shows there is
14 no traffic light. Would it change your mind
15 if you did know that there was a traffic light
16 at Warren and Wisconsin?

17 MS. CHAMBERLIN: The most
18 important part would be to understand where
19 the traffic's going to be coming from. And if
20 you believe the traffic is going to be coming
21 off of Warren, then yes, that would be an

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1 important intersection to evaluate.

2 MS. WISS: Is cut-through traffic
3 something that you would be interested in
4 evaluating?

5 MS. CHAMBERLIN: Yes.

6 MS. WISS: Okay. How about
7 turning to the Nebraska Avenue side? They
8 have studied Van Ness and Nebraska. There's a
9 traffic light there. They have not studied
10 41st and Nebraska. Would you recommend that
11 that be studied? It's closer to the --

12 MS. CHAMBERLIN: The block -- yes,
13 that could be an important intersection.

14 MS. WISS: Okay. And then they
15 did study Albemarle and 40th, Fort Drive or at
16 least they picked up your analysis from the
17 Rock Creek West Livability Study. But they
18 did not study a major intersection nearby
19 which is Albemarle and Nebraska. Would you
20 recommend that that one be studied?

21 MS. CHAMBERLIN: Could be. Yes.

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1 MS. WISS: Okay. Now we have
2 found by looking on the law school website
3 that there are a number of visitors who come
4 to campus every day for conferences,
5 continuing legal education classes, symposia,
6 reunions. Would you ask them to study the
7 impact of visitors to the law school at the
8 Tenley Campus?

9 MS. CHAMBERLIN: That is one of
10 the requests we're making for the parking
11 study.

12 MS. WISS: Okay. Thank you.

13 On page two of your report, you
14 talk about transit. And I know about the
15 shuttle bus. I know that AU has two shuttle
16 bus routes. And on your bullet points, you
17 say that they're going to remove a stop on
18 Massachusetts Avenue. Well, Massachusetts
19 Avenue is pretty long. Do you know where this
20 stop is and who it affects?

21 MS. CHAMBERLIN: It's by the Main

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1 Campus.

2 MS. WISS: By the Main Campus?

3 MS. CHAMBERLIN: Yes. All these
4 stops are on Main Campus.

5 MS. WISS: Okay. You may have
6 answered this before.

7 You requested a neighborhood
8 parking occupancy study. Was this done for
9 the law school?

10 MS. CHAMBERLIN: No.

11 MS. WISS: No. How far a radius
12 would you require them to do this?

13 MS. CHAMBERLIN: We're asking for
14 a five-minute walkshed.

15 MS. WISS: Five-minute walkshed.
16 And in terms of numbers of blocks, how many
17 blocks is that?

18 MR. HINSON: It's about a quarter
19 -- somewhere between a quarter and a third of
20 a mile. So depending on the block size, four
21 or five blocks. And it could be less

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1 depending on how long the blocks are -- or
2 more.

3 MS. WISS: Okay. Would that be in
4 all directions from the Tenley Campus?

5 MS. CHAMBERLIN: Yes.

6 MS. WISS: Okay. Thank you.

7 I think you suggest an enhanced
8 residential permit parking program as a
9 possible mitigation for streets around AU
10 campus. What does that mean?

11 MS. CHAMBERLIN: So it's a new
12 program we've been implementing where there's
13 large traffic generators. So the baseball
14 stadium is one and the Target in Columbia
15 Heights. So what we do is you would put RPP-
16 only on one side of the block at all times or
17 during the specific hours so no one else could
18 park on that side of the street unless they
19 had an RPP sticker. So there's no two-hour --
20 the two-hour limit where anybody can come.
21 That's not eligible on that side.

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1 MS. WISS: Okay. Neighborhoods
2 have a lot of views on parking. Is this
3 something that you would also asked the
4 residents to weigh in on as to whether they
5 would accept this in their neighborhood?

6 MS. CHAMBERLIN: Yes. They would
7 have to make the recommendations.

8 MS. WISS: Okay.

9 MS. CHAMBERLIN: And then from the
10 recommendations, this is where the TDM
11 coordinator -- we'd all have to go out in the
12 community and sell it to the community
13 essentially. I mean, the community has to
14 want this -- has to want the RPP enhancement.

15 MS. WISS: Okay. And it would
16 require a certain percentage of people to want
17 it?

18 MS. CHAMBERLIN: I would say the
19 majority.

20 MS. WISS: Majority. But that's
21 not yet worked out?

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1 MS. CHAMBERLIN: No.

2 MS. WISS: Okay. Now on the final
3 page -- page four in your recommendations --
4 you mention the DDOT design and engineering
5 manual chapter 45, requirement for traffic
6 impact studies for development projects.

7 Now I looked for this on the web
8 and I couldn't find it. Is this something
9 that's available for people to read and
10 understand?

11 MS. CHAMBERLIN: It's online.

12 MS. WISS: It is?

13 MS. CHAMBERLIN: You can just
14 Google DDOT design and engineering manual and
15 you should be able to find it.

16 MS. WISS: Okay.

17 MS. CHAMBERLIN: It's on our
18 website.

19 MS. WISS: And what does this
20 actually require?

21 MS. CHAMBERLIN: It's quite a

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1 lengthy chapter. It's all the technical
2 requirements to perform a complete study. And
3 it goes into the trip generation, pedestrian
4 impacts. I mean, it's quite lengthy.

5 MS. WISS: Okay. So then say we
6 should be able to read it and we can come and
7 ask you how to read this before we do the
8 further processing on the Tenley Campus --

9 MS. CHAMBERLIN: Sure.

10 MS. WISS: -- to make sure that
11 they actually are conforming to it?

12 MS. CHAMBERLIN: Yes.

13 MS. WISS: Okay. Thank you.

14 Now your third bullet point,
15 "further coordination design and
16 implementation with WMATA and DHS on bus stop
17 relocations for the 40th Street, Fort Drive
18 layover needed," can you specify what you want
19 there?

20 MR. SMITH: Well, as you know,
21 it's a little bit messy out there. And we saw

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1 AU laying over right at the intersection
2 blocking the view from people coming out of
3 the alley behind the Whole Foods which we
4 don't think is an appropriate location for the
5 bus to lay over. So and given that NAC's
6 going to have to -- or the DHS NAC is going to
7 have to increase their shuttle services,
8 there's going to be a lot of competition for
9 that space. So I think everybody should sit
10 down -- all three of them -- to coordinate
11 exactly where the bus stop or shuttle
12 locations should be to allow access for
13 everybody and to improve and decrease I guess
14 the pedestrian safety issues we observed.

15 MS. WISS: Okay. Now at the final
16 bullet point, you request that the TDM
17 coordinator, DDOT -- presumably AU with the
18 TDM coordinator -- work with stakeholders.
19 Would that include ANC 3F?

20 MS. CHAMBERLIN: Yes, that'd be
21 everybody.

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1 MS. WISS: Okay. Thank you.

2 Now turning to the transportation
3 report that AU provided, I'd really like to go
4 over this mode split for the Tenley Campus.
5 It's on page 41.

6 MS. CHAMBERLIN: So which of the
7 reports?

8 MS. WISS: It's the one that it's
9 --

10 MS. CHAMBERLIN: If you give us
11 the date.

12 MS. WISS: -- Grove Slade, Exhibit
13 22.

14 MR. HINSON: Is it the technical
15 analysis or does it say transportation report?

16 MS. WISS: It's says
17 transportation report and transportation
18 technical analysis. It came in one binder to
19 us. It looks like this.

20 MS. CHAMBERLIN: Yes, we have it
21 separately.

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1 MS. WISS: Oh, you do? Okay.

2 Well, on page 41 of the document I
3 have, which is probably the transportation
4 report, not the technical analysis, there's a
5 survey result. They did a survey in April of
6 2010 of the mode split for students, faculty,
7 staff and adjuncts. And one thing that stands
8 out here is that faculty do not take
9 Metrorail. They do not take Metrobus. Some
10 of the adjunct faculty do take Metrobus, but
11 they don't take Metrorail. Everybody says
12 okay, if you relocate near a subway stop,
13 people will take Metrorail even though they
14 have a shuttle bus.

15 So my question is how can you make
16 people get out of their cars? And the reason
17 I'm asking you this is that SR Transportation
18 Experts -- what's the current thinking on how
19 to change people's behavior?

20 MS. CHAMBERLIN: Well, you make it
21 less desirable for them to drive, and you

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1 remove all the incentives. So if you're
2 giving them free parking or cheap parking or
3 lots of parking, there's the incentive to
4 drive. But the moment that driving becomes
5 more expensive and more cumbersome, you're
6 going to choose the least cumbersome option.

7 MR. HINSON: And I'll add to that
8 slightly. When you remove a transport of a
9 mode which this campus would, you
10 fundamentally change the way people respond to
11 their transportation choices. So by taking or
12 by making someone get on a shuttle that's
13 probably -- I don't know exactly the length of
14 time that it takes to get to the law college,
15 but somewhere between five and ten minutes and
16 the wait time. And when you can literally
17 walk down one block and across the next and be
18 there in two or three minutes every single
19 time, it makes people more likely to ride
20 transit.

21 MS. WISS: Are there any studies

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1 that have been done to show that this works?
2 I mean, I want to know.

3 MR. HINSON: Yes, there have been
4 actually. And in particular for -- it's hard
5 to talk because it varies. It really focuses
6 on specific groups. But office workers, which
7 this is the most analogous to are very
8 susceptible to the location adjacent to
9 transit. And there's a significant difference
10 on folks that are working close to transit who
11 begin to ride transit when it is not quite so
12 onerous.

13 MS. WISS: And what about people
14 that live not close to transit? How do we get
15 them out of their cars?

16 MR. HINSON: It's pretty onerous
17 to drive as it is in this area. And by
18 putting the campus in close proximity to the
19 Metrorail station, you make it easier.

20 You're right. There will be
21 people driving from or coming from distances.

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1 But it's not quite so onerous when you have
2 to get on Metrorail and then a shuttle and you
3 never know how long you have to wait for a
4 shuttle. That's the perception that people
5 have.

6 MS. CHAMBERLIN: The other way
7 would be to subsidize transit. So if an
8 employer provides incentives -- pre-tax or
9 benefits, transit benefits -- that also
10 encourages. So it decreases the cost.

11 MS. WISS: What about carpooling?

12 MS. CHAMBERLIN: And carpooling is
13 very important too.

14 MS. WISS: Are there incentives to
15 get people to carpool?

16 MS. CHAMBERLIN: There are plenty.
17 You can provide preferred parking for
18 carpoolers. You can provide cheaper parking
19 fees for carpoolers.

20 It depends on the circumstance.
21 Like for schools and for day cares, we try to

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1 priority -- obviously this isn't related --
2 but they get priority let go so the kids that
3 are carpooling get out before the other kids.

4 So I mean, there's lots of incentives you can
5 provide for carpooling, even just like an
6 online match -- driver match program so you
7 can match people who live nearby and
8 guaranteed rides home. So if you do carpool
9 but you have to stay late for some reason,
10 there's a guaranteed ride home.

11 MS. WISS: Now is this something
12 that you can continue to work with AU on to
13 make sure that they can really get people out
14 of their cars.

15 MS. CHAMBERLIN: Definitely.

16 MS. WISS: Would this be the job
17 of the --

18 MS. CHAMBERLIN: The TDM
19 coordinator.

20 MS. WISS: Yes. Okay.

21 I think I've asked all the

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1 questions I have. Thank you.

2 CHAIRMAN HOOD: All right. Thank
3 you very much.

4 Commissioner Bender, I want to
5 make sure that you didn't mind going last
6 because I was informed by one of my colleagues
7 that you only wanted to do that one time. Or
8 did you want to do that throughout?

9 MR. BENDER: We're indifferent. I
10 had only asked about it one time.

11 CHAIRMAN HOOD: Okay. Well, what
12 I'm going to do because everybody needs some
13 help, and he informed me that you just wanted
14 to do it that one time. So you are,
15 Commissioner. We appreciate the service you
16 all do the city. That's not a political
17 statement. But come on up.

18 MR. BENDER: Good evening,
19 Chairman Hood and Commissioners and OP reps
20 and DDOT reps. I really do only have a few
21 questions even though I'm going sort of in the

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1 middle here.

2 First, I wanted to follow up on
3 just a couple of things you had said in
4 response to the previous questioner. And in
5 terms of making driving less attractive to
6 decrease automobile use, you mentioned for
7 instance not having parking or preventing
8 certain users from being able to park. If
9 auto users can cheat -- that is, the
10 enforcement or the penalties aren't adequate
11 -- those disincentives won't work -- right --
12 to the extent of cheating?

13 MS. CHAMBERLIN: Yes.

14 MR. BENDER: And to the extent
15 that AU rather than the city regulates parking
16 use, those same things are true, right?

17 MS. CHAMBERLIN: Yes.

18 MR. BENDER: You essentially found
19 the traffic report produced by AU for the law
20 school to be inadequate?

21 MS. CHAMBERLIN: Yes.

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1 MR. BENDER: I know you mentioned
2 it's vague. Can you address any other
3 inadequacies or what you thought was
4 inadequate in the report?

5 MS. CHAMBERLIN: I mean, I think
6 some of the main issues were we weren't really
7 clear where the curbcuts were. And so that
8 would relate to the circulation and then the
9 circulation and the amount of parking and the
10 actual mode splits. So all of that would
11 affect the trip generation and the traffic
12 impacts on the surrounding neighborhoods. So
13 those are I guess the main issues.

14 MR. BENDER: And I just want to
15 offer a couple of brief statements regarding
16 some findings of the livability study and make
17 sure that DDOT agrees with them.

18 So the 42nd Street corridor abuts
19 or is near Janney Elementary School, Iona
20 Senior Services, Friendship Terrace Retirement
21 Community and St. Ann's Academy among other

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1 institutions, each of which is associated with
2 considerable pedestrian activity by members of
3 potentially vulnerable populations.

4 MS. CHAMBERLIN: Yes.

5 MR. BENDER: And the 42nd Street
6 corridor has generated numerous complaints
7 about speeding traffic volume and motorists'
8 disregard for pedestrians.

9 MS. CHAMBERLIN: Yes.

10 MR. BENDER: And you would expect,
11 would you not, that AU's law school would
12 increase some of those pressures?

13 MS. CHAMBERLIN: It might, I mean,
14 if the status quo is maintained. But we're
15 hoping to calm the traffic on 42nd Street and
16 then come up with any mitigation strategies,
17 depending again on what their access is going
18 to be and where people are going to be routed
19 through.

20 MR. BENDER: But holding things if
21 there were not changes, we have a bad

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1 situation that would become worse?

2 MS. CHAMBERLIN: Could. I mean, I
3 guess we have to see the details of the plan.

4 MR. BENDER: Okay. But I mean, if
5 there were no mitigation taken, wouldn't
6 adding additional car trips exacerbate the
7 current situation?

8 MS. CHAMBERLIN: Yes.

9 MR. BENDER: That's all I have.
10 Thank you.

11 CHAIRMAN HOOD: Okay. Thank you.
12 Ms. Horvitz?

13 MS. HORVITZ: Good evening.

14 When Grove Slade and the traffic
15 analysts at DDOT make predictions about future
16 traffic conditions, aren't those predictions
17 based on assumptions and opinions by the
18 traffic analysts?

19 MR. HINSON: We do our best to use
20 generally accepted practices which focuses on
21 data either from the side or from other

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1 places.

2 MS. HORVITZ: But there are
3 assumptions that are made, correct?

4 MR. HINSON: There are assumptions
5 that are made.

6 MS. HORVITZ: And the predictions
7 about future traffic impacts, they're really
8 merely estimates, isn't that right?

9 MS. CHAMBERLIN: Yes.

10 MS. HORVITZ: So there are no
11 guarantees that Grove Slade's predictions will
12 prove to be accurate, isn't that right?

13 MR. HINSON: No, there's no way to
14 prove that.

15 MS. HORVITZ: And reasonable
16 traffic analysts can disagree, can they not?

17 MS. CHAMBERLIN: Yes.

18 MS. HORVITZ: Now does DDOT have
19 responsibility for evaluating the accuracy and
20 reasonableness of Grove Slade's assumptions
21 and data in this case?

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1 MS. CHAMBERLIN: Yes.

2 MS. HORVITZ: And isn't DDOT
3 supposed to make an independent evaluation of
4 traffic impacts in part because Grove Slade is
5 a hired advocate for AU?

6 MS. CHAMBERLIN: It depends on how
7 you define evaluation. We don't go out and
8 collect data and perform our own study vis a
9 vis their study. We analyze what they've
10 produced.

11 MS. HORVITZ: You rely on the data
12 that's provided by the Applicant?

13 MS. CHAMBERLIN: Yes.

14 MS. HORVITZ: And with perhaps
15 limited exception, you would not be including
16 any independent data that DDOT possesses,
17 correct?

18 MR. HINSON: We generally provide
19 any data that we have --

20 MS. CHAMBERLIN: To them. Yes.

21 MR. HINSON: -- to the Applicant.

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1 MS. HORVITZ: So like the
2 livability study. If you had that, you would
3 be offering that up?

4 MS. CHAMBERLIN: Correct.

5 MS. HORVITZ: Now isn't it true
6 that many of Grove Slade's assumptions in this
7 particular case could have the effect of
8 reducing or underestimating the estimated
9 traffic impact of the AU campus plan?

10 MR. HINSON: In my opinion, no.

11 MS. HORVITZ: Well, let me give
12 you some examples, and you'll tell you what
13 your thoughts are on each individual one.

14 So for example, Grove Slade
15 decided not to consider the cars from AU
16 drivers that were parked on the street and at
17 certain commercial properties when calculating
18 AU's trip generation figures, isn't that
19 correct?

20 MR. HINSON: They calculated the
21 trip generation from driveway counts into and

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1 out of the campus.

2 MS. HORVITZ: Exactly. So the
3 driveway counts did not count the cars that
4 weren't going through the driveways, correct?

5 MR. HINSON: The driveway counts
6 did not count the count's not going.

7 MS. HORVITZ: And thus, the
8 traffic generation analysis excluded all the
9 cars that were parking on the street --
10 however many they might be -- and the cars
11 that were going to commercially-owned
12 properties of AU and so forth, correct?

13 MR. HINSON: The trip generation
14 calculations did not include anything that
15 didn't go through those driveways. So, yes.

16 MS. HORVITZ: And so my question
17 is isn't it possible then that the approach
18 that was taken by Grove Slade, the data
19 provided to you and the assumptions that were
20 made about which cars to count could
21 potentially understate the real trip

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1 generation circumstances presently and in the
2 future?

3 MR. HINSON: Of course, it's
4 possible.

5 MS. HORVITZ: Now similarly, Grove
6 Slade made predictions about future AU
7 vehicular trips. And it did not consider when
8 doing so whether the additional drivers from
9 AU were going to be graduate students or
10 undergraduate students, isn't that correct?

11 MR. HINSON: They calculated the
12 rate based on the entire student population --
13 grad, undergrad, faculty, staff.

14 MS. HORVITZ: Right. And we know
15 that there's a request to increase enrollment
16 by the University, correct?

17 MR. HINSON: Correct.

18 MS. HORVITZ: The increase in
19 enrollment as suggested and proposed by the
20 University is primarily -- almost exclusively
21 to increase graduate students, correct?

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1 MR. HINSON: Correct.

2 MS. HORVITZ: Isn't it true that
3 graduate students drive more than
4 undergraduate students as a general
5 proposition?

6 MR. HINSON: We don't have data to
7 prove that.

8 MS. HORVITZ: Do you have any
9 reason to doubt that statement?

10 MR. HINSON: I think I should
11 leave it at we don't have any reason to
12 confirm that. I think that you -- no, I'll
13 leave it. We don't have any way to confirm
14 that.

15 MS. HORVITZ: Well, didn't in fact
16 AU testify that their graduate students had
17 driving patterns similar to their law school
18 students?

19 MR. HINSON: I believe they did.

20 MS. HORVITZ: And don't we have
21 some modes analysis about how many law

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1 students come and go by car?

2 MR. HINSON: There was a survey,
3 yes.

4 MS. HORVITZ: And isn't that
5 greater than the number of undergraduates who
6 drive?

7 MR. HINSON: Well, it wasn't
8 broken out by graduate and undergraduate. It
9 was broken out by driveway counts at the
10 campus. It wasn't broken out by --

11 MS. HORVITZ: Okay. Well, let's
12 assume that graduate students drive more than
13 undergraduate students for purposes of my
14 question. If that is the case, then wouldn't
15 an analysis that tries to predict the effects
16 of that enrollment growth on future traffic
17 understate the likely impacts if it doesn't
18 differentiate between graduate and
19 undergraduate drivers?

20 MR. HINSON: If there are
21 different patterns, it could potentially

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1 differentiate.

2 MS. HORVITZ: It certainly would
3 understate --

4 MR. HINSON: I'm sorry. Thank
5 you.

6 MS. HORVITZ: Right?

7 MR. HINSON: It could potentially
8 understate.

9 MS. HORVITZ: Okay. Now
10 similarly, didn't Grove Slade ignore in its
11 data collection, which you rely on and didn't
12 go out and do yourself -- didn't they ignore
13 the actual number of buses and shuttles on the
14 road when they were performing their traffic
15 counts?

16 MR. HINSON: No. I understood
17 them to have counted all the traffic coming
18 through the intersections.

19 MS. HORVITZ: I stated that
20 poorly. Let me clarify.

21 They counted the bus or the

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1 shuttle -- right -- as one vehicle, correct?

2 MR. HINSON: Correct.

3 MS. HORVITZ: But they did not
4 differentiate a bus or shuttle from some other
5 kind of vehicle, correct?

6 MR. HINSON: Not specifically for
7 the buses and shuttles.

8 MS. HORVITZ: And aren't buses and
9 shuttles -- don't they have a different impact
10 on traffic than a regular car?

11 MR. HINSON: They can depending on
12 the size and the stops and a variety of
13 things.

14 MS. HORVITZ: And this in fact is
15 an area where there's significant activity
16 particularly with shuttle buses, correct?

17 MR. HINSON: Yes.

18 MS. HORVITZ: And in fact I
19 thought I heard you both testify that it's
20 anticipated that there's going to be an
21 increase in shuttle service particularly with

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1 respect to the NAC site, right?

2 MR. HINSON: Correct. Not
3 necessarily on -- there's a potential for the
4 NACs shuttle to not necessarily be on Nebraska
5 Avenue. That's not decided.

6 MS. HORVITZ: So my question is if
7 AU didn't actually try to figure out how many
8 buses and shuttles were going by, then
9 wouldn't that similarly understate or distort
10 the actual levels of service analysis?

11 MR. HINSON: Not necessarily
12 because the highway capacity manual software
13 generally makes an assumption about what
14 percentage of trucks, buses and the like.

15 MS. HORVITZ: Right. So there's a
16 default. In other words, there's some
17 presumed number of buses and shuttles on the
18 average roadway?

19 MR. HINSON: Well, there's a
20 standard.

21 MS. HORVITZ: Right. But if in

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1 fact there are more than standard, wouldn't
2 this analysis that Grove Slade engaged in
3 understate the level of service issues?

4 MR. HINSON: Potentially extremely
5 slightly.

6 MS. HORVITZ: And similarly, Grove
7 Slade gave you analysis or numbers associated
8 with the additional pedestrians who were
9 likely to cross from the dormitories to Main
10 Campus, correct?

11 MR. HINSON: Correct.

12 MS. HORVITZ: But they gave you no
13 pedestrian data for how many pedestrians were
14 going to be crossing from the Main Campus to
15 East Campus for classes, is that right?

16 MR. HINSON: I can't recall
17 exactly how they came up with that rate. I
18 know that there was a count based on one of
19 the dormitories where they counted the ins and
20 outs, and I can't remember what else was
21 included or not included in that.

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1 MS. HORVITZ: Correct. So there
2 was an analysis of how many times a student
3 living in a dormitory would come and go,
4 correct?

5 MR. HINSON: Yes.

6 MS. HORVITZ: Based on a Main
7 Campus dormitory, right?

8 MR. HINSON: I believe that was a
9 Main Campus dormitory, yes.

10 MS. HORVITZ: Correct. But there
11 was no analysis of the additional people,
12 whether they be students or visitors to the
13 welcome center or pedestrians going to the
14 retail or students going to the new classrooms
15 in the buffer building. None of those
16 pedestrians were counted, were they?

17 MR. HINSON: Honestly, I don't
18 recall off the top of my head.

19 MS. HORVITZ: So if they were not
20 counted, again that might understate the
21 anticipated pedestrian activity and its

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1 resulting impact on vehicular traffic,
2 correct?

3 MR. HINSON: There's the
4 potential, but it could underestimate the
5 total pedestrians but not necessarily the
6 traffic impact, no.

7 MS. HORVITZ: And similarly, when
8 Grove Slade made the projection as to what the
9 background growth would be in traffic volumes,
10 it projected a background growth in traffic
11 volumes of only one percent in the area over
12 the entire ten years, is that right?

13 MR. HINSON: Correct.

14 MS. HORVITZ: Now if that
15 prediction happens to be too low for any
16 variety of reasons, wouldn't that again
17 understate future traffic volumes?

18 MR. HINSON: It would.

19 MS. HORVITZ: And we already
20 talked briefly about the retail issue. So if
21 in fact we do not have on East Campus in the

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1 end student-oriented retail that essentially
2 generates no cars and no parking, then again
3 that specialty retail classification that
4 Grove Slade used would potentially understate
5 the impact both on pedestrian activity and in
6 this case certainly traffic volume, correct?

7 MR. HINSON: Correct.

8 MS. HORVITZ: There's been some
9 discussion of jaywalking. And there's an
10 existing problem with jaywalking across
11 Nebraska Avenue, correct?

12 MS. CHAMBERLIN: Yes.

13 MS. HORVITZ: Now does DDOT have
14 responsibility for providing safe travel
15 conditions for pedestrians in D.C.?

16 MS. CHAMBERLIN: Yes.

17 MS. HORVITZ: And if more
18 pedestrians are crossing busy streets, isn't
19 there a greater likelihood of increased
20 pedestrian-related accidents?

21 MR. HINSON: Not necessarily.

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1 MS. HORVITZ: Well, let me ask you
2 this. Has Grove Slade or DDOT conducted a
3 pedestrian safety analysis to determine
4 whether there are more risks to the
5 pedestrians if East Campus is developed as
6 proposed?

7 MR. HINSON: Can you define what
8 you mean by pedestrian safety analysis?

9 MS. HORVITZ: Have you tried to
10 figure out what would happen with the
11 additional 600 kids on the other side of
12 Nebraska Avenue and all of the related
13 additional personnel crossing back and forth
14 and what the implications are for pedestrian
15 safety associated with that?

16 MR. HINSON: Yes. We've tried to
17 figure that out.

18 MS. HORVITZ: And your suggestion
19 is to add one mid-block crossing, correct?

20 MR. HINSON: Correct.

21 MS. HORVITZ: And nothing else?

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1 MR. HINSON: Making sure the
2 timing's appropriate and as we go through the
3 process making sure that the pedestrian
4 landing area at the edges of the crosswalks
5 are appropriate and that sort of thing, yes.

6 MS. HORVITZ: Does jaywalking have
7 an adverse effect on vehicular travel time and
8 delays?

9 MR. HINSON: I don't know if it's
10 documented that it does. I would think that
11 it does. But I've not seen anywhere that
12 documents -- that's not my area of expertise.
13 I've not seen that documented, but I would
14 assume it does.

15 MS. HORVITZ: We've touched on the
16 Rock Creek Livability Study already, but I
17 have a few questions relating to that.

18 Now, did DDOT consider its own
19 findings and analysis in that study when
20 evaluating AU's request in this case?

21 MS. CHAMBERLIN: Yes.

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1 MS. HORVITZ: And in fact, in that
2 Rock Creek Livability Study, Ward Circle was
3 identified as a "hot spot," was it not?

4 MS. CHAMBERLIN: Yes.

5 MS. HORVITZ: It had the most
6 traffic accidents of any intersection in the
7 entire study, correct?

8 MS. CHAMBERLIN: In the study
9 area.

10 MS. HORVITZ: Do you remember how
11 many?

12 MS. CHAMBERLIN: Not off the top
13 of my head. Twenty?

14 MS. HORVITZ: Eighty sound about
15 right? I can give you the study if you like.

16 MS. CHAMBERLIN: I don't remember
17 off the top of head.

18 MS. HORVITZ: And what made Ward
19 Circle a hot spot? What were the observed
20 problems that caused DDOT and the other
21 authors of that study to characterize that

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1 area as a hot spot?

2 MS. CHAMBERLIN: Well, within the
3 study area, we looked at all the intersections
4 that had high rates of accidents and
5 complaints. So it was based on accident data
6 and complaints.

7 MS. HORVITZ: Were there
8 complaints about aggressive driving in the
9 area?

10 MS. CHAMBERLIN: There were.

11 MS. HORVITZ: And unsafe
12 pedestrian behavior?

13 MS. CHAMBERLIN: Yes. But that
14 number, I do recall, there were only two
15 pedestrian accidents in three years. So it
16 was mainly vehicular accidents.

17 MS. HORVITZ: So there were as you
18 recall two instances where vehicles hit
19 pedestrians in the Ward Circle area?

20 MS. CHAMBERLIN: Correct.

21 MS. HORVITZ: Now in evaluating

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1 the AU proposal and taking into account the
2 livability study, was DDOT assuming that it
3 would be implementing any of the short-term or
4 long-term recommendations in the livability
5 study?

6 MS. CHAMBERLIN: When analyzing
7 the AU?

8 MS. HORVITZ: Yes.

9 MS. CHAMBERLIN: No.

10 MS. HORVITZ: You have touched in
11 your testimony and certainly in your analysis
12 on levels of service. And I have a couple of
13 questions about that.

14 What is the acceptable level of
15 service in D.C. during peak traffic hours?

16 MR. HINSON: We actually define
17 that. And it varies from place to place.

18 MS. HORVITZ: So sometimes it's an
19 E and sometimes it's a D?

20 MS. CHAMBERLIN: Or even an F.

21 MS. HORVITZ: So F could be an

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1 acceptable minimum?

2 MS. CHAMBERLIN: Because F varies.

3 There could be a +F or a -F, or I mean, it's
4 downtown area.

5 MS. HORVITZ: Well, that touches
6 on another one of my questions which is you
7 have A through F, correct?

8 MS. CHAMBERLIN: Yes.

9 MS. HORVITZ: And F is what --
10 about an 80-second delay for a vehicle -- is
11 the beginning part?

12 MR. HINSON: I think that's right.
13 I can't remember if it's 80 or 85. In that
14 range though, yes.

15 MS. HORVITZ: Okay. So 80, 85 is
16 the beginning of the F category for level of
17 service?

18 MR. HINSON: For -- and it varies.
19 And I can't remember. One is stopped
20 controlled and one is signal controlled. And
21 I can't -- it's slightly different, and I

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1 can't remember. But that's the general range.

2 MS. HORVITZ: So you can have an F
3 that's an 86-second delay, right? And you can
4 have an F that's an 800-second delay?

5 MS. CHAMBERLIN: Yes.

6 MR. HINSON: Yes.

7 MS. HORVITZ: And they would both
8 be the same level of service?

9 MS. CHAMBERLIN: Technically, yes.

10 MS. HORVITZ: And similarly, a D
11 is a range. It's not just one number, right?

12 MS. CHAMBERLIN: Correct.

13 MS. HORVITZ: Now in the
14 circumstances that bring us here today, what
15 was the acceptable level of service that DDOT
16 considered for this area?

17 MR. HINSON: We did not
18 necessarily define a specific letter of
19 threshold level of service.

20 MS. HORVITZ: So how do you know
21 when a change or an impact is adverse to a

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1 degree that causes you concern if you don't
2 set a bottom bar for performance?

3 MR. HINSON: So we actually looked
4 at the report to see the level of delay at
5 each intersection.

6 MS. HORVITZ: Well, when you were
7 looking at the level of delay for each
8 intersection, were you using an intersection-
9 by-intersection peak-hour determination, or
10 were you using a system-wide? I'm sorry. Let
11 me re-phrase.

12 Did you use the actual peak hours
13 for each particular intersection to figure out
14 the level of service?

15 MR. HINSON: We used the system --
16 or the system-wide peak was used.

17 MS. HORVITZ: And why not use the
18 intersection-by-intersection analysis to
19 figure out what the level of service is for
20 each intersection?

21 MR. HINSON: Because we generally

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1 feel that that's not necessarily a reasonable
2 condition. We think that -- our general
3 policy is to look at the aggregate peak hour
4 of the entire system so if however many
5 intersections there are in that area.

6 MS. HORVITZ: So how big was this
7 system that you looked at?

8 MR. HINSON: The study
9 intersections which I can't remember the
10 number off the top of my head. But I think --
11 how many -- I'm not sure of the report.
12 Eighteen maybe?

13 MS. HORVITZ: That's okay. I
14 don't need to know the exact.

15 MR. HINSON: Sure.

16 MS. HORVITZ: So any particular
17 intersection could in fact have a more
18 degraded or lower score level of service than
19 has been presented by Grove Slade and accepted
20 by you if you instead looked at the
21 intersections peak-hour period?

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1 MR. HINSON: Sure. Theoretically
2 it could.

3 MS. HORVITZ: Switching gears to
4 the DHS issue, I think you said that you did
5 consider the proposals for the Department of
6 Homeland Security, did you not?

7 MS. CHAMBERLIN: Yes.

8 MS. HORVITZ: And GSA is
9 predicting completion in or around before
10 2020, right?

11 MR. HINSON: They generally say
12 2020 at earliest.

13 MS. HORVITZ: Okay. And for
14 purposes of the analysis of DHS, isn't there
15 an assumption that only one in four employees
16 will drive to the NAC site?

17 MR. HINSON: Yes, there is.

18 MS. HORVITZ: And if in fact two
19 in four drive there, then the assumptions
20 would be incorrect?

21 MR. HINSON: Yes.

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1 COMMISSIONER MAY: Can I interrupt
2 for a second?

3 The one in four rate is set by
4 NCPC?

5 MS. HORVITZ: Yes.

6 COMMISSIONER MAY: And all federal
7 agencies are supposed to comply with those
8 rates when they get their campus plans
9 approved and such. And if two in four drive,
10 they're not going to be parking on the campus
11 -- on the NAC campus.

12 MS. HORVITZ: Thank you very much.
13 I appreciate that, Commissioner May. And I
14 do appreciate that for the record.

15 So do we have any idea how many of
16 the current employees at the NAC site actually
17 drive there?

18 MR. HINSON: A goodly portion of
19 them drive, on the order of I think -- off the
20 top of my head without having the information
21 in front of me -- on the order of what's

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1 likely 80 to 90 percent.

2 MS. HORVITZ: And if we do have a
3 problem where the GSA standards are not being
4 met and there's overflow, where are the cars
5 going to park?

6 MR. HINSON: If there's overflow,
7 they will most likely park in the
8 neighborhoods -- in the streets around the
9 neighborhood.

10 MS. HORVITZ: Because there's not
11 a lot of commercial lots in the area, are
12 there?

13 MR. HINSON: Not to my knowledge.

14 MS. HORVITZ: I mean, there's the
15 AU lots that some of them are available to the
16 public, right?

17 MR. HINSON: Correct.

18 MS. HORVITZ: But are there any
19 other close proximity public lots?

20 MS. CHAMBERLIN: Not that I know
21 of.

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1 MS. HORVITZ: Now with respect to
2 the traffic generation assumptions that were
3 made -- specifically the pedestrian traffic
4 associated with East Campus -- how many
5 students were you assuming were living on East
6 Campus? Was it the number proposed -- the 590
7 or thereabouts?

8 MR. HINSON: Actually I think that
9 our numbers referred to one of the earlier
10 submissions. And I'm not sure about that. I
11 would have to doublecheck. I'm sorry.

12 MS. HORVITZ: That's okay. My
13 point was that you were relying on whatever
14 the Applicant said was the number of beds to
15 be built, correct?

16 MS. CHAMBERLIN: Yes.

17 MR. HINSON: Yes.

18 MS. HORVITZ: So what if AU builds
19 the dorms and then triples all the rooms and
20 there's 100, 200, 300 more kids on East
21 Campus? Would the pedestrian trips be

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1 significantly underestimated in that
2 circumstance?

3 MR. HINSON: The pedestrian trips
4 would indeed be underestimated.

5 MS. HORVITZ: With respect to the
6 sufficiency of parking, did you consider or
7 evaluate the parking needs of the University
8 during special events and intercollegiate
9 games?

10 MS. CHAMBERLIN: No.

11 MS. HORVITZ: Wouldn't that be
12 somewhat instructive in terms of -- I mean,
13 that's when you have some of the biggest
14 masses of people in vehicles?

15 MS. CHAMBERLIN: I would assume
16 normally that happens off peak, wouldn't it?

17 MS. HORVITZ: Okay. So again,
18 your entire analysis is only based on the peak
19 hours and nothing else?

20 MS. CHAMBERLIN: Correct.

21 MS. HORVITZ: So if there is a

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1 huge special event that significantly exceeds
2 the number of parking spaces of which there
3 will now be no minimum, where are those cars
4 going to park?

5 MR. HINSON: I think this is where
6 -- first of all, I can't answer for AU as to
7 what their parking plan would be. But I will
8 say that this is where the travel demand
9 management person would feature very
10 prominently on how to address such issues.
11 And we would expect them to work through some
12 sort of plan to address potential impacts to
13 the neighborhood.

14 MS. HORVITZ: Are you aware that
15 when the sports complex that is now on AU was
16 originally built that there was a condition
17 that a certain minimum number of parking
18 spaces be put on campus in order to give
19 permission for that sports complex? Is that
20 something you encountered in your study?

21 MS. CHAMBERLIN: No.

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1 MS. HORVITZ: So obviously then
2 you didn't compare the number of parking
3 spaces that is now proposed to that minimum
4 that was set years ago, correct?

5 MS. CHAMBERLIN: Correct.

6 MS. HORVITZ: Other than the
7 testimony that you've already provided so far
8 tonight and what you've put in your
9 presentation and your report, has DDOT found
10 any other errors in Grove Slade's current
11 assumptions methods or data that you haven't
12 discussed so far?

13 MR. HINSON: Not that I can think
14 of.

15 MS. HORVITZ: Other than the
16 Tenley Campus which you've explained the
17 deficiencies of the traffic analysis there, is
18 DDOT planning on asking for any additional
19 information whatsoever with respect to the
20 traffic analysis for the Main Campus?

21 MS. CHAMBERLIN: No.

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1 MS. HORVITZ: Just one last
2 question so I understand levels of service.
3 If traffic is gridlocked during a particular
4 time period, will the data for that time
5 period show high volumes or low volumes?

6 MS. CHAMBERLIN: If it's
7 gridlocked?

8 MS. HORVITZ: Yes.

9 MS. CHAMBERLIN: I mean, level of
10 service isn't necessarily -- it's not telling
11 you how many cars. It's telling you the
12 delay. So it's how long cars have to wait to
13 get through an intersection which is related
14 to volume.

15 MS. HORVITZ: I stand corrected.
16 But when you're evaluating level
17 of service, you're only looking at peak hours,
18 right?

19 MS. CHAMBERLIN: Correct.

20 MS. HORVITZ: So is the peak when
21 the cars are completely stuck and incapable of

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1 getting through the intersection and so only a
2 few cars get through in each cycle? Or is the
3 peak hour when they're rushing through at most
4 efficiency?

5 MR. HINSON: The peak hour refers
6 to the highest volume.

7 MS. HORVITZ: So when it's
8 gridlocked, that's not the peak hour?

9 MR. HINSON: If it's the highest
10 volume, as Anna was mentioning, it's not
11 necessarily related to the gridlock. It's the
12 highest volume.

13 MS. HORVITZ: The volume going
14 through the intersection?

15 MR. HINSON: Correct.

16 MS. HORVITZ: So if they're not
17 moving, the volumes will be lower?

18 MR. HINSON: That is possible.

19 MS. HORVITZ: That's all I have.

20 CHAIRMAN HOOD: Okay. Thank you.

21 Let's go to Spring Valley. Mr.

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1 Mazzuchi?

2 MR. MAZZUCHI: Okay. Thank you.

3 I guess the first question I
4 wanted to ask related again to the level of
5 service standards. And in the materials I
6 just handed out, I had excerpt from the design
7 and engineering manual that I think you were
8 actually referring to before. I did get it
9 off your website.

10 And on the handmarked page three
11 that I have, it's describing the criteria for
12 traffic impact studies. And one of the quotes
13 that it says that the level of service D is
14 the minimum acceptable level of service in
15 D.C. And do you agree that that's DDOT's
16 official standard generally for traffic impact
17 analyses?

18 MS. CHAMBERLIN: It's a general
19 standard. But downtown, we know there are
20 certain areas where we'll never be able to get
21 better than an F. So we make exceptions.

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1 MR. MAZZUCHI: And you said you
2 hadn't made a determination as to what the
3 minimum acceptable level of service was in the
4 AU campus plan area?

5 MS. CHAMBERLIN: No. We're really
6 looking at what the existing conditions were
7 and how much of an impact the proposed plan
8 would have on the level of service.

9 MR. MAZZUCHI: Okay. I'm going to
10 turn back to the topic of the pedestrian
11 signal crossing -- the new one for which the
12 warrant analysis was performed.

13 And your report notes that that
14 mid-block signal will "further disperse
15 pedestrian traffic and improve safety along
16 the corridor." And my question is you aren't
17 actually saying in that report that the
18 intersection will be safe, is that right?

19 MS. CHAMBERLIN: Yes, it would be
20 safe.

21 MR. MAZZUCHI: Well, in other

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1 words, aren't you just comparing constructing
2 East Campus and having a signal?

3 MS. CHAMBERLIN: No, no. Our
4 pedestrian safety coordinator reviewed that.
5 And the length of that block is quite long.
6 And generally, there's signals -- I forget
7 what the length is -- but if there's signals
8 at two ends, you're going to normally see mid-
9 block crossings happening because of the
10 length in between the two signals is so far.
11 So in those cases, a mid-block signal would
12 help to create a safe crossing for the
13 pedestrians.

14 MR. MAZZUCHI: I guess my question
15 was you haven't concluded that all the
16 additional pedestrian traffic associated with
17 the East Campus won't create any risks -- any
18 new risks to pedestrians, have you?

19 MR. HINSON: We don't think that
20 the new pedestrian crossings will create more
21 risks for pedestrians, no.

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1 MR. MAZZUCHI: And I guess before
2 you were saying that in terms of your data,
3 you relied on the Grove Slade study. And my
4 question is where in the Grove Slade report
5 does it assess pedestrian safety issues that
6 would be created by the East Campus
7 development?

8 MS. CHAMBERLIN: I guess we were
9 looking at the number -- increase of
10 pedestrians. And --

11 MR. MAZZUCHI: The -- sorry. Go
12 ahead.

13 MS. CHAMBERLIN: And we feel that
14 that increase in number isn't going to create
15 a hazard.

16 MR. MAZZUCHI: What data are you
17 relying on to do that? I mean, in the Grove
18 Slade study, where in that study does it make
19 an evaluation of pedestrian safety risks?

20 MS. CHAMBERLIN: Well, that was an
21 internal evaluation by our pedestrian safety

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1 staff.

2 MR. MAZZUCHI: Were there any
3 documents produced in connection with that
4 evaluation?

5 MS. CHAMBERLIN: No, it's what's
6 in our report.

7 MR. MAZZUCHI: Your report is the
8 only document that you have --

9 MS. CHAMBERLIN: Correct.

10 MR. MAZZUCHI: -- that relates to
11 that evaluation.

12 MS. CHAMBERLIN: Correct.
13 Correct.

14 MR. MAZZUCHI: Another question
15 about pedestrian traffic. It's true that
16 pedestrian traffic at Ward Circle has a large
17 effect on traffic delays, right?

18 MS. CHAMBERLIN: It depends on the
19 approaches. So the unsignalized approach, you
20 could say yes.

21 MR. MAZZUCHI: So for example, in

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1 Grove Slade's transportation tactical
2 analysis, it says that the traffic on
3 westbound Massachusetts experienced an
4 unacceptable amount of delay due to heavy
5 volumes of conflicting vehicles and
6 pedestrians.

7 MS. CHAMBERLIN: Yes. The
8 unsignalized, yes.

9 MR. MAZZUCHI: And similarly, they
10 say there's queuing on New Mexico due to
11 pedestrians and back-ups from Ward Circle, is
12 that right?

13 MS. CHAMBERLIN: Yes.

14 MR. MAZZUCHI: In modeling future
15 traffic conditions, what weight did Grove
16 Slade give to pedestrian/vehicle conflicts
17 when modeling future vehicular delays?

18 MR. HINSON: They utilized
19 standard practice to evaluate pedestrian
20 crossings.

21 MR. MAZZUCHI: Where is that

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1 documented in their report?

2 MR. HINSON: I can't speak to
3 their report. But they utilized what is
4 standard practices and traffic engineering.

5 MR. MAZZUCHI: To conclude, what
6 I'm trying to get a sense of, what evaluation
7 has anyone made in this proceeding whether
8 it's you all or Grove Slade about the
9 contribution of vehicular and pedestrian
10 conflicts to delay?

11 MR. HINSON: The software used to
12 analyze it and the type of signal that we have
13 at that location, we've evaluated the signal
14 timings to determine what delay -- additional
15 delay they'll be which will be minimal.

16 MR. MAZZUCHI: And when you're
17 talking about additional delay there, you're
18 talking about vehicular delay and not
19 pedestrian delay?

20 MR. HINSON: Vehicular delay.
21 Vehicular. I'm sorry.

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1 MR. MAZZUCHI: In the parking
2 study that was referred to before by
3 Commissioner Smith that's attached to the May
4 transportation report addendum, that was an
5 attempt to measure the contribution of AU
6 traffic by comparing parking usage between the
7 time when school's in session and when it's
8 out of session, is that right?

9 MR. HINSON: Yes.

10 MS. CHAMBERLIN: Yes.

11 MR. MAZZUCHI: And you refer to
12 that in your report as being some kind of
13 measure of the contribution of AU traffic
14 that's evidenced by neighborhood parking?

15 MR. HINSON: Yes. It seemed from
16 that evaluation that there were AU students
17 and/or faculty staff parking in the
18 neighborhood.

19 MR. MAZZUCHI: I guess my question
20 is wouldn't there also be AU-related parking
21 in the neighborhood now when class isn't in

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1 session during the month of May or otherwise?

2 MR. HINSON: Potentially some.
3 Probably not much. But potentially some.

4 MR. MAZZUCHI: So then a
5 comparison between when class is in session
6 and when class is out of session, it doesn't
7 necessarily identify all of the traffic
8 associated with parking that's going on in the
9 neighborhood?

10 MR. HINSON: I would think that it
11 would identify the vast majority.

12 MR. MAZZUCHI: What data is that
13 based on?

14 MR. HINSON: That's why I said I
15 would think that it would identify the vast
16 majority. I can't say one way or the other
17 with certainty no.

18 MR. MAZZUCHI: In particular in
19 the area in that study -- and it might be
20 helpful to turn to it for a second. Do you
21 have that handy?

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1 MS. CHAMBERLIN: Yes.

2 MR. MAZZUCHI: The study shows
3 that it looked at the streets that are marked
4 in red. And I guess it shows that it didn't
5 look at all at the portion of New Mexico
6 Avenue between Westover Place and Nebraska or
7 at the portion of Rockwood Parkway that abuts
8 the University border there. Can you tell me
9 why that would be?

10 MS. CHAMBERLIN: I don't know
11 about the Rockwood, but the Nebraska doesn't
12 have -- well, that's Massachusetts.

13 MR. MAZZUCHI: Isn't that portion
14 of New Mexico Avenue, for example, just -- and
15 it's filled with parking meters, isn't it?

16 MS. CHAMBERLIN: I guess they were
17 looking more at the residential parking.

18 MR. MAZZUCHI: So in other words,
19 just looking at the residential parking, it
20 wouldn't necessary measure the AU traffic
21 that's not going through the University gates

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1 because it's actually omitting some places
2 where AU-related cars could park?

3 MS. CHAMBERLIN: Yes.

4 MR. MAZZUCHI: Okay. I wanted to
5 talk about assumptions in the Grove Slade
6 study.

7 At the June 23rd hearing, I was
8 asking Grove Slade about the assumption that
9 they were making in their projections that the
10 traffic signals at Ward Circle would be
11 optimized. Do you recall that?

12 MS. CHAMBERLIN: Yes.

13 MR. MAZZUCHI: Do you know whether
14 DDOT is actually going to change the signal
15 timings at Ward Circle?

16 MS. CHAMBERLIN: We're planning to
17 do an overhaul in that all the signals there
18 at the Circle.

19 MR. MAZZUCHI: But do you know
20 whether that overhaul will result in the
21 conclusion that you should actually change

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1 anything?

2 MS. CHAMBERLIN: Not yet, no.

3 MR. MAZZUCHI: I think it was
4 mentioned before. DDOT has actually already
5 changed the signal timings at Ward Circle
6 since the last campus plan, is that right?

7 MS. CHAMBERLIN: You're talking
8 about recently at the LPI or within the last
9 ten years?

10 MR. MAZZUCHI: Within the last ten
11 years.

12 MS. CHAMBERLIN: I wouldn't know.

13 MR. MAZZUCHI: In the recently
14 completed Rock Creek II Livability Study
15 that's been referred to, did DDOT recommend
16 any signal timing changes at Ward Circle?

17 MS. CHAMBERLIN: We recommended
18 looking at the entire Circle and possibly at
19 the signalizing the unsignalized approaches.
20 So that would have an effect on timing.

21 MR. MAZZUCHI: Okay. But in terms

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1 of the -- okay. Never mind.

2 Now it was mentioned before that
3 DDOT's actually already implemented the
4 leading pedestrian interval for the crossing
5 at Ward Circle, right?

6 MS. CHAMBERLIN: And Nebraska,
7 yes.

8 MR. MAZZUCHI: And I think you
9 mentioned it, DDOT's also recommended
10 signalizing the Massachusetts Avenue
11 approaches to Ward Circle in that livability
12 study?

13 MS. CHAMBERLIN: Correct. It was
14 a recommendation that's currently being
15 analyzed in our signals team. So it not
16 necessarily might or might not move forward.

17 MR. MAZZUCHI: So both of those
18 measures would be aimed at improving
19 pedestrian safety, but they would also have
20 some effect of increasing vehicular delays, is
21 that right?

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1 MS. CHAMBERLIN: Well, we'd want
2 to improve vehicular delays also. So it's a
3 balancing act.

4 MR. MAZZUCHI: Well, in order for
5 traffic to stop for pedestrians to cross in a
6 signal, the vehicular traffic has to wait,
7 right?

8 MS. CHAMBERLIN: Correct. But
9 right now they have to stop at all times. And
10 if you put a signal, they'll get the full
11 green at some times and at other times they
12 will all have to stop.

13 MR. MAZZUCHI: Did Grove Slade's
14 traffic study model or take into account the
15 timing from the leading pedestrian interval or
16 from signaling the Massachusetts Avenue
17 approaches?

18 MS. CHAMBERLIN: I don't think so
19 because that was done after.

20 MR. MAZZUCHI: Grove Slade also
21 assumed the addition of a protected right turn

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1 movement for vehicles exiting Ward Circle onto
2 Nebraska, correct?

3 MS. CHAMBERLIN: Where?

4 MR. MAZZUCHI: It says for
5 vehicles exiting Ward Circle onto Nebraska
6 Avenue, they assumed the addition of a
7 protected right turn movement.

8 I can find that.

9 Okay. If you have the
10 transportation tactical analysis, on page 29.

11 MS. CHAMBERLIN: Yes.

12 MR. MAZZUCHI: You have that?

13 And that's in other words sort of
14 green turn arrow for cars to turn while
15 there's still adult walk for pedestrians
16 moving in the same direction, right?

17 MS. CHAMBERLIN: Correct.

18 MR. MAZZUCHI: Doesn't that sort
19 of conflict with the leading pedestrian
20 interval?

21 MS. CHAMBERLIN: No, they would be

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1 separate.

2 MR. MAZZUCHI: Do you know whether
3 DDOT's actually going to add that protected
4 right turn movement?

5 MS. CHAMBERLIN: We don't.

6 MR. MAZZUCHI: Do you think given
7 the experience of the Circle to date there'd
8 also be some problems with pedestrians
9 crossing against that signal like they do at
10 the other intersections?

11 MS. CHAMBERLIN: What do you mean
12 crossing against?

13 MR. MAZZUCHI: There's walking
14 across the Circle when the protected right
15 turn arrow is supposed to give the vehicles
16 the right to turn.

17 MS. CHAMBERLIN: Okay. I'm sorry.
18 What was the question?

19 MR. MAZZUCHI: Don't you think
20 there's likely to be problems with pedestrians
21 doing that and therefore the right turn arrow

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1 not doing what it's intended to do?

2 MS. CHAMBERLIN: I mean, that can
3 happen anywhere.

4 MR. MAZZUCHI: The Grove Slade
5 study also assumes that DDOT's going to stripe
6 one lane of Massachusetts Avenue to a right
7 turn only at Nebraska, is that right?

8 MS. CHAMBERLIN: A lot of these
9 assumptions were made I think in the first
10 draft recommendations from the Rock Creek West
11 II Livability Study. And right now they're
12 all under review so they might change.

13 What they put in was what we had
14 at the time proposed, but it's not guaranteed
15 that we're going to do that because it's all
16 being analyzed right now.

17 MR. MAZZUCHI: So their analysis
18 is based on that assumption but we don't
19 really know if that's going to happen?

20 MS. CHAMBERLIN: Correct.

21 MR. MAZZUCHI: Just going back for

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1 a second on the question about the mid-block
2 crossing. Can DDOT provide an example of
3 another mid-block crossing signal that exists
4 in the District?

5 MR. HINSON: We're looking at
6 putting one in across from the Convention
7 Center. I can't think of any off the top of
8 my head. But remember, this functions as not
9 just a pedestrian crossing but as a right-in,
10 right-out intersection.

11 COMMISSIONER MAY: There are two
12 mid-block crossings in front of the World War
13 II Memorial on the Mall.

14 MR. HINSON: Thank you.

15 COMMISSIONER MAY: If you just
16 want an example, there are two there.

17 MS. CHAMBERLIN: Yes, and Georgia
18 Avenue and Hemlock. But that's a specific
19 pedestrian signal.

20 MR. MAZZUCHI: I was just going to
21 ask if there was one comparable where there

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1 were other crossings only a couple hundred
2 feet away in either direction.

3 MS. CHAMBERLIN: I'm sure there
4 are.

5 MR. HINSON: We have a variety of
6 intersections that are closely spaced. So
7 it's fairly normal to have intersections that
8 are on the order of 200 to 300 feet apart.

9 MR. MAZZUCHI: Okay. Do you
10 recall at the June 23rd hearing I was talking
11 with Grove Slade about relocation of the law
12 school, and I asked whether they had taken
13 into account the additional traffic through
14 Ward Circle that would result from relocation
15 of the law school to Tenley? Do you remember
16 that?

17 MS. CHAMBERLIN: Yes.

18 MR. MAZZUCHI: And at that
19 hearing, I believe Mr. Schissel told me it was
20 all one model and he said they would provide
21 some documents to demonstrate that. Do you

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1 have the letter that Grove Slade filed on July
2 12th?

3 MR. HINSON: I don't think we do.

4 MR. MAZZUCHI: If you don't, it's
5 at the handmarked page 18 of my handout. Do
6 you have that?

7 MS. CHAMBERLIN: Yes.

8 MR. MAZZUCHI: At the bottom of
9 the letter, it appears to say that Grove Slade
10 in fact did not model any increase in traffic
11 through Ward Circle as a result of the
12 movement of the law school to Tenley, is that
13 right?

14 MR. HINSON: I think we'll have to
15 get back to you and check.

16 MR. MAZZUCHI: Do you know of any
17 assessment of the traffic that the current law
18 school -- it's current location -- generates
19 at Ward Circle?

20 MR. HINSON: I don't know that we
21 know exactly how much traffic the current law

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1 school creates at Ward Circle.

2 MR. MAZZUCHI: So you're not aware
3 of any study that's been done of that or
4 anything like that?

5 MR. HINSON: I'll defer to Anna,
6 but not that I know of.

7 MS. CHAMBERLIN: No.

8 MR. MAZZUCHI: I mean, you don't
9 think it's fair to assume -- do you -- that
10 moving the law school to a location on
11 Nebraska Avenue would not increase the traffic
12 through Ward Circle, do you?

13 MR. HINSON: I'm sorry. Are you
14 saying that it has the potential to reduce the
15 traffic going through Ward Circle?

16 MR. MAZZUCHI: No, I'm sorry. I
17 had double negatives. But moving the law
18 school to a location that's on Nebraska Avenue
19 would tend to lead people to drive more
20 through Ward Circle, wouldn't it?

21 MR. HINSON: Or it could tend to

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1 lead them to drive less through Ward Circle.
2 If it's at a more transit-accessible location,
3 they don't need to drive through Ward Circle.

4 You're right. It is possible. I
5 would tend to think that it's more likely that
6 it will reduce the trips rather than increase
7 them.

8 MR. MAZZUCHI: Okay. Another item
9 I was discussing at the June 23rd hearing with
10 Grove Slade was the fact that the projections
11 for the future had assumed certain changes
12 such as the optimization of traffic signals
13 and the creation of the right-turn only lane
14 off of Mass onto Nebraska which I think we've
15 talked about tonight. We don't really know if
16 that will take place. And Grove Slade
17 indicated that there was some data where they
18 broke out the effects of the campus plan
19 without the assumed improvements that we don't
20 really know will happen.

21 Have you had a chance to review

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1 that data?

2 MS. CHAMBERLIN: I don't think
3 we've seen that.

4 MR. MAZZUCHI: I'm sorry?

5 MS. CHAMBERLIN: No.

6 MR. MAZZUCHI: I did have behind
7 the letter that we were just looking at
8 there's the table that they included, and it's
9 at the handmarked page 20. And I've
10 highlighted there some marks in the columns
11 where they have future background conditions
12 without the improvements that we don't know
13 will take place and comparing it to total
14 future conditions with the campus plan, again
15 without the improvements that were assumed.

16 And on some of those, I just
17 wanted to ask you about some of the numbers.
18 There's an indication for traffic on eastbound
19 Massachusetts at Ward Circle on the AM peak to
20 go from a level of service D to a level of
21 service E and to have about a 35 percent

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1 increase in delay. Do you see that there on
2 the table?

3 MS. CHAMBERLIN: Yes.

4 MR. MAZZUCHI: And similarly,
5 there's the level of service at the eastbound
6 Nebraska at Ward Circle on the PM peak to go
7 from a level of service D to a level of
8 service E and have about an 80 percent
9 increase in delay. Do you see that there?

10 MS. CHAMBERLIN: Yes.

11 MR. MAZZUCHI: And I guess the
12 last one I wanted to note was that northbound
13 Nebraska at Ward Circle on the PM peak going
14 from a level of service D to a level of
15 service E with again about a 30 percent
16 increase in delay.

17 And my question is isn't a
18 reduction in level of service from D to E at
19 an intersection generally a significant
20 adverse effect on traffic?

21 MR. HINSON: It's surely an

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1 effect. Adverse depends on the context.

2 MR. MAZZUCHI: Well, when your
3 report concluded that the level of service for
4 vehicular travel and the plan does not
5 significantly change, you weren't taking any
6 account of these figures, were you?

7 MR. HINSON: We were.

8 MR. MAZZUCHI: Well, I thought you
9 said you hadn't had an opportunity to review
10 them? When your report concluded that the
11 level of service hadn't changed, you didn't
12 have these figures available, did you?

13 MS. CHAMBERLIN: We had level of
14 service in the other submissions.

15 MR. MAZZUCHI: But I mean the
16 specific conclusions that in certain of the
17 intersections, it would be projected to go
18 from D to E.

19 MS. CHAMBERLIN: I don't know what
20 it says on the other ones.

21 MR. HINSON: We'll have to compare

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1 back to the previous reports. But yes, we did
2 look at the level of service to see the
3 changes.

4 MR. MAZZUCHI: Yes. I'm merely
5 saying that the level of service table is in
6 the report then contain different figures than
7 what is here, right?

8 MS. CHAMBERLIN: We haven't
9 compared this one to the other one.

10 MR. MAZZUCHI: Okay.

11 COMMISSIONER MAY: Can I ask a
12 question -- sorry to interrupt -- of DDOT?

13 Just looking at that same chart,
14 can you explain what the differences are
15 between future background, future backgrounds
16 improved, total future and total future
17 improved? What do those mean?

18 MR. HINSON: Generally what that
19 means is the future background are the traffic
20 conditions that are projected for 2020 without
21 the development, without the change-in-land

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1 use. The future background improved means
2 that there's some sort of modification to the
3 system. And likewise with the total future.
4 So the total future would include the
5 background as well as the development. And
6 then the total future improved would be all of
7 it with whatever improvement.

8 COMMISSIONER MAY: So in other
9 words, if we're going to be looking at the
10 future -- is it reasonable to assume that the
11 improvements will be made in both cases and
12 that the most relevant columns to be looking
13 at are future background improved and total
14 future improved?

15 MR. HINSON: Generally, yes.

16 COMMISSIONER MAY: In which case,
17 the delays that have been cited here are not
18 as significant, or the delays that Mr.
19 Mazzuchi was pointing out are not as
20 significant or actually are improved?

21 MR. HINSON: Correct.

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1 COMMISSIONER MAY: Okay. Thanks.

2 MR. MAZZUCHI: I wonder if I can
3 follow up on that. I mean, didn't we just say
4 that the improvements that are referred to
5 there are things that we don't know will
6 happen or not and that DDOT is still studying
7 all of them?

8 MR. HINSON: I think the way that
9 I've understood what our signals team is doing
10 is we're doing our best to figure out what
11 we're actually going to do and making sure
12 that we're going to do is safe and appropriate
13 and appropriate to the context rather than are
14 we going to do it or are we not going to do
15 it. The way I've understood it -- and I'll
16 defer to Anna; this is Anna's area -- but the
17 way I've understood it is that we are going to
18 do something. The question is how exactly are
19 we going to do it.

20 MR. MAZZUCHI: But for all you
21 know, the figures that represent sort of the

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1 actual projection of delays might very well be
2 the total future conditions without the
3 improvements, right?

4 MR. HINSON: You're right. They
5 could be.

6 MR. MAZZUCHI: Okay.

7 MR. HINSON: They could well be.

8 MR. MAZZUCHI: The last thing I
9 wanted to ask about was a statement in the
10 memo that's attached to the Rock Creek II
11 Livability Study. And it's at handmarked page
12 17 of the handout that I gave.

13 There's a note in there in that
14 memo that says "SynChro is not the ideal tool
15 for modeling a series of closely-spaced
16 intersections with complex traffic routing
17 decisions such as is the case for Ward
18 Circle." And the memo recommends that future
19 analyses use a tool called VISSIM. Are you
20 familiar with VISSIM?

21 MR. HINSON: Yes.

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1 MR. MAZZUCHI: And SynChro is the
2 model that Grove Slade has used here, right?

3 MR. HINSON: Correct.

4 MR. MAZZUCHI: Can you describe
5 what the memo's referring to when it says that
6 SynChro is not the ideal model for modeling of
7 a series of intersections like Ward Circle?

8 MR. HINSON: I'll give a general
9 overview. Generally when you deal with
10 circles, they're incredibly complex to model
11 the traffic impacts. And VISSIM, which is a
12 simulation tool, often is able to do a better
13 job of evaluating conditions.

14 MR. MAZZUCHI: Do you think that a
15 traffic study of Ward Circle that did use
16 VISSIM would improve the quality of the
17 analysis here?

18 MR. HINSON: Yes.

19 MR. MAZZUCHI: Do you think it
20 would be helpful to DDOT if AU updated their
21 analysis to take account of the factors that

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1 we've gone through that were missing in the
2 Grove Slade report?

3 MR. HINSON: Generally our signals
4 team does not necessarily need VISSIM for
5 areas outside of downtown. But would it be
6 better? Yes.

7 MR. MAZZUCHI: Just a second.

8 Okay. That's all I have. Thank
9 you.

10 CHAIRMAN HOOD: Thank you.

11 I think David Wilson for Tenley
12 Campus Neighborhood Association. Then we'll
13 ask Ms. Chesser to be ready and Mr. Herzstein
14 to be ready shortly after that.

15 MR. FERENBACH: Mr. Chairman, I'm
16 Greg Ferenbach. I'm President of the Tenley
17 Campus Neighbors Association. And Mr.
18 Wilson's at a trial out in Reno. So I'm going
19 to fill in for him tonight.

20 And I have a couple of questions
21 for DDOT. And I might have a couple questions

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1 for ANC members depending on what they say.

2 CHAIRMAN HOOD: You have a couple
3 of questions for who?

4 MR. FERENBACH: For ANC. But yes,
5 for DDOT first, initially.

6 CHAIRMAN HOOD: And what did you
7 say about the ANC?

8 MR. FERENBACH: I might have some
9 questions on behalf of Tenley Campus Neighbors
10 Association for the ANC Commissioners when
11 they testify later tonight.

12 Mr. Wilson's not here.

13 CHAIRMAN HOOD: Okay. And your
14 name again is?

15 MR. FERENBACH: Greg Ferenbach.

16 CHAIRMAN HOOD: Okay. Didn't we
17 get a letter or something? Did we get a
18 letter stating that you would be handling
19 cross-examination?

20 MR. FERENBACH: It was in our
21 initial request for party status.

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1 CHAIRMAN HOOD: Okay. And how do
2 you spell your last name for me?

3 MR. FERENBACH: F as in Frank, E-
4 R-E-N-B-A-C-H.

5 CHAIRMAN HOOD: Okay.

6 MR. FERENBACH: Thank you.

7 CHAIRMAN HOOD: You may continue.

8 MR. FERENBACH: It was your report
9 on June 6th and also tonight that the traffic
10 study for Tenley was inadequate, is that
11 correct? And your initial report came out on
12 June 6th and it's now the end of September.
13 Has AU submitted some further materials to
14 supplement what it initially submitted?

15 MS. CHAMBERLIN: I guess the
16 signal warrant analysis.

17 MR. FERENBACH: And there was a
18 May addendum?

19 MS. CHAMBERLIN: They May would
20 have come before the June.

21 MR. FERENBACH: Oh, I'm sorry.

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1 Excuse me.

2 Are you aware that they have
3 submitted a further processing application for
4 Tenley?

5 MS. CHAMBERLIN: Yes.

6 MR. FERENBACH: And in your view,
7 how long would it take to complete a traffic
8 study given that a preliminary one has been
9 submitted -- was submitted in was it March,
10 May?

11 MR. HINSON: If the data's already
12 collected, relatively minimal time.

13 MR. FERENBACH: Would you agree
14 that the Tenley Campus is an important aspect
15 of this campus plan for traffic purposes?

16 MR. HINSON: Of course it is.

17 MR. FERENBACH: Well, wouldn't it
18 be appropriate then for the Zoning Commission
19 to wait until a plan is submitted that
20 actually meets DDOT requirements before
21 proceeding with the campus plan?

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1 MR. HINSON: I think that's up to
2 the Zoning Commission, not us.

3 MR. FERENBACH: I meant as to
4 traffic. It seems like we're missing a big
5 part of the campus plan.

6 MR. HINSON: Our position is that
7 the Tenley Campus can be more fully evaluated
8 in the further processing.

9 MR. FERENBACH: We talked a little
10 bit about the trip generation model that's
11 been used for the Main Campus and for the
12 Tenley Campus and that traffic studies are
13 really dependent on the assumptions that go
14 into them. One of the assumptions that went
15 into AU's report has to do with a trip
16 generation model, is that correct? The model
17 is essentially an assumption -- a set of
18 assumptions?

19 MR. HINSON: Well, the trip
20 generation numbers that they have are
21 assumptions based on data that has been

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1 collected.

2 MR. FERENBACH: And isn't it
3 correct that AU's consultant did their trip
4 generation based on AU driveway counts at
5 their existing sites?

6 MR. HINSON: Correct.

7 MR. FERENBACH: And are you aware
8 that George Washington University in their
9 campus plan used a different approach?

10 MR. HINSON: That was pointed out
11 to us.

12 MR. FERENBACH: And their driveway
13 counts accounted for people that don't in fact
14 park in the University parking?

15 MR. HINSON: That was pointed out
16 to us.

17 MR. FERENBACH: And would it
18 surprise you that that would double the number
19 of trips?

20 MR. HINSON: I can't speak for
21 that campus. I'm not as familiar with that.

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1 But in a downtown setting where there are
2 other parking options, it doesn't necessarily
3 surprise me.

4 MR. FERENBACH: Grove Slade's
5 survey data that was used in part shows that
6 at least 15 percent of the current law
7 students admit that they park in the
8 neighborhood in violation of AU's policy. Was
9 that incorporated into the trip generation
10 model?

11 MR. HINSON: For the Tenley
12 Campus?

13 MR. FERENBACH: For the Tenley
14 Campus, yes.

15 MR. HINSON: I don't remember for
16 the Tenley Campus. I don't think so. I think
17 it said that it wasn't. But I don't think so.

18 MR. FERENBACH: Well, given that
19 this survey asked people whether they violated
20 the University policy, couldn't the number
21 actually be higher?

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1 MR. HINSON: It's always possible.
2 Generally when there's no recourse, folks
3 tend to report fairly -- not always -- but
4 fairly reasonably.

5 MR. FERENBACH: Are you aware that
6 in the vicinity of 5,000 parking violations
7 were handed out as to the law school in 2009?

8 MR. HINSON: Yes.

9 MR. FERENBACH: Doesn't this
10 suggest then that there may be additional
11 people that are not being counted in the trip
12 generation model? I mean, all those people
13 who are cited for parking were not going
14 through AU's driveways, correct?

15 MR. HINSON: That is correct.

16 MR. FERENBACH: Well, let's talk
17 about a couple of the other assumptions.

18 Would you agree that the number of
19 students who park in the neighborhood and are
20 thus excluded from the driveway counts will be
21 affected by how much AU charges to park in the

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1 garage? The more expensive the garage, the
2 more students will park in the neighborhood,
3 right?

4 MR. HINSON: The more expensive
5 the parking, the less likely they are to park
6 on the campus, some of which will use transit,
7 some of which will indeed try to park in the
8 neighborhood.

9 MR. FERENBACH: Well, what
10 assumptions did AU make about the cost of
11 parking in the AU garage at the Tenley Campus?

12 MS. CHAMBERLIN: I don't think
13 any.

14 MR. HINSON: I mean, they assumed
15 that it was constant, which if I'm remembering
16 correctly, a student permit is \$900-odd and a
17 faculty staff permit is \$120 a month.

18 MR. FERENBACH: Well, what
19 assumptions did the AU study make about the
20 impact of more special events and part-time
21 users of the proposed law school?

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1 MR. HINSON: I don't believe they
2 made that.

3 MR. FERENBACH: So is it fair to
4 say that the model may need to be adjusted?

5 MR. HINSON: It's fair to say that
6 special events need to be addressed, and I
7 believe we've already asked for that -- right
8 -- on the further processing application.

9 MR. FERENBACH: Thank you.

10 I wanted to just ask a few
11 questions about levels of service, and I'll
12 try not to duplicate some of the other
13 questions that we've had.

14 It seems to be unclear what is a
15 failing level of service. Are you familiar
16 with the report submitted by the traffic
17 expert for the neighborhood groups, Mr. Mara?
18 Have you had a chance to read that? It's in
19 the record.

20 MR. HINSON: Yes.

21 MR. FERENBACH: Thank you.

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1 And what assumptions does he make
2 that are different than what AU makes with
3 regard to levels of service?

4 MR. HINSON: At this point, I
5 think DDOT is evaluating the AU campus plan
6 and not Mr. Mara's campus plan. I'll be glad
7 to answer questions specific, but we evaluated
8 AU's plan.

9 MR. FERENBACH: Did AU assume a
10 one percent growth in traffic over the next
11 ten years?

12 MR. HINSON: Yes, sir.

13 MR. FERENBACH: And you consider
14 that to be a realistic assumption?

15 MR. HINSON: We absolutely do.

16 MR. FERENBACH: And didn't AU use
17 a different assumption earlier in this
18 process?

19 MR. HINSON: I believe that they
20 did.

21 MR. FERENBACH: Can we look at the

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1 Tenley-impacted intersections that have been
2 studied thus far? There's Nebraska-Van Ness
3 and Nebraska-Wisconsin. Are you aware that
4 with respect to the Van Ness intersection,
5 Grove Slade estimated that something like 49
6 percent of the traffic from the proposed law
7 school will immediately turn right after they
8 get onto Nebraska and go into the residential
9 neighborhoods?

10 MR. HINSON: I'm not as familiar
11 with the Tenley Campus.

12 MR. FERENBACH: Well, if the
13 Nebraska Avenue as a whole has a service level
14 D or F which I think is in the Grove Slade
15 study, why wouldn't people leave Nebraska and
16 turn right and go through the neighborhood?

17 MR. HINSON: It's possible that
18 they would and could.

19 MR. FERENBACH: And if they did,
20 that would be an impact on the neighborhood,
21 wouldn't it?

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1 MR. HINSON: More vehicular trips
2 than average generally is considered an impact
3 to the neighborhood.

4 MR. FERENBACH: But if they go
5 straight, then maybe this intersection goes
6 from a D to an F, doesn't it? Because we're
7 talking a lot of traffic.

8 MR. HINSON: It is possible.

9 MR. FERENBACH: Okay. And that's
10 something that is going to be studied?

11 MR. HINSON: Absolutely.

12 MR. FERENBACH: It seems like
13 we've got a lose-lose though, don't we? I
14 mean, they either go into the neighborhood or
15 they go straight. Either way, you have an
16 impact.

17 MR. HINSON: Or we have them
18 mitigate their concerns and have them address
19 their site plan appropriately.

20 MR. FERENBACH: Well, let's talk
21 about that.

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1 Have they provided any kind of
2 mitigation plan for the Tenley site?

3 MS. CHAMBERLIN: Not yet.

4 MR. FERENBACH: In the Rock Creek
5 Livability Study, I believe our ANC 3E had
6 quite a few recommendations for mitigation.
7 Are you familiar with that ANC resolution?

8 MS. CHAMBERLIN: Yes.

9 MR. FERENBACH: And I think it's
10 Resolution #6. Doesn't it suggest that AU be
11 asked to help pay for some of the mitigation?

12 MS. CHAMBERLIN: I'm trying to
13 remember the resolution. But it sounds
14 familiar, yes.

15 MR. FERENBACH: I have it if you
16 want me to read it.

17 But I guess my question is have
18 you asked AU to deal with some of those
19 mitigation effects?

20 MS. CHAMBERLIN: Well, we don't
21 have a clear picture of all the impacts yet.

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1 MR. FERENBACH: Let me just go
2 back to Warren Street because it's a big
3 concern among my neighbors. Is DDOT willing
4 to entertain the closing of Warren Street to
5 through traffic? Is that something you would
6 support?

7 MS. CHAMBERLIN: Warren from where
8 to where?

9 MR. FERENBACH: Warren between
10 42nd Street and Nebraska.

11 MS. CHAMBERLIN: Probably not.

12 MR. FERENBACH: Would DDOT support
13 making that a one-way street so that all these
14 folks who are going to take a right turn and
15 drive in through the neighborhood will not be
16 able to do that?

17 MS. CHAMBERLIN: We could look at
18 that.

19 MR. FERENBACH: Didn't DDOT ask
20 for a further parking study in your June
21 report?

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1 MS. CHAMBERLIN: Yes.

2 MR. FERENBACH: And has AU
3 provided that yet?

4 MS. CHAMBERLIN: Not yet.

5 MR. FERENBACH: Have you asked
6 also for some kind of enforcement plan for
7 parking?

8 MS. CHAMBERLIN: Not yet.

9 MR. FERENBACH: And that's been
10 what -- three months?

11 MS. CHAMBERLIN: Correct.

12 MR. FERENBACH: Our ANC has been
13 asking for it for two years. So don't feel
14 slighted.

15 There was some speculation about
16 the Metro. And isn't it fair to say that both
17 AU's consultants and Mr. Mara, the expert, has
18 been conservative in their predictions about
19 Metro usage and the change in the mode splits?

20 MR. HINSON: That is typical that
21 it's conservative. And I'll try to define

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1 what we mean by conservative meaning that
2 conservative typically means that it's assumed
3 that less Metro ridership than may be likely.

4 MR. FERENBACH: May be likely
5 based on what?

6 MR. HINSON: An extrapolation of
7 current trends.

8 MR. FERENBACH: Well, the Grove
9 Slade estimated that it would go from 15
10 percent to 40 percent, is that correct? This
11 is students because I don't expect much change
12 with faculty.

13 MS. CHAMBERLIN: I don't remember
14 seeing that.

15 MR. HINSON: I don't remember off
16 the --

17 MR. FERENBACH: Isn't that their
18 mode split?

19 MR. HINSON: It may well be.
20 Again, we are going to do much more detailed
21 evaluation in the further processing

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1 application.

2 MR. FERENBACH: Have you conferred
3 with or looked at WMATA data with regard to
4 that mode split?

5 MR. HINSON: I'm very familiar
6 with their station -- I can't remember what
7 it's called -- but it's the trip generation
8 study in station areas. Yes.

9 MR. FERENBACH: Would it surprise
10 you that the percent that take the Metro now
11 -- I'm talking about students and I'm talking
12 about Metro rail -- at the current law school
13 campus is the same figure as for those in the
14 Metro area who take Metro rail? It's the
15 exact same figure. It's about 15 percent.

16 MR. HINSON: I did not know that.
17 But --

18 MR. FERENBACH: Does that suggest
19 to you that going from 15 to 40 percent might
20 be a bit of a reach?

21 MR. HINSON: Not necessarily.

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1 General research suggests that with a robust
2 TDM program and proximity to transit, you can
3 significantly change the nature of trip
4 generation.

5 MR. FERENBACH: But don't you have
6 to look at where people come from as well as
7 where they're going to?

8 MR. HINSON: Yes. Absolutely, you
9 do. But often the destination is more
10 important that it be in close proximity to the
11 transit as opposed to the origin.

12 MR. FERENBACH: I have a question
13 about the time horizon that you require in
14 your reports. Is it correct that Grove Slade
15 has used a ten-year time horizon?

16 MR. HINSON: That is correct.

17 MR. FERENBACH: And why isn't a
18 20-year time horizon required for the Tenley
19 Campus?

20 MR. HINSON: Well, we'll look at
21 their trip generation and what they're

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1 projecting on the trip generation. And we'll
2 see how intense that is. But partly because
3 there's very little growth expected in the
4 background traffic as well. So a ten-year
5 forecast is almost identical to a 20-year
6 forecast.

7 MR. FERENBACH: When you look at
8 that background growth, don't you also have to
9 look at what's actually happening in the
10 neighborhood?

11 MR. HINSON: Yes. And the
12 regional travel demand model that we use to
13 compare does just that.

14 MR. FERENBACH: Well, does it
15 include local development that I can rattle
16 off the top of my head?

17 MR. HINSON: It does include
18 development in the area as well as changes to
19 development and increases in development.

20 Now --

21 MR. FERENBACH: Which developments

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1 is it going to include?

2 MR. HINSON: It includes what the
3 Office of Planning includes from our state
4 data center and demographics that we submit to
5 the Council of Governments.

6 MR. FERENBACH: Would DDOT
7 entertain a list of developments -- known
8 developments in our area and consider that?

9 MR. HINSON: Sure.

10 MR. FERENBACH: I have no further
11 questions.

12 CHAIRMAN HOOD: Okay. Thank you.
13 Tenley Neighbors Association?

14 MS. CHESSER: Hello. Many of the
15 questions have already been asked, and I will
16 not repeat them. It's Judy Chesser for Tenley
17 Neighbors Association.

18 You had suggested that they should
19 include everything within a five-minute walk
20 in their study. Can you just confirm that
21 that would include those blocks on the other

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1 side of Tenley Circle from the campus such as
2 Alton and Yuma and Grant Road because so far
3 those blocks have been left out of the
4 discussion? But there's no parking between
5 those blocks in the Tenley Campus across the
6 circle.

7 MS. CHAMBERLIN: Yes. Normally
8 what you do is you do a radius around the
9 campus. And I'm not sure if that is within a
10 five-minute walk or not.

11 MS. CHESSER: It would be.

12 MS. CHAMBERLIN: So then it would
13 be included.

14 MS. CHESSER: Okay. Because I
15 think part of the problem perhaps is if you
16 drew it -- the circle itself -- it's sort of
17 in the middle of the conversation. But
18 there's no parking in the circle.

19 MS. CHAMBERLIN: No, it would be
20 -- yes, it would be around the campus.

21 MS. CHESSER: Right. But the

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1 campus touches the circle.

2 MS. CHAMBERLIN: Correct.

3 MS. CHESSER: And these blocks
4 touch the circle on the other side.

5 MS. CHAMBERLIN: Correct.

6 MS. CHESSER: Okay. Could you
7 provide -- I know that earlier you had agreed
8 that they should include the magnificent
9 intersection of Albemarle, 39th, Grant Road
10 and Nebraska in their study. Could you also
11 provide for us or could AU provide include in
12 their study the vehicular and pedestrian
13 accidents at that intersection? Because we
14 have it for the other intersections that are
15 under consideration, and you've added a few.
16 In fact, perhaps you want to add that
17 information for all the intersections that
18 were sort of agreed to here tonight.

19 MS. CHAMBERLIN: Yes.

20 MS. CHESSER: Are you including
21 the impact of traffic generated by the nearby

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1 schools -- St. Ann's and Janney? Janney, for
2 example, I know D.C. government is proposing
3 to rent their athletic fields to Stoddard
4 Soccer which will include or generate a great
5 deal of parent participation at Janney in the
6 afternoon and in the evening. And that's like
7 in essence right next to the law school or the
8 proposed law school.

9 MS. CHAMBERLIN: Yes. We would
10 need access to that data.

11 MS. CHESSER: Okay. Maybe we can
12 find some Stoddard --

13 CHAIRMAN HOOD: Can we kind of
14 condense some of those long questions? Let's
15 just get to the question.

16 MS. CHESSER: Okay.

17 Studies and surveys. You had said
18 that there was a survey that you based much of
19 your reasoning on that was people going -- if
20 their office was near the subway, many of the
21 trips I would assume from the law school by

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1 students and faculty would be three-point
2 trips. They'd be going to school, having a
3 job and having their home. Are there any
4 studies for that type of an arrangement?

5 MR. HINSON: I'm sure there are.
6 I can't cite them from memory.

7 MS. CHESSE: If you could find
8 those for us, could you provide them?

9 Also, it would appear -- has
10 anybody done a survey as to where the faculty
11 and law students currently reside? I know
12 only 38 percent of the salaries go to D.C.
13 residents which means the vast majority of the
14 faculty must not live in D.C. I have no
15 similar calculation on the students, although
16 I'm assuming AU could provide it. It just
17 might give us a better idea of who might
18 actually take the subway in the future.

19 MR. HINSON: I think that's
20 actually in the record if I remember
21 correctly. I can't remember which submission.

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1 I printed it out earlier.

2 I apologize. It's in the
3 submissions. I can't remember which one.

4 MS. CHESSER: Okay. If you can
5 print that out to us, that would be helpful.

6 MR. HINSON: I'll move through my
7 papers now and find it.

8 MS. CHESSER: Have there been any
9 studies about the disrepair of the elevators
10 and the escalators on the subway and the
11 decrease in ridership caused by that?

12 MR. HINSON: We've not heard it to
13 be anything significant. Inconvenient for
14 sure though.

15 MS. CHESSER: I won't testify at
16 this point.

17 RPP -- can you explain a little
18 bit further how that works? Does that mean
19 that if you're in Zone 3, you can park
20 anywhere in Zone 3 still? So if you made one
21 side residential and the other side --

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1 MS. CHAMBERLIN: The other side
2 would still keep the normal two-hour
3 restriction.

4 MS. CHESSER: Right. But have you
5 given consideration that two hours is a pretty
6 good accommodation for attending a law school
7 class?

8 MS. CHAMBERLIN: I mean, that's
9 something we'd want them to look at and make
10 recommendations for any time adjustments
11 needed.

12 MS. CHESSER: Okay. Thank you.

13 Could you elucidate a little bit
14 more on how you get people out of their cars
15 and whether the model that you use makes
16 differentiations between people's abilities,
17 disabilities, their age and what kind of trips
18 they're taking? It would appear -- I mean, I
19 know a member of my family has a disability.
20 It would appear that people use -- frequently
21 people have a car but they might need the car

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1 to do their weekly grocery shopping or taking
2 the dog to the vet. Is any of that included
3 in your philosophy and how to get people out
4 of their cars?

5 MS. CHAMBERLIN: Well, it sounds
6 like you're talking about -- are you talking
7 about car ownership?

8 MS. CHESSER: Well, you had said
9 you're trying to get people out of their cars.
10 And that seemed to be both traffic and
11 parking. So parking -- if you're just getting
12 people out of their cars, then presumably they
13 wouldn't need any parking if they don't own a
14 car. I was trying to see how complicated your
15 model was -- how complex.

16 MS. CHAMBERLIN: It's not as
17 complex.

18 MS. CHESSER: Okay.

19 MS. CHAMBERLIN: We're just
20 looking at how to reduce the trips --
21 vehicular trips to a destination -- a

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1 particular destination.

2 MS. CHESSER: Okay. Thank you.

3 CHAIRMAN HOOD: Thank you.

4 Mr. Herzstein?

5 MR. HERZSTEIN: I have no
6 questions.

7 CHAIRMAN HOOD: No questions.

8 Okay. We're at the point now for
9 our ANC presentations. Is that correct -- 60
10 minutes each? Oh, 60 minutes if they need it.

11 It is now 9:00 o'clock. So if my
12 math is correct, we'll finish at two minutes
13 to 12:00 if everybody takes their hour.

14 But what we're going to do is
15 we're going to take a five-minute break, and
16 we're going to give ANC 3D a chance to get set
17 up and get ready. And we're going to take a
18 five-minute break.

19 (Whereupon, at 9:01 p.m., off the
20 record until 9:07 p.m.)

21 CHAIRMAN HOOD: Okay. We're going

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1 to get started. Let's get back on the record.

2 Okay. We're going to start with
3 ANC 3D -- Commissioner Smith and all.

4 MR. SMITH: Mr. Chairman, as a
5 preliminary matter, we had submitted a proffer
6 for an expert witness back during the summer
7 of Mr. David Fields of Nelson/Nygaard.

8 CHAIRMAN HOOD: Okay. And I'm
9 sure the rèsumé is -- does anybody have it
10 handy? Okay. Well, I'm sure the rèsumé is
11 here. He's been admitted before? Okay.
12 That's fine. Great.

13 Oh, that's right. Okay. Okay. I
14 don't know. You're right. Yes. Okay. From
15 New York. Okay, great. All right.

16 MR. SMITH: He's not rushing to
17 catch a flight.

18 CHAIRMAN HOOD: All right.

19 MR. SMITH: Thank you very much
20 for the opportunity to testify this evening on
21 behalf of ANC 3D.

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1 ANC 3D represents residents living
2 at American University and in the Spring
3 Valley, Wesley Heights, Westover Place,
4 Foxhall East, Embassy Park, Sutton Place and
5 cathedral neighborhoods immediately adjacent
6 to AU.

7 The testimony I present tonight is
8 different than the testimony I would have
9 delivered at the beginning of these hearings.

10 There are two reasons. First, AU's testimony
11 and cross-examination has provided more
12 details on the campus plan proposals than what
13 was shared with the community in meetings
14 convened by AU over the last two years or with
15 ANC 3D. Second, ANC 3D has had two meetings
16 with AU officials since the July 14th Zoning
17 Commission hearing with the purpose of seeking
18 to bridge differences between the University
19 and the community, suggesting that we may have
20 identified a pathway to possible resolution of
21 some differences.

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1 ANC 3D has sought such meetings
2 with AU for more than a year, and nobody has
3 taken us up on our offer until just recently.

4 After the July 14th hearings, we tried again
5 and this time our persistence paid off. Since
6 then, we have had the two meetings with AU --
7 the first shortened by the 5.8 earthquake. I
8 think I can speak for my AU friends and
9 neighbors in saying we never anticipated that
10 agreeing to sit down, talk and explore
11 possible resolutions to this conflict over the
12 campus plan would prompt the ground to shake
13 and the earth to move.

14 Both meetings with AU have been
15 productive although we have reach no formal
16 agreements yet. We have agreed to continue to
17 talk.

18 I also was invited to participate
19 in another meeting last week between AU and a
20 small group of Spring Valley residents about
21 the North Hall project. It was a highly

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1 productive meeting initiated by the residents.

2 And I'm very hopeful given the substance of
3 that meeting that there will be a satisfactory
4 resolution of differences.

5 In short, we are talking, and we
6 have pledged to continue to talk. I hope we
7 may be on a path to resolving many if not all
8 of the issues dividing us, but we have more
9 work to do. I hope that you will do all you
10 can to encourage these continued discussions.

11 ANC 3D's review of the AU campus
12 plan has been guided by the District elements
13 of the D.C. Comprehensive Plan and Subsection
14 210 of the Zoning Regulations which permits
15 university usage in a residential zone if it
16 is not likely to become objectionable to
17 neighboring property because of noise,
18 traffic, number of students or other
19 objectionable conditions. These standards did
20 not give us the luxury of a straight up or
21 down vote, especially given the massive scale

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1 and the potential adverse impacts of some
2 elements of the proposed plan.

3 In assessing whether AU's
4 proposals are both reasonable and appropriate,
5 ANC 3D finds that AU has failed to meet its
6 burden of proof to show why the 2011 campus
7 plan will not have adverse impacts on the
8 surrounding neighborhoods. Parts of the 2011
9 campus plan are inconsistent with the
10 provisions of Subsection 210 and failed to
11 meet the provisions of the Comprehensive Plan
12 intended to protect residential neighborhoods.

13 In fact, our analysis suggests that
14 objectionable projects in the campus plan are
15 inconsistent with 25 elements of the
16 Comprehensive Plan covering land use,
17 transportation, environmental protection,
18 urban design, educational facilities and the
19 Rock Creek West area.

20 Consequently, ANC 3D voted to
21 oppose the Reeves Field bleachers, the South

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1 Hall, and the further processing of the East
2 Campus, to support some projects including the
3 further processings for the Mary Graydon
4 Center and Nebraska Hall and support the North
5 Hall and the Beeghly addition on the condition
6 that they be scaled back.

7 The AU campus is so compact that
8 the adverse impacts of building projects will
9 be experienced throughout the community, not
10 just limited to residents directly abutting
11 the proposed projects. The basis for
12 neighbors' strong opposition to AU's campus
13 plan proposals which include a significant
14 increase in enrollment suggests AU's growth
15 objectives already are straining the physical
16 size of its current campus.

17 Even in its resolution in support
18 of the campus plan, the AU student government
19 stresses that new facilities are needed to
20 address the conditions of an overcrowded
21 university. The 2011 campus plan proposes

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1 nearly 900,000 GSF of new construction, almost
2 double what AU proposed ten years ago and more
3 than ten times what AU actually built over the
4 last ten years. AU seeks to expand but with
5 little space available to expand without
6 causing adverse impacts on the community.

7 Seventy percent of this new construction will
8 take place within the borders of ANC 3D.

9 Overall, the proposal is out of scale
10 for the low-density residential neighborhoods
11 surrounding the campus.

12 ANC 3D has worked to represent and
13 be sensitive to the interests of all our
14 constituents which include homeowners,
15 apartment dwellers, students living both on
16 and off campus and AU itself. In addition to
17 the ANC's own meetings, ANC 3D Commissioners
18 have participated in a wide range of community
19 meetings about the AU campus plan sponsored by
20 civic associations and homeowner groups,
21 student groups and individual neighbors.

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1 ANC 3D has discussed the campus
2 plan and related issues at eight public
3 meetings since October of 2010, including two
4 special meetings. The meetings were well
5 attended with attendance at three of those
6 meetings exceeding 150 people.

7 In mid-April, ANC 3D developed a
8 38-page summary report and proposed actions on
9 the plan that was distributed widely and
10 posted on our website for community feedback.

11 ANC 3D received more than 200 pages in
12 comments on the AU plan and the summary report
13 from neighbors for our review, most expressing
14 strong opposition to AU's proposals on the
15 basis of noise, traffic, the number of
16 students, or other objectionable conditions.

17 ANC 3D also retained the services
18 of Nelson/Nygaard, an internationally-
19 recognized transportation management planning
20 firm that puts a high premium on
21 sustainability strategies to conduct a peer

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1 review of AU's transportation analysis.

2 ANC 3D voted in an April 25th
3 special meeting to approve a series of
4 resolutions on the AU application. These
5 resolutions were submitted previously to the
6 Zoning Commission and are attached to our
7 written testimony.

8 We supplemented these actions of
9 April 25th by voting unanimously on June 1 to
10 oppose AU's newest proposal for a mid-block
11 pedestrian signal on Nebraska Avenue because
12 of adverse impacts on traffic.

13 Throughout our review process,
14 residents consistently raised three issues
15 that they said exacerbated the adverse impacts
16 of projects proposed in this plan. And those
17 three issues are off-campus AU student
18 behavior and AU's failure to implement and
19 effective results-oriented neighborhood action
20 plan as mandated in the existing campus plan,
21 parking by students and staff on neighborhood

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1 streets and AU's unsuccessful efforts to
2 implement an effective good neighbor parking
3 policy as mandated in the existing campus
4 plan, and AU's expressed commitment to expand
5 its footprint by acquiring and re-purposing
6 neighborhood commercial and residential
7 property enabling AU to grow its presence in
8 the community outside the purview of this
9 Commission and the campus planning process
10 with significant adverse impacts on residents'
11 quality of life including undermining the
12 neighborhoods' small-scale commercial centers
13 in Spring Valley and Wesley Heights. ANC 3D
14 asks the Zoning Commission to address these
15 issues as conditions of the campus plan.

16 AU plans to add 1300 new and
17 replacement beds to its on-campus student
18 housing inventory. Initially AU justified the
19 scope of its housing plan by saying it needed
20 to eliminate 300 triples and its 200-bed bulk
21 leasing arrangement with the Berkshire. Some

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1 students live three to a dorm that reasonably
2 accommodate only two people, albeit in some
3 instances by students' choice. AU also has
4 entered into a bulk leasing agreement with the
5 Berkshire Apartments in which students can
6 choose this as an on-campus housing option
7 despite the Berkshire's location off-campus.

8 Rationales for the amount of new
9 housing construction have evolved over the
10 course of this proceeding. However, the
11 existing campus plan requires AU to provide
12 sufficient housing for 85 percent of freshmen
13 and sophomores and 67 percent of its total
14 undergraduate student population. University
15 policy does not mandate that 67 percent of
16 undergraduates live in on-campus housing, but
17 only that AU have sufficient housing available
18 to accommodate the students if they choose to
19 live on campus. AU is now proposing to reduce
20 this requirement from 67 percent to 55
21 percent.

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1 Given the plans to add 1300 new
2 beds, ANC 3D strongly opposes reduction of the
3 current mandates. AU's proposed 4300-bed
4 inventory is more than sufficient to house two
5 thirds of undergraduate students even if the
6 cap is increased. AU should be able to
7 comfortably meet the 67 percent mandate for
8 its enrollment. Although AU proposes a 4300
9 housing inventory, its proposals based on
10 numbers outlined in the June 2nd report from
11 the Office of Planning will result in more
12 than 4800 beds.

13 Although AU identified many
14 potential locations for new student dorms in
15 its early discussions with neighbors, the
16 University chose locations along the campus
17 periphery with severe adverse impacts on
18 residents' property, including but not limited
19 to noise and traffic. Other locations on the
20 central campus that would oppose no or fewer
21 objections from residents were rejected by AU.

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1 In an attempt to encourage more
2 dialogue with the University on site
3 selection, a neighborhood group retained
4 Rhodeside & Harwell, a highly respected
5 planning firm to assess potential locations
6 for housing on the central campus. The firm
7 identified multiple alternative sites that
8 would have located new dorms within existing
9 student housing communities on the central
10 campus. All of these options except one --
11 the North Hall -- were rejected by AU out of
12 hand without serious discussions.

13 AU's insistence that only
14 locations along the campus periphery are
15 suitable for student housing, when many of
16 these locations are likely to create adverse
17 impacts suggest that AU may have outgrown the
18 physical limits of its compact campus. To
19 meet its growth needs, it may be time for AU
20 to give more serious consideration to opening
21 a satellite campus in another part of the city

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1 as encouraged by the Comprehensive Plan.

2 AU also justifies the scale of its
3 new housing program on the basis of needing to
4 relocate existing student housing on the
5 Tenley Campus to the Main Campus in order to
6 relocate the Washington College of Law to the
7 Tenley site. The footprint for the proposed
8 new law school on the Tenley Campus
9 demonstrates that the eight-acre site could
10 also accommodate small-scale student housing
11 in addition to a law school. Housing has been
12 located for more than ten years at the Tenley
13 site without objections from nearby residents
14 according to AU. The Tenley housing is
15 convenient to a Metro station in the Wisconsin
16 Avenue retail corridor, and Tenley student
17 residents have good access to the central
18 campus either by AU shuttle bus system, a
19 short five- to ten-minute walk, or an even
20 shorter bicycle ride. Although this will not
21 endear me to my friends in ANC 3E, ANC 3D

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1 believes the Tenley Campus also should
2 continue to include housing to solve AU's
3 housing crunch.

4 No decision you make on the
5 proposed plan is more critical than the
6 proposed cap on enrollment and employees.
7 Currently AU is subject to a cap of 10,600 for
8 student enrollment and a cap of 2200 staff.
9 ANC 3D notes that AU has exceeded its staff
10 cap by about five percent. This cap does not
11 cover the Washington College of Law because it
12 is housed in a commercially-zoned AU-owned
13 building in the heart of the Spring Valley
14 American University park neighborhoods.
15 Residents of ANC 3D are affected by University
16 use of this property and experience the
17 effects of added traffic and parking on
18 neighborhood streets, none of which were fully
19 measured in AU's transportation study.

20 Despite agreeing in its May 20th
21 pre-hearing statement to a 13,600 student and

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1 2900 staff cap, AU officials in response to
2 questions from ANC 3D Commissioners at our
3 June ANC 3D meeting refused to agree to
4 language that would count in the cap those
5 students and staff enrolled or employed in any
6 academic program relocated to a university-
7 owned or rented, commercially-zoned
8 neighborhood property. Mr. Tummonds suggested
9 in remarks to this Commission on June 9th that
10 any student taking classes at a commercial
11 building would most likely be taking classes
12 on the Main Campus and thus would be counted
13 in the cap. So residents have nothing to
14 fear. The reality, however, is that AU could
15 choose to relocate a graduate program or
16 several graduate programs or an entire
17 academic discipline, both graduates and
18 undergraduates, to these commercial sites in
19 our neighborhood. These students just like
20 the current law school students would not be
21 taking any classes on the Main Campus and

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1 would not count in the cap.

2 By relocating one or more graduate
3 programs or a specific academic school from
4 the Main Campus to the current site of the law
5 school once the Washington College of Law is
6 relocated, AU could add an additional 2,000
7 students at least above and beyond its
8 proposed cap if such students are not covered
9 by the cap as is current procedure. This is
10 what happened as a result of the last campus
11 plan and which has led to the on-campus
12 housing crunch now experienced by the
13 University. The impact of AU's proposed
14 13,600 cap on the community would be of a
15 student body of nearly 16,000 if not more.

16 The current law school site
17 represents just one of AU's commercially-zoned
18 buildings in expanding commercial property
19 portfolio in the heart of our neighborhood.

20 COMMISSIONER MAY: Mr. Smith, can
21 I interrupt for just a second?

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1 MR. SMITH: Sure.

2 COMMISSIONER MAY: Can I ask you
3 to push your microphone just a little bit away
4 from you?

5 MR. SMITH: Sure. I'm sorry.

6 COMMISSIONER MAY: Because the
7 speaker right behind me is very loud.

8 MR. SMITH: Right. I'm sorry.

9 COMMISSIONER MAY: That's okay.

10 MR. SMITH: My horoscope today
11 said that I would have to say something two or
12 three times for anyone --

13 COMMISSIONER MAY: I can hear you
14 very well the first time. Thanks.

15 MR. SMITH: Thank you.

16 Since 1992, AU has purchased more
17 than 528,000 -- is that better for you --
18 528,000 GSF of commercial space in the
19 neighborhood resulting in the loss of
20 neighborhood-serving retail and professional
21 services including medical offices. AU

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1 reports that at least 60 percent of the total
2 floor area of these buildings is now used for
3 University purposes.

4 ANC 3D believes the 13,600 student
5 and 2900 staff cap and the growth that it
6 suggests is excessive. With AU increasing its
7 commercial holdings significantly in recent
8 years, this commercial loophole is a recipe
9 for uncontrolled growth and further expansion
10 of the University's footprint into the heart
11 of the residential community including the
12 small-scale commercial corridor that has
13 traditionally served the needs of residents.

14 In the 2001 AU campus plan cycle,
15 the Zoning Commission ruled that AU's uses of
16 commercial property could be taken into
17 account to assess the overall impact of the
18 campus plan on the community and its
19 compliance with Section 210. In fact, the
20 Zoning Commission used this rationale for
21 recommending a reduction in the population cap

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1 then proposed by AU. We would ask this
2 Commission to be equally creative when dealing
3 with the impacts of AU's expanded commercial
4 property portfolio.

5 ANC 3D believes the cap should be
6 devised to ensure that AU does not use its
7 existing commercial holdings or that AU is not
8 given added incentive to purchase or re-
9 purpose additional commercial property in our
10 neighborhood to circumvent the limits on
11 growth that are an inherent objective and
12 result of a cap.

13 Consequently, ANC 3D has voted to
14 support a continuation of the existing
15 enrollment cap of 10,600 students and a 2200
16 cap on faculty. We would agree to an increase
17 in the cap when the Washington College of Law
18 is actually relocated to the Tenley Campus to
19 include the current law school numbers and the
20 current staff. This would mean a student cap
21 of 12,370 and a staff cap of 2600. Without

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1 some measures imposed by the Zoning Commission
2 that force AU to count students enrolled in a
3 program or attending class in AU-owned or
4 rented commercially-zoned property in the
5 neighborhood, AU will have no limits on their
6 potential growth, even with the cap.

7 The difficulty in obtaining
8 adequate information in a timely way from AU
9 about all of its proposed building projects
10 has prompted ANC 3D to suggest that some
11 projects be scaled back. This is especially
12 true of the proposed projects abutting Spring
13 Valley residents' homes.

14 Although some issues can be
15 addressed later in the further processing
16 stage, some projects warrant more specific
17 direction from the Zoning Commission to
18 provide guidance to AU and protect residents'
19 interests. Just like AU's presentations
20 before ANC 3D, many of the photos used by AU
21 in their June 9th presentation at these

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1 hearings play games with reality. This is
2 particularly true of the East Campus and North
3 Hall photos used in their presentation. Even
4 the model provides an inaccurate depiction of
5 the area topography. We invite you to come
6 see for yourself, especially given the scope
7 of the plan.

8 ANC 3D opposes the projects as
9 proposed by AU in the campus plan, the Reeves
10 Field bleachers and the South Hall. The
11 increase in the number of bleacher seats
12 facing residents' homes will result in
13 intrusive noise for adjacent neighbors on
14 nearby streets, especially Woodway, University
15 and Quebec. Noise from the playing fields
16 which directly abut neighboring homes has been
17 a severe and aggravating problem for several
18 years. The bleachers will aggravate
19 conditions that already are objectionable.

20 AU proposes to build a new
21 110,000-GSF, six-story South Hall student

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1 dormitory on the highest point of land to
2 house 200 students on the south side of
3 campus. The building will be at such a high
4 elevation compared with neighboring homes that
5 residents will be impacted significantly both
6 by light and noise, neither of which AU has
7 considered as they acknowledged at the June
8 9th hearing.

9 ANC 3D supports the following
10 building projects with conditions: the North
11 Hall, Beeghly addition, the multi-sports
12 gymnasium and the sports annex.

13 The North Hall will be the subject
14 of a further processing application later next
15 month. AU proposes to build this new student
16 dormitory on the highest point of land on the
17 north side of the campus. The Zoning
18 Commission approved a 15,000-GSF building for
19 the site in 2001 which was never built. There
20 is little, if any, discussion about this new
21 proposed project with affected residents prior

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1 to its inclusion in the campus plan.

2 Although the site is appropriate
3 for development and an ideal location for new
4 student housing given its proximity to
5 existing dorms, the scale of the building is
6 objectionable given the site's topography
7 along a major city gateway and its proximity
8 to the historic President's house on campus.
9 The proposed elevation of the new building
10 threatens to create a towering effect along
11 Massachusetts Avenue and overwhelm the site.

12 AU has shown us the site of North
13 Hall as being shrouded in trees, barely
14 visible to the community. The following
15 slides show the site during peak spring and
16 summer conditions when the trees are at their
17 fullest. The light pole shows where the North
18 Hall would be located. These are the same
19 light poles in the previous slide that show
20 the site from the front of the building. In
21 the next two slides, you also can see that the

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1 University's argument that the trees will
2 eclipse the North Hall just as they do know
3 with the nearby residence halls simply cannot
4 be the case as though buildings are not
5 eclipsed by trees.

6 In short, we need to acknowledge
7 the reality that there is a visual challenge
8 at this site due to the high elevation and
9 address it. I am pleased to report that
10 residents and AU have entered into discussions
11 about this project in the last week and are
12 working collegially to consider ways to
13 minimize the adverse impacts of the building,
14 to respect existing topography and reflect an
15 overall design that adds to the streetscape of
16 the neighborhood. With more time, I'm hopeful
17 that an agreement can be reached.

18 AU seeks to add 60,000 GSF to
19 Beeghly Hall. The Zoning Commission approved
20 a 50,000-GSF addition in 1987 but AU never
21 built the addition. The proposed addition

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1 will exceed the height of the existing
2 building multiplying the adverse visual
3 impacts of the already obtrusive Beeghly
4 Building. The addition should be reduced by
5 one floor to correspond in height with the
6 existing structure. But I am pleased to
7 report again that Spring Valley residents and
8 AU have been discussing ways to improve
9 landscaping design in the area near Beeghly to
10 mitigate the impacts of the existing building.

11 Although we are hopeful that AU and the
12 residents will reach an agreement on this
13 project, our support for the Beeghly addition
14 is conditioned on eliminating one floor which
15 would reduce the addition to 50,000 GSF.

16 The multi-sports gymnasium and the
17 sports center annex will be closer than any
18 current structures to the homes that face them
19 on University Avenue. The generic visual
20 renderings provided by AU show the proposed
21 structures as viewed from the campus interior.

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1 But the University provides no view from the
2 west where neighboring homes are located. In
3 the absence of adequate information from AU,
4 the interests of residents can be protected by
5 shrinking the footprint of both buildings as
6 outlined in our resolution submitted to this
7 Commission. More discussions between the
8 affected residents and AU also could address
9 many of these concerns as this process
10 continues to evolve.

11 ANC 3D supports the following
12 projects as proposed in the campus plan: the
13 Kay Spiritual Center addition, the relocation
14 of the Washington College of Law and the
15 Butler Tunnel enclosure. We do not believe
16 these projects in principal are likely to
17 create adverse impacts. However, we
18 acknowledge serious concerns and questions
19 about the Tenley campus and the impact on
20 traffic and parking for residents. These need
21 to be addressed by AU in greater detail as

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1 part of the further processing.

2 The closing of the Butler Tunnel,
3 which was approved by the Zoning Commission
4 ten years ago, could lead to better use of
5 space on the central campus, including
6 possibly for construction of new student
7 housing. This also makes it more feasible and
8 practical for AU to re-route its shuttle buses
9 off Nebraska Avenue as a way to reduce
10 existing traffic congestion on Nebraska
11 between Ward Circle and Rockwood while also
12 providing improved shuttle access to the
13 University community. AU's planning as
14 reflected in the 2000 campus plan proposal
15 falls short of the imagination needed to fully
16 realize the benefits of closing the Butler
17 Tunnel for student housing options and
18 improved transportation management policies.

19 ANC 3D also supports the further
20 processing for Nebraska Hall and the Mary
21 Graydon Center. We note, however, that the

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1 Mary Graydon Center addition located at the
2 campus core will be only 40 feet high, yet AU
3 proposes other buildings adjacent to
4 residents' homes that have significantly
5 higher elevation. As AU works to beautify and
6 preserve open space on the central campus, it
7 seeks to eliminate the neighborhood buffers
8 that now exist.

9 ANC 3D opposes AU's request for
10 further processing of the East Campus at this
11 time on the basis that as planned it will
12 adversely affect the use of neighboring
13 property and is not in harmony with the
14 general purpose and intent of the Zoning
15 Regulations and because the application is
16 incomplete. As proposed, the development is
17 likely to become objectionable to neighboring
18 property because of noise, traffic, number of
19 students and other objectionable conditions.
20 AU has failed to mitigate the adverse impacts
21 of its proposal. ANC 3D has outlined a series

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1 of conditions that could address these adverse
2 impacts including but not limited to reducing
3 the overall intensity and the number of
4 students housed at the site, removing all
5 retail from the proposed site, and
6 establishing a 120-foot landscape buffer as
7 opposed to so-called buffer buildings that add
8 to the intensity of the site and create their
9 own objectionable visual and noise impacts.

10 ANC 3D believes the East Campus
11 development as proposed is too intense. Of
12 the seven buildings planned for the site,
13 three are more than twice as high as the
14 neighboring townhomes. As now planned, this
15 large-scale development will add to existing
16 traffic congestion in the neighborhood, the
17 retail component is inconsistent with existing
18 land uses along the Nebraska Avenue corridor,
19 the proposed buffer of low-rise buildings is
20 inadequate to protect residents from adverse
21 visual and noise impacts, and it will alter

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1 the character of the low-density Wesley
2 Heights, Spring Valley and Westover Place
3 residential neighborhoods adjacent to the
4 site.

5 Again let me contrast the
6 presentation made by AU with the reality that
7 we face. This is the slide of the model.
8 Even this model suggests a high level of
9 intensity. This slide highlights the buffer
10 with Westover Place suggesting this large
11 green area. But this is the reality of the
12 40-foot buffer that AU is proposing at the
13 site. People will be close enough to be
14 visible to wave to their new student
15 neighbors. Note the view of Westover Place
16 from across the street of the parking lot that
17 will soon house the East Campus. Today, it is
18 the buffer, and not much in the way of trees
19 or other landscaping separates Westover from
20 the campus. That buffer will disappear, and
21 no adequate replacement is being offered.

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1 ANC 3D recommends also that the
2 Nebraska Avenue surfaced parking lot on the
3 East Campus along the Massachusetts Avenue
4 side of Ward Circle be eliminated and turned
5 into greenspace as a buffer with the
6 surrounding neighborhoods. Even if this
7 requires AU to increase the amount of the
8 underground parking at the site, this will
9 have the effect of reducing overall density
10 and create a more balanced physical
11 environment at the eight-acre site.
12 Additionally, conditions need to be imposed
13 that would prevent any amplified events from
14 being held on the East Campus given its close
15 proximity to neighbors and the lack of any
16 sound buffer.

17 ANC 3D notes that AU's further
18 processing did not include a stormwater
19 management plan for review by residents and
20 the District Department of the Environment.
21 Although such review is not required as part

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1 of this application process, stormwater
2 management is a critical issue given the
3 area's topography and what we know of
4 groundwater flow in the area. A review by
5 DDOE by AU's stormwater management plan would
6 be good practice, especially for projects in
7 this area of the city. We would encourage AU
8 to voluntarily seek such review, and if not,
9 you should mandate it.

10 We are particularly concerned that
11 the transportation analysis for this project
12 is woefully incomplete, if not
13 misrepresentative of reality. The minimal
14 design information provided by AU also
15 suggests a series of monolithic, box-like
16 structures, especially on its border with the
17 Westover Place townhomes.

18 We also would recommend that AU
19 voluntarily provide information for residents'
20 review about any potential contamination at
21 the site stemming from its use by the Army

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1 when AU housed the largest chemical weapons
2 experimental station in the world during World
3 War I.

4 Although AU has filed an
5 application for further processing, its plans
6 for the site seem still to be evolving. For
7 example, it is unclear which spaces in
8 Buildings 4 and 6 will be designated for
9 academic uses which pose more significant
10 adverse lighting, noise and population impacts
11 especially for the so-called buffer buildings.

12 AU even appears not to have designed a
13 loading area for its proposed retail in
14 Buildings 1, 2 and 5. There are no plans in
15 place for parking tied to the retail use of
16 this site.

17 On the basis that the further
18 processing lacks sufficient detail, it should
19 be rejected at this time by the Zoning
20 Commission, and AU should be encouraged to
21 work more closely with residents and ANC 3D to

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1 mitigate objectionable adverse impacts.

2 ANC 3D opposes retail at the East
3 Campus. Nebraska Avenue is unique in that it
4 is characterized by residential and
5 institutional uses like churches and schools,
6 including Woodrow Wilson High School, Alice
7 Steel, the National Presbyterian Church and
8 United Methodist Church, the U.S. Naval Annex
9 that houses the Department of Homeland
10 Security and stately homes for the Japanese
11 and Swedish Ambassadors. If approved as part
12 of this plan, this would be the only block
13 with retail on Nebraska Avenue throughout its
14 length in Washington, D.C.

15 OP said it best. AU's retail
16 plans for the East Campus would introduce land
17 uses that are not anticipated on the site,
18 called for in the Comprehensive Plan or
19 allowed as a matter of right under zoning.
20 Retail at the East Campus will undermine the
21 existing Wesley Heights commercial corridor,.

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1 Specifically, AU-owned retail at the
2 commercially-zoned Sutton Center in the heart
3 of Wesley Heights, just a block from the Main
4 Campus, has been empty for nearly two years.
5 AU says it has been unable to fill that space.

6 Recently the University converted nearly half
7 of the Sutton Center retail space into a
8 University mailroom and an enrollment services
9 center. In choosing this option, AU rejected
10 an offer from a successful Washington, D.C.
11 restaurateur to open a gourmet grocery at the
12 site.

13 AU has also underestimated the
14 potential adverse transportation impacts of
15 locating retail at the East Campus site. AU's
16 transportation analysis is based on adding
17 student-serving specialty retail at the site.

18 However, AU has not spelled out the specific
19 uses for the retail to be located on the East
20 Campus except to suggest in these hearings
21 that it's targets are Apple Computer and

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1 Panera Bread, both of which are likely to
2 attract a regional nonstudent population. So
3 the analysis of the transportation impacts is
4 simply not reliable.

5 As suggested in the Rock Creek
6 West element of the Comprehensive Plan, an
7 assessment of the impact of AU's campus plan
8 on traffic should not be made in isolation
9 from proposed plans by the GSA to expand the
10 Nebraska Avenue complex adjacent to the East
11 Campus site that now houses the Department of
12 Homeland Security. GSA's plans which are
13 expected to be realized during the next ten
14 years are likely to double the building space
15 of the 37-acre site to 1.2 million GSF. GSA
16 would add nearly 2,000 new workers, doubling
17 the number of DHS workers commuting to the
18 Ward Circle site. GSA reports more than half
19 of all DHS workers access the NAC site from
20 the Virginia suburbs by way of Nebraska Avenue
21 where AU is planning the East Campus

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1 residents' community.

2 Traffic congestion along New
3 Mexico, Nebraska and Massachusetts Avenues has
4 pushed traffic to neighborhood streets.
5 Residents along Quebec, Rodman, 49th and
6 Tilton Streets and University Avenue and
7 Rockwood Parkway and Spring Valley and along
8 Newark, Macomb and 45th Streets in Wesley
9 Heights complain routinely about cars cutting
10 through the neighborhood and speeding on their
11 streets to avoid the congested Ward Circle
12 corridor. Speed bumps were added in recent
13 years in front of Horace Mann Elementary
14 School to slow down cut-through traffic using
15 Newark Street. Residents are demanding more
16 traffic calming measures on local streets
17 throughout Spring Valley and Wesley Heights.

18 Both AU and GSA have assessed
19 conditions at Ward Circle as part of their
20 transportation studies. Both studies agree
21 that traffic growth by the year 2020 in the

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1 words of Grove Slade will lead to congestion
2 on several commuter routes, including Ward
3 Circle in the morning and evening peak hours.

4 Both studies acknowledge locations within the
5 vicinity of AU and the NAC that already have
6 unacceptable levels of delay. These include
7 Mass Avenue at Ward Circle.

8 The Grove Slade study concludes
9 that unacceptable traffic conditions will
10 existing in 2020 with or without AU expansion.

11 Kimley-Horn & Associates has said the same in
12 reference to the GSA's plans for expansion of
13 the NAC site. Both argue their separate
14 contributions to the traffic congestion are
15 minimal, so they should not be required to
16 forego or revise their expansion plans to help
17 ease the unacceptable traffic conditions.

18 Whether minimal or not, both AU
19 and DHS are currently contributing to the
20 congestion in our neighborhood. The combined
21 impact of their proposed expansion, which has

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1 not even been assessed, offers dire prospects
2 for the deterioration of transportation
3 systems at Ward Circle and along Nebraska and
4 Massachusetts Avenues.

5 These slides show the reality of
6 the traffic we confront on a daily basis. And
7 these photos were taken during the summer when
8 AU-related traffic is at its lowest.

9 AU's proposal to add a mid-block
10 pedestrian traffic signal on Nebraska Avenue
11 between New Mexico and Ward Circle will
12 exacerbate traffic congestion in the area and
13 generate even more pedestrian-vehicle
14 conflicts. With this mid-block signal,
15 motorists will have to make their way through
16 the cycles of five traffic signals to drive
17 three short blocks from Foxhall Road to Ward
18 Circle in either direction. This will push
19 more arterial traffic onto neighborhood
20 streets to avoid the delays and congestion.
21 AU's traffic study fails to assess the impact

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1 of this added congestion on neighborhood
2 streets.

3 And note as this slide
4 demonstrates, there is no pathway to the
5 campus from the location of this mid-block
6 walkway. So there will be even more incentive
7 for jaywalking as students look for a more
8 direct path from the East Campus to the Main
9 Campus.

10 AU is also not proposing effective
11 transportation demand management strategies,
12 including adequate incentives for carpooling.

13 DDOT should work with AU to develop other
14 strong and enforceable mitigation measures
15 that might go so far as limiting and
16 staggering the arrival and departure times of
17 staff driving to campus. Similar to traffic
18 mitigation efforts required by Montgomery
19 County, this will serve as an added incentive
20 for staff to use mass transit or carpool.

21 Other more creative TDM strategies

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1 could reduce bus-related congestion on
2 Nebraska Avenue. For example, we have
3 proposed that all AU shuttle buses be removed
4 from Nebraska Avenue stretching from Ward
5 Circle to Rockwood Parkway. Alternatively,
6 the shuttles can access the campus through the
7 main Glover Gate along Mass Avenue, travel
8 through the Main Campus along the newly
9 proposed western perimeter road at close
10 proximity to current student housing, turn
11 around at the bus depot on the south side of
12 campus where there's adequate space for a
13 turnaround, and then depart the campus along
14 the same route out the Glover Gate. The
15 campus is so compact that the new route could
16 also provide service for the East Campus.

17 ANC 3D believes shuttle bus use of
18 Rockwood, which is a narrow, two-lane,
19 heavily-traveled neighborhood street should be
20 terminated upon approval of the 2011 campus
21 plan. AU should be required as part of the

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1 further processing to assess the impact of
2 this alternative shuttle routing on current
3 Nebraska Avenue traffic conditions.

4 Neighbors in Spring Valley, Wesley
5 Heights and Westover Place report
6 unprecedented problems stemming from students'
7 behavior off-campus. AU administrators would
8 have this Commission believe the problems are
9 only a bunch of noisy students slamming car
10 doors. Complaints range from students using
11 residents' front yards as dumping grounds for
12 beer cans and other trash to using the front
13 yards as toilets after late-night drunken
14 binges. Neighbors report parties at student
15 group homes that are so loud that residents
16 are unable to sleep, trash and broken bottles
17 littering the students' yards or the alleys
18 behind the homes preventing residents from
19 accessing garages located off the alley, and
20 loud parades of students as they travel from
21 the central campus through the neighborhood

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1 streets on their way to off-campus party
2 locations. Residents report their homes have
3 even been egged in retribution for complaining
4 to AU and MPD.

5 First, not all AU students engage
6 in unruly behavior. And it is unfair to brand
7 all students with the bad behavior of the few.

8 But second, these behavioral issues are not a
9 function of inadequate, on-campus housing or
10 limited to students who actually live off-
11 campus. Student group homes in the
12 neighborhood are magnets for students living
13 on campus in search of a party. Even one
14 problem group home, especially given the
15 neighborhoods' density, can have a significant
16 adverse impact on a whole neighborhood and
17 residents' quality of life.

18 In 2001, the Zoning Commission
19 required AU to implement a neighborhood action
20 plan to address off-campus conduct by
21 students. Under the terms of this condition,

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1 AU was required to charge students under its
2 student conduct code for bad behavior off
3 campus. AU waited until August of 2010 to
4 begin applying its student code of conduct to
5 off-campus student behavior despite years of
6 persistent complaints from residents.

7 As part of a separate AU-related
8 zoning matter in 2007, our Commission told
9 this Zoning Commission that the neighborhood
10 action plan was not working. We reported then
11 that AU had failed to address residents'
12 persistent complaints about some AU students'
13 off-campus behavior. This is documented as
14 Attachment E of my written testimony.

15 We asked AU at that time to work
16 with neighbors to improve the program. AU led
17 this Commission at the time to believe the
18 issue was being addressed. AU has not. And
19 the problems have worsened, especially over
20 the last year.

21 As we learned on June 9th at these

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1 hearings, AU has created a bureaucracy with an
2 orientation focused on judicial-like
3 proceedings. It relies on residents to
4 identify the offending students by name and
5 filling out a complaint form for AU
6 administrators to take action. As with any
7 judicial process, AU focuses on whether there
8 is the preponderance of evidence other than
9 police reports and witnesses, apparently other
10 than the residents who report the bad
11 behavior, who could then substantiate the bad
12 behavior.

13 We are told that students living
14 in an off-campus unit will not even be held
15 responsible for the actions of those who use
16 the home for partying and other objectionable
17 behaviors. So the objectionable bad behavior
18 continues.

19 We must insist that AU be creative
20 in its management of off-campus student
21 conduct than to rely solely on judicial-like

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1 proceedings that lead to no resolution. When
2 persistent problems continue at the same
3 location for the academic year or are only
4 solved when the tenants move to another
5 location or graduate, then it's clear that
6 AU's enforcement efforts are not working.

7 Although AU has pledged to retain
8 the neighborhood action plan as a condition of
9 this plan, the University should be required
10 to engage the community, including its student
11 population, in a meaningful dialogue to make
12 changes in the program that will improve
13 communications between residents and
14 administrators and result in more effective
15 and timely resolution of problems.

16 Additionally, AU should be
17 required to develop a more effective good
18 neighbor parking policy which is also mandated
19 under the existing plan. Neighbors continue
20 to complain about the number of students and
21 staff parking on residential streets. More

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1 than 6,000 citations were issued last year by
2 AU. The increase in the number of AU-issued
3 parking citations over the years suggests the
4 program is not having the desired effect of
5 reducing student and staff parking in the
6 neighborhood. Given AU's plans to reduce the
7 overall number of parking spaces on campus
8 without adequately assessing the full impact
9 on neighborhood parking, AU needs to implement
10 enforcement efforts that change student and
11 staff parking patterns.

12 We are hopeful that the new
13 dialogue established between ANC 3D and AU
14 since the last Zoning Commission hearing will
15 make this a better plan and one that is more
16 acceptable to residents. So far our two
17 discussions have been frank but positive and
18 reflected a willingness to explore ways to
19 compromise.

20 We recognize there are very
21 strongly-held views in our community, but we

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1 are prepared to try to lead our community to
2 an amicable resolution with AU. Although this
3 will require compromise on the part of
4 residents, it will also require compromise on
5 the part of AU. We are not so naive as to
6 think that all issues are likely to be
7 resolved or that we even have sufficient time
8 given the schedule of these proceedings. But
9 I want to assure you that we are committed to
10 do all we can to build a bridge between AU and
11 the residents and work to resolve differences.

12 We are looking forward to
13 continued discussions with the University.
14 Nevertheless, it is our testimony today that
15 AU has failed to meet the burden of proof to
16 show why this plan will not have an adverse
17 impact on the surrounding neighborhoods. We
18 believe elements of the plan are inconsistent
19 with Subsection 210 and the Comprehensive Plan
20 and are not reasonable or appropriate.

21 We encourage you to send the

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1 objectionable elements of the plan back to AU
2 and instruct the University, the ANC and the
3 residents to enter into meaningful discussions
4 and address all parties' concerns with the
5 goal of compromise and consensus.

6 I'd like to turn and ask David to
7 talk more about transportation issues.

8 MR. FIELDS: I don't have any
9 slides.

10 Good evening, Members of the
11 Zoning Commission, Members of the ANCs,
12 agencies and members of the public.

13 My name is David Fields, and I'm a
14 transportation planner with Nelson/Nygaard
15 Consulting Associates. We're a transportation
16 planning firm that specializes in multimodal
17 access that supports communities' goals. We
18 have been working with ANC 3D to assist them
19 in their review of American University's
20 proposed campus plan.

21 After review of several rounds of

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1 the transportation report plus addenda, there
2 are still several technical transportation
3 issues which have not been addressed and
4 additional TBM measures worth considering.
5 These issues reflect on the completeness on
6 AU's plan, and we strongly advice the Zoning
7 Commission to withhold any continuation of the
8 process until these items are incorporated
9 into the plan.

10 The first issue is one of trip
11 generation. Students and staff located at AU
12 buildings and commercial zones are not
13 considered part of the population cap, and
14 therefore their trip patterns are not included
15 in the impact analysis. The very first page
16 of AU's campus plan defines the University as
17 "a vibrant institution of higher education,"
18 clearly not a commercial use.

19 While precedent allows these trips
20 not to be mitigated, to show good faith to the
21 community, AU should provide their total

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1 number of trips generated. Regardless of
2 trips generated from the commercial buildings,
3 all trips generated by the noncommercial
4 spaces should be included in the analysis,
5 including those attributed to Ally or any
6 other organization utilizing space on site.

7 The second component of the trip
8 generation is that auto trips were calculated
9 based on the number of autos counted at Glover
10 Gate, Fletcher Gate and Nebraska Avenue
11 parking lot. However, all campus points for
12 vehicle entry including all parking lots have
13 not been included in the count. If not all
14 entrances were counted, not all vehicles were
15 counted meaning the current conditions and
16 future projections are not based on complete
17 data.

18 In addition, AU has confirmed that
19 they have identified thousands of University-
20 affiliated vehicles parked on neighborhood
21 streets. Counting vehicles who park on site

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1 does not then account for these thousands of
2 vehicles parked on neighborhood streets. Just
3 knowing that on-street parking is available
4 encourages AU members to drive and park. And
5 these trips are not counted in the
6 transportation analysis. These additional
7 auto trips may result in different
8 intersection and parking demand.

9 The May 19, 2011 addendum to the
10 transportation report does document on-street
11 parking surveys conducted in areas surrounding
12 campus. However, these areas were limited and
13 did not extend for the entire area patrolled
14 by AU for their own parking enforcement. The
15 are included in AU's parking enforcement
16 should be the minimum evaluated for potential
17 parking issues.

18 The transportation report also
19 offered the East Campus Nebraska Avenue
20 parking lot as the site for overflow law
21 school parking. If these potential auto trips

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1 to the East Campus were not included in the
2 traffic analysis including the entrance on New
3 Mexico Avenue and the potential for spillback
4 to Nebraska Avenue. While the campus plan
5 proposes reducing the number of spaces
6 accessible from this entrance, the new
7 underground garage will not be connected to
8 the surface parking lot. This will result in
9 drivers entering and exiting both lots looking
10 for spaces, generating greater volume than
11 accounted for in the analysis.

12 Coupled with this, changes to auto
13 trip patterns due to the relocation of the law
14 school have not been incorporated into the
15 analysis on the already congested locations
16 like Ward Circle which should be a factor in
17 your consideration of the East Campus further
18 processing. Updated analyses should be
19 conducted to include these changes to travel
20 patterns.

21 The next issue is the demand for

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1 auto trips generated by the proposed new
2 retail on the East Campus. AU has indicated
3 that the East Campus retail space will be
4 geared towards actually destination stores
5 like Apple Computer and Panera Bread. These
6 are very similar to the two newest retailers
7 and nearer to these grand central terminal
8 Apple Computers and Shake Shack. What's
9 appropriate at one scale is not necessarily
10 appropriate at the other. Computer retailers
11 are more than just a local service requiring
12 purchasing power from multiple demographics.
13 This regional demand will translate into
14 additional traffic demands.

15 This is anticipated as a
16 possibility to be addressed in an Applicant
17 memo to DDOT on May 2 that if "the retail
18 space eventually includes retail that attracts
19 a regional population, including drivers, the
20 results of the traffic analysis may need to be
21 revisited.

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1 Panera Bread may also draw
2 customers from the Homeland Security campus
3 across Massachusetts Avenue. This additional
4 demand should also be included in the
5 transportation analysis.

6 We believe that AU is required
7 under the Zoning regulations and the
8 Comprehensive Plan to conduct a complete
9 assessment of transportation impacts as part
10 of this planning process, not subsequent to
11 the process when it may be too late to manage
12 the adverse impacts.

13 Establishing retail on Nebraska
14 Avenue is further complicated by the need for
15 space for loading and unloading. Clearly
16 loading and unloading cannot occur on Nebraska
17 Avenue itself. However, when asked at the
18 June 23rd Zoning Commission hearing, AU could
19 not identify the location for loading and
20 unloading except for stating it may occur on
21 New Mexico Avenue. New Mexico Avenue at this

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1 location is sloped, which is not conducive to
2 loading and unloading. And DDOT has been
3 planning a bicycle lane at this location along
4 that side of New Mexico Avenue which adds
5 additional modal conflicts. Any on-street
6 loading, whether on New Mexico Avenue or any
7 other on-street, should be clearly identified
8 and modeled to ensure minimal disruption to
9 all modes.

10 We also have a question about
11 traffic data collection. The transportation
12 report specifies a default assumption that two
13 percent of existing vehicles were trucks and
14 buses. As Nebraska and Massachusetts Avenues
15 are both used as critical access ways with
16 Metro bus and AU providing services along
17 Nebraska Avenue, NAC-operated employee
18 shuttles with future NAC frequencies not yet
19 determined and private bus operators like
20 Vamoose traveling along the same route,
21 vehicle-type counts should be conducted.

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1 Projections for further increased buses should
2 be included, especially with the expansions to
3 NAC within the study area.

4 In addition to the auto trips
5 generated, there are concerns about the time
6 period analyzed. Peak-hour volumes are the
7 metric used by traffic engineers to assess how
8 an intersection operates. Peak volumes are
9 used because they show how a road operates
10 under the highest traffic volumes. The peak-
11 hour counts for vehicles and pedestrians were
12 taken from 6:00 a.m. to 9:00 a.m. and 3:00 to
13 7:00 p.m. Vehicle peak hours ended up being
14 7:45 to 8:45 a.m. and 5:15 to 6:15 p.m.
15 However, these times do not correlate with
16 class schedules, so significant pedestrian
17 peak trips would be expected at different
18 times.

19 While peak auto trips may be
20 between 6:00 and 9:00 and 3:00 and 7:00, the
21 shoulders of these times also have significant

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1 auto trips with the volumes potentially just
2 slightly less. Add in the additional
3 pedestrian trips, and the cumulative demand
4 for intersection time may end up being greater
5 than during the auto trip peak alone. We
6 request full-day counts of vehicles and
7 pedestrians to be used to analyze the
8 transportation network and potential impacts
9 on all modes.

10 The next issue is a proposed
11 mitigation included in the May 19, 2011
12 addendum to the transportation report. To
13 improve the pedestrian conditions for students
14 crossing between the Main and East Campuses,
15 AU proposes to add a mid-block pedestrian
16 traffic signal on Nebraska Avenue between New
17 Mexico and Ward Circle. The addendum
18 calculates that 20/20 conditions without the
19 traffic signal will result in 340 seconds of
20 delay for vehicles traveling westbound out of
21 Ward Circle onto Nebraska Avenue. This is

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1 over five and a half minutes of delay. The
2 report projects the exact same delay with a
3 traffic signal at this location. The addition
4 of a new traffic signal would be expected to
5 further increase the delay into Ward Circle
6 and further back up traffic onto Massachusetts
7 Avenue.

8 The June 17, 2011 signal warrant
9 analysis for the intersection of Nebraska
10 Avenue and the East Campus driveway stated
11 that "the existing queue along Nebraska Avenue
12 in front of the East Campus regularly extend
13 past the right-in, right-out driveway to the
14 East Campus. While the analysis identified
15 the queues due to the proposed signal, the
16 analysis did not identify the difference due
17 to the downstream intersections based on the
18 changes. Further analysis is appropriate,
19 specifically calculating the changes to level
20 of service at Ward Circle and how the
21 additional delay will impact the

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1 transportation network. As mentioned earlier,
2 a VISSIM analysis might be a better tool to do
3 that analysis.

4 A complete parking plan is also
5 needed as part of the Applicant's submission.

6 In fact, DDOT in their June 6, 2011
7 memorandum and reiterated tonight commented on
8 the need for additional parking management.
9 "AU should commission a neighborhood study
10 that identifies and implements curbside
11 management strategies that include such
12 measures as enhanced residential parking-
13 permit only areas.

14 We recommend that the details of
15 these strategies recommended by DDOT be
16 developed and presented in advance of any
17 approvals being provided for the campus plan.

18 In this way, the community can be assured
19 that AU has adhered to DDOT's guidance.

20 One of the most critical elements
21 of the future transportation network to the

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1 community is the change in peak-hour auto
2 trips. AU's September 1, 2010 detailed
3 traffic capacity analysis identified an
4 increase of 240 auto trips in the AM peak and
5 a decrease of 122 auto trips for a net
6 increase of 118 auto trips. The May 19 and
7 June 17, 2011 submissions do not identify any
8 reductions to these additional trips.

9 Since AU has requested approval of
10 their proposed campus plan based on this
11 calculation of additional auto trips, the
12 community has the right to expect that AU will
13 generate no more than these trips. As a key
14 TDM strategy which DDOT has requested of the
15 Applicant to investigate, we recommend that
16 the Zoning Commission require AU to commit to
17 their own calculations through a peak-hour
18 auto trip cap. Since AU has already committed
19 to conducting annual surveys of their travel
20 patterns, this data could be easy for AU to
21 submit to the District for confirmation and

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1 available to the public for review. This is
2 an achievable model as shown by Stanford
3 University's expansion in Palo Alto with no
4 new auto trips.

5 This approach has recent precedent
6 in the District. The BZA, the community and
7 the Lab School of Washington recently agreed
8 to a trip cap. The Lab School agreed that if
9 the school exceeds their trip cap for two
10 consecutive reporting periods, additional
11 transportation management measures shall be
12 triggered. Such measures shall require
13 stringent obligations from the school to
14 reduce the morning peak-hour trip generation
15 and may include measures such as prohibiting
16 new staff from arriving to the campus by car.

17 If the school still exceeds 165 trips during
18 the morning peak period after the third
19 consecutive survey is completed, it must file
20 an application with the BZA for a review of
21 the conditions of approval of this application

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1 within 30 days.

2 We recommend that any year where
3 AU's population generates more than the
4 approved maximum number of auto trips, AU
5 should be required to further increase their
6 TDM program and identify to the Zoning
7 Commission and to the community how they
8 intend to reduce this number in the future.

9 In conclusion, the transportation
10 analysis should be revisited to include the
11 additional trip generators, parking
12 accommodation and loading issue, as well as
13 additional detail about the results of the
14 proposed new traffic signal. Committing to a
15 TDM strategy of a peak-hour auto trip cap
16 would also show AU's confidence in their
17 analysis as it would finalize the remaining
18 parking management strategy recommended by
19 DDOT.

20 Each of these items is needed so
21 that the complete results and impacts of the

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1 proposed campus plan can be evaluated by the
2 Zoning Commission.

3 Thank you for your time this
4 evening.

5 MR. SMITH: And that concludes our
6 testimony, Chairman Hood.

7 CHAIRMAN HOOD: Okay. I want to
8 thank ANC 3D for their testimony.

9 It doesn't like we're going to get
10 to the next ANC. We're going to try to
11 probably cut it off about 10:30. So that
12 means a quarter to 11:00 or 11:00 o'clock.

13 Okay. Commissioners, any
14 questions?

15 Commissioner May?

16 COMMISSIONER MAY: Yes. Not too
17 many by my standards.

18 Commissioner Smith, can you
19 explain to me the housing count from your
20 testimony because I got very confused? This
21 is on the top of page nine of your testimony.

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1 On the one hand, it sounds like
2 you're saying that reducing the requirement
3 from 67 to 55 percent -- well, you say you
4 oppose that reduction but then you're saying
5 that that -- well, maybe now I'm understanding
6 it now that I'm reading it again. Basically
7 you're saying that if they actually build the
8 number of beds that they're proposing, then
9 they can stick with 67 percent.

10 MR. SMITH: That's correct.

11 COMMISSIONER MAY: Okay. But how
12 are they going to meet that -- okay. But then
13 you're also saying that that should not be
14 going up to 4800 beds.

15 MR. SMITH: No. Actually what we
16 said is based on the calculations from the OP
17 report. The total inventory of housing for
18 the University will be 4800.

19 COMMISSIONER MAY: And what does
20 that include that's above and beyond the 4300?
21 What's the difference?

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1 MR. SMITH: I think that's
2 something you'd have to ask OP. I mean, we're
3 basing that on OP's numbers.

4 COMMISSIONER MAY: Okay. All
5 right. So I'll look at the OP report.

6 MR. SMITH: But even at the 4300,
7 they would be able to meet the current
8 mandate.

9 COMMISSIONER MAY: Right. And I
10 think we had issues with that number when we
11 heard the testimony.

12 I'm curious. You made the
13 statement that the University's depiction of
14 the topography was deceptive, and you had some
15 photographs. And I'm not sure exactly what
16 you meant or why. I mean, are you simply
17 saying that it didn't look -- that the
18 topography is greater? There are greater
19 changes than were depicted?

20 MR. SMITH: What I'm suggesting to
21 you is if you look at the model here, for

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1 example, you'll see the model is basically a
2 flat surface. This campus is actually a very
3 hilly area with very different grade levels.
4 And so, there are hills that one must -- I
5 don't want to say climb because it's not like
6 it's a mountain. But there are hills that one
7 must go up when one crosses the East Campus
8 area. So you're not getting the sense of what
9 the overall impact of these buildings are.

10 If you look at the East Campus,
11 for example, you'll see it's an area that
12 slopes down. So that while you're --

13 COMMISSIONER MAY: Right. But
14 that very clearly slopes down from my
15 perspective. I mean, maybe it's just because
16 I'm on that side.

17 MR. SMITH: This will give you --
18 these photos will give you a little bit of an
19 example. These are the areas that are flat
20 that are depicted here in the model when in
21 fact what you have to do is you have to climb

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1 up to get to these buildings.

2 COMMISSIONER MAY: I think some of
3 that may simply be an issue of the scale that
4 you were looking at. I mean, this is a very
5 small scale version of it. When you shrink
6 things, you lose the --

7 MR. SMITH: I wouldn't disagree
8 with you.

9 COMMISSIONER MAY: Right.

10 MR. SMITH: And that's why --

11 COMMISSIONER MAY: The other thing
12 I would also point out is that people's
13 understanding of slopes, when you look at
14 something -- I mean, you look at a sloped
15 roadway and you try to tell me what percent
16 that was, I'd bet that you'd say it's twice
17 what it actually is. The perception of slopes
18 is much greater. And so I wouldn't be so
19 quick to assume that there's been any sort of
20 deliberate deceit. It's sometimes an issue of
21 how these things can actually be effectively

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1 depicted. And they can't always be.

2 MR. SMITH: I do understand that.

3 COMMISSIONER MAY: Okay.

4 MR. SMITH: I'm not suggesting
5 there was deliberate deceit.

6 COMMISSIONER MAY: Okay.

7 MR. SMITH: But I think that in
8 terms of looking at a site and trying to
9 assess the overall impact, these are the kinds
10 that are very, very critically especially in
11 our neighborhood because of the elevations and
12 also because of the heights of the buildings
13 that are being proposed.

14 COMMISSIONER MAY: Right.

15 MR. SMITH: No, we weren't
16 proposing these heights of buildings -- these
17 things probably would not be at issue.

18 COMMISSIONER MAY: Okay. And I
19 think sometimes the only way to effectively
20 get a sense of how big actually are is to do
21 some testing -- to do balloon tests and things

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1 like that that show you what the height of
2 them are. I don't know if that's really what
3 we need at this stage. But whether that can
4 be done in future stages.

5 MR. SMITH: I'm chuckling because
6 we actually in our last meeting with AU to
7 talk about the North Hall, we actually did
8 have the balloon set up to do the balloon
9 test, but they weren't quite inflated as well.
10 They didn't hold the air.

11 But it's a good idea. And it's
12 something actually we want to do. And I think
13 that you're right. That told us even what we
14 had told us an incredible story about the
15 North Hall.

16 COMMISSIONER MAY: Right. Yes.
17 I've had that experience too -- the deflated
18 balloon or the balloon test and then racing
19 new fresh balloons across town to make sure
20 that they had the balloon up when everybody
21 was assembled for the test.

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1 MR. SMITH: We just expected that
2 there would be a lot more students coming
3 around to see what the balloons are all about.
4 But it didn't work.

5 COMMISSIONER MAY: I saw some
6 motion on the part of Mr. Tummonds over there
7 indicating that -- okay. I thought he was
8 going to say something about balloon tests.

9 And you had those slides that
10 showed the proximity of the Westover homes to
11 the East Campus. And when you look at aerial
12 views and panned views and such, it seems to
13 me that the Westover homes are actually very
14 close to themselves. In other words, the gaps
15 between many of the homes are significantly
16 less than the distance between any of these
17 proposed buildings and their homes. I mean,
18 that's kind of the nature of that development.

19 Is it somehow so much more objectionable with
20 a building that would be occupied only in the
21 daytime? And we're not talking about

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1 dormitories with windows overlooking the
2 homes. We're talking about academic buildings
3 essentially.

4 MR. SMITH: Well, there are two
5 issues. Let me address the latter one that
6 you just mentioned.

7 First of all, we don't know what
8 the uses of all those buffer buildings are
9 going to be, how much of that space is going
10 to be academic, how much is going to
11 administrative. And there is --

12 COMMISSIONER MAY: But in either
13 case, they're going to be largely used in the
14 daytime.

15 MR. SMITH: Not necessarily. We
16 don't know that that's the case if those are
17 academic buildings. And in fact academic
18 buildings on the campus usually operate until
19 11:00 o'clock, and the lights are on until
20 11:00 o'clock and the like.

21 COMMISSIONER MAY: Okay.

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1 MR. SMITH: So it does matter --
2 the uses of those buildings especially if
3 they're going to be "buffer buildings" is
4 important.

5 COMMISSIONER MAY: Right.

6 MR. SMITH: The earlier piece in
7 terms of the townhome development, yes, it's a
8 townhome development. And townhomes obviously
9 are a lot closer together, and there isn't as
10 much space.

11 COMMISSIONER MAY: I don't mean
12 side by side.

13 MR. SMITH: Right, right.

14 COMMISSIONER MAY: I mean front to
15 back. And townhome developments are not
16 always that close.

17 MR. SMITH: But there is literally
18 -- there is a significant difference between
19 living in a townhome community and being
20 adjacent to another townhome versus an
21 institutional structure that is 40 feet away

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1 from you that has --

2 COMMISSIONER MAY: Well, they're
3 not 40 feet away.

4 MR. SMITH: At one area, it is 40
5 feet away. And in fact, at this area, it is
6 40 feet away that we're talking about it.

7 COMMISSIONER MAY: Exactly 40
8 feet?

9 MR. SMITH: That's what we're
10 talking about.

11 COMMISSIONER MAY: I thought it
12 was 40 feet on their property.

13 MR. SMITH: No, no. It's 40 feet
14 away. And it is not 40 feet the entire area,
15 but at its closest point, it's 40 feet. And
16 that's the objection. The objection is that
17 it is that close.

18 And I mean, ideally of course we'd
19 like to see a landscape buffer as opposed to a
20 building buffer. But 40 feet away is very,
21 very close. And that's a lot different than

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1 facing your neighbors home.

2 COMMISSIONER MAY: Right. Do you
3 know how close any development would be if
4 there were simply a matter of right
5 development on that property? In other words,
6 could there be other townhomes with yards as
7 small as the yards in Westover Place?

8 MR. SMITH: They would have to be
9 -- if they were to build a townhome
10 development, they'd have to come back for --
11 they'd have to come back for approval. I
12 mean, that area is zoned for single-family and
13 small low-rise apartment dwellings.

14 COMMISSIONER MAY: Okay.

15 MR. SMITH: So they would have to
16 come back to this Zoning Commission for a
17 variance.

18 COMMISSIONER MAY: Right. Okay.

19 MR. SMITH: So that would be the
20 issue.

21 If it was single-family homes and

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1 done matter of right, it would be what is
2 required in terms of the setbacks -- in terms
3 of the sideyards and all the rest of them.

4 COMMISSIONER MAY: Okay. Now I
5 have some traffic questions.

6 You said in your testimony that AU
7 has admitted that thousands of parkers are in
8 the neighborhood that are University parkers.
9 Where was that stated?

10 MR. FIELDS: That they've given
11 thousands of parking tickets in the last year
12 to University-affiliated vehicles.

13 COMMISSIONER MAY: Oh, okay.
14 Okay. To say that there are thousands of
15 parkers implies that at any given moment,
16 there are 1,000 cars parked there.

17 MR. FIELDS: I apologize. I
18 didn't mean it like that.

19 COMMISSIONER MAY: Okay. All
20 right. Because that was a rather shocking
21 revelation.

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1 Have you actually looked at the
2 parking availability? I mean, we've gotten
3 the opinion of the University's consultants,
4 but have you actually looked at parking
5 availability in close proximity to the
6 University?

7 MR. FIELDS: I have not gone out
8 done counts. I reviewed their material.

9 COMMISSIONER MAY: Okay. Because
10 the information that we've gotten on their
11 counts certainly indicate that there's not a
12 real issue with people not being able to park
13 in front of their homes.

14 MR. SMITH: But sir, that's just
15 -- I mean, that's just not accurate. I'm
16 sorry.

17 COMMISSIONER MAY: Let me revise
18 my statement.

19 In looking at some of the aerial
20 photographs seemed to imply the same thing
21 that since it's single-family homes, there

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1 isn't that same density of vehicles per home.

2 And it's not to say that everyone is entitled
3 to park there. It's just that it doesn't
4 appear from any of the information that we've
5 seen here that there really is a problem with
6 streets becoming overcrowded with cars in
7 close proximity to the University.

8 MR. SMITH: If I may address that?

9 COMMISSIONER MAY: Please.

10 MR. SMITH: This goes to the heart
11 of the parking occupancy study that was done
12 because it doesn't cover all of the areas in
13 the community that are dealing with the AU
14 parking, many of them around the current law
15 school site.

16 There is a very serious problem on
17 parking for neighbors on 49th Street, on
18 Fordham and 48th Streets -- all streets that
19 are not far --

20 COMMISSIONER MAY: They're a
21 distance from the Main Campus though.

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1 MR. SMITH: They are not -- they
2 are not so distant from the Main Campus that
3 -- well, they are not distant from the law
4 school site. And the law school site --

5 COMMISSIONER MAY: I understand
6 that. I mean --

7 MR. SMITH: -- blocks from the
8 Main Campus.

9 COMMISSIONER MAY: Right.

10 MR. SMITH: You can go -- if you
11 want to go to the Main Campus, talk about
12 Rodman, talk about Quebec Streets that are
13 adjacent to the campus where there are serious
14 parking problems --

15 COMMISSIONER MAY: And those were
16 not assessed?

17 MR. SMITH: I get -- my street was
18 not assessed. I live two blocks from the Main
19 Campus. And today was a good example where I
20 had problems finding a parking space during
21 the daytime because of the number of cars that

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1 are parked there. My street was not part of
2 the occupancy -- that occupancy study that was
3 done because I guess for somebody, it must be
4 more than a five-minute walk. So --

5 COMMISSIONER MAY: And how close
6 are you actually to the University?

7 MR. SMITH: About a two-minute
8 walk the way I walk.

9 COMMISSIONER MAY: Okay.

10 MR. SMITH: Like I said, I'm --

11 COMMISSIONER MAY: So maybe it
12 would be helpful -- and maybe we already have
13 that and the Applicant can point us to it --
14 we have a very large amount of paper -- a
15 graphic depiction of where the parking has
16 been studied and where it has not. And in the
17 process of doing that, the Applicant may learn
18 that in fact there are areas that need to be
19 studied further.

20 MR. SMITH: Sir, if I may be so
21 bold to suggest that I think maybe one of the

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1 pieces that you might want to ask for is a map
2 of the area that they monitor for purposes of
3 that --

4 COMMISSIONER MAY: That's a good
5 idea too.

6 MR. SMITH: -- that good neighbor
7 parking policy and compare that to what was
8 included in the occupancy study.

9 COMMISSIONER MAY: Yes. And
10 they've already got that. I got the nod.
11 They're going to provide it.

12 Okay. So I'm a little confused,
13 and I'll go back to your testimony again.

14 Did I interpret your or sort of
15 connect the dots correctly? Are you
16 suggesting that people over in the Nebraska
17 Avenue complex for DHS are going to be driving
18 to Panera Bread?

19 MR. FIELDS: If you've seen the
20 distance, it's actually not all that close
21 from where the buildings are. They may drive,

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1 they make walk. But whatever it is, they may
2 come whether they stop there in the morning,
3 whether they will cross --

4 COMMISSIONER MAY: I mean, if
5 we're talking about traffic impacts, I think
6 if they come by bicycle or Bikeshare or by
7 walking, maybe that creates pedestrian
8 crossing issues at Ward Circle. I don't know.
9 But it doesn't --

10 MR. FIELDS: We just want those
11 factors taken in whichever mode they take to
12 be factored in. We don't feel like they have
13 been.

14 COMMISSIONER MAY: Okay.

15 MR. FIELDS: But the bigger of the
16 two retail proposals is the Apple Computers.

17 COMMISSIONER MAY: Right. And I
18 don't know that that's really a proposal.

19 MR. SMITH: They said it here.
20 That's where we got it from.

21 COMMISSIONER MAY: I understand

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1 that. I think it might have been cited as an
2 example. And I think maybe the University
3 will want to make a more specific statement
4 about the likelihood of that because I think
5 that's a bit of a red herring.

6 MR. SMITH: We'd appreciate it.

7 COMMISSIONER MAY: Was there a
8 statement in their testimony that loading
9 would actually occur off the street on New
10 Mexico -- that it would be street loading or
11 that there would be an entrance to loading?

12 MR. FIELDS: They said they
13 were not sure where it would be. And New
14 Mexico was an option. But they did not --

15 COMMISSIONER MAY: Street loading?

16 MR. FIELDS: Yes. That was the
17 impression given by the --

18 COMMISSIONER MAY: Well, I think
19 --

20 MR. FIELDS: -- testimony and
21 mentioned in additional entries.

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1 COMMISSIONER MAY: I think they're
2 going to want to clarify that because I don't
3 think that with a site that large that we're
4 going to be talking about anybody loading off
5 of the street. We don't even like that
6 downtown.

7 MR. FIELDS: We would definitely
8 appreciate it.

9 COMMISSIONER MAY: All right. And
10 then the last thing is can you explain to me
11 more how a trip cap would work? What does
12 that mean in terms of monitoring?

13 MR. FIELDS: So what's going on at
14 other universities is the --

15 COMMISSIONER MAY: I'm sorry.
16 Other universities where?

17 MR. FIELDS: Stanford University.

18 COMMISSIONER MAY: Okay.

19 MR. FIELDS: The community and the
20 University agreed to a maximum number of auto
21 trips coming in the peak hour. And how that's

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1 determined can be negotiation, it can be set.

2 COMMISSIONER MAY: No. I'm very
3 interested in the mechanics of this. I
4 understand the principle. Yes. How is it
5 set? How is it monitored?

6 MR. FIELDS: So for Stanford, they
7 actually said -- the community said you are
8 not allowed to increase auto trips at all by
9 absolutely zero auto trips over what you do
10 today. You can build as much as you want.

11 COMMISSIONER MAY: Okay. So we
12 establish a trip cap. Okay. Now how do they
13 monitor?

14 MR. FIELDS: Every -- I believe
15 it's every six months -- it may be every year
16 -- they do actual counts. And they do a
17 survey of all their employees and students.
18 And they say this is how many people reported
19 coming to school, and this is what our counts
20 on the street have confirmed.

21 COMMISSIONER MAY: And counts for

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1 how long? A week? Or --

2 MR. FIELDS: It's -- I believe
3 it's a week. I would need to confirm what the
4 data collection plan is.

5 COMMISSIONER MAY: It might be
6 interesting to know a little more about that.

7 MR. FIELDS: I have a case study I
8 can send the Commission if they'd be
9 interested.

10 COMMISSIONER MAY: Not if it's 50
11 pages. But if there's an executive summary of
12 two or three pages with some key information
13 in there, I think that might be very helpful.

14 MR. FIELDS: I will send that on.

15 COMMISSIONER MAY: Okay. That's
16 it.

17 CHAIRMAN HOOD: Thank you,
18 Commissioner May? Any other questions? Mr.
19 Turnbull?

20 COMMISSIONER TURNBULL: I just
21 have one question I guess picking up on the

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1 citation issue. And I've heard 5,000. And I
2 think on page 18, you're talking about 6,000.

3 Do we know -- or maybe it's been
4 said but I don't know -- how many of that
5 6,000 are students? Was that ever broken
6 down?

7 MR. SMITH: All we have is the
8 information that's provided to us by the
9 University which I've included as an
10 attachment in the piece. And it's done by
11 area. I don't believe it's broken down by --
12 it's not broken down by student/faculty/staff.
13 We don't know.

14 COMMISSIONER TURNBULL: We just
15 have a number?

16 MR. SMITH: From the standpoint of
17 the community, we don't much care whether it's
18 student, faculty or staff. We're more
19 concerned about the car, how long it's there,
20 and what it takes away -- the difficulty that
21 it might cause for us.

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1 COMMISSIONER TURNBULL: Well, I
2 guess I'm just trying to clarify. Is there
3 non-university cars included in that count?

4 MR. SMITH: We --

5 COMMISSIONER TURNBULL: Or is all
6 University cars in that count?

7 MR. SMITH: We don't know the
8 answer to that question. That's a question
9 frankly that we've been asking the University
10 as a community for the last -- at least the
11 last six years since I've been on the ANC
12 Commission. And we haven't been able to get
13 that kind of answer. All we've been able to
14 do is get the data -- these reports.

15 COMMISSIONER TURNBULL: Just an
16 aggregate number basically broken down to the
17 basic --

18 MR. SMITH: It's just the
19 Attachment F in our report.

20 COMMISSIONER TURNBULL: And what
21 happens with these citations? Are they turned

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1 over to Metro or --

2 MR. SMITH: These are University
3 citations. These are done by the University
4 by their people.

5 COMMISSIONER TURNBULL: Are they
6 fining students? I guess I'd like a little
7 bit more information on the citations -- a
8 better breakdown -- how many are strictly
9 University and what kind of a fine system is
10 involved. What do you do once you get a
11 citation from a University cop? I don't know.

12 COMMISSIONER MAY: At some
13 universities, since they're special police,
14 they issue regular D.C. tickets.

15 COMMISSIONER TURNBULL: Oh, they
16 do? Okay.

17 COMMISSIONER MAY: They're
18 collected by the District. But I don't know
19 --

20 COMMISSIONER TURNBULL: Well,
21 that's what I was --

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1 COMMISSIONER MAY: I don't know
2 what happens here.

3 COMMISSIONER TURNBULL: I was just
4 curious how that really --

5 MR. SMITH: My understanding is
6 that the University assesses a fine on their
7 students or staff or faculty. But -- and
8 they're not MPD tickets.

9 COMMISSIONER TURNBULL: Well, I
10 guess I'd just like to -- is it 90 percent
11 University? Of the 6,000, is it strictly
12 University? It is all University? If you
13 have those numbers, I'd be interested at least
14 having that.

15 CHAIRMAN HOOD: Any other
16 questions?

17 (No audible response.)

18 CHAIRMAN HOOD: I just have a
19 couple, Commissioner Smith.

20 Let me say I appreciate the format
21 in which your presentation is. It makes it a

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1 little easier for us to kind of go through it,
2 especially whenever we get to deliberations.

3 But let me ask on page eight of
4 your testimony, you have like three bulleted
5 items. Would you say in your opinion or in
6 the ANC's opinion, those three bulleted items
7 on page eight are like the main piece of the
8 issues within the campus plan?

9 MR. SMITH: No, sir. I wouldn't
10 say that. I think what has happened is there
11 are some very critical issues in the campus
12 plan itself related to the buildings. But
13 what has happened is that these issues in
14 particular have sort of doubled the impact.
15 They make it -- they raise additional
16 concerns.

17 When you start talking, for
18 example, about locating student housing so
19 close to residents' homes, issues like campus
20 behavior, student behavior -- that becomes a
21 factor that maybe you might otherwise not

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1 consider if those dorms were in the central
2 campus.

3 Likewise, the parking becomes a
4 factor in the discussion about the cap. If
5 you're going to increase the number of
6 students, what does this mean for parking.
7 And so the concerns about the parking raise
8 additional concerns about the cap.

9 And then overall there is a very
10 serious and growing concern within our
11 community about the loss of commercial retail
12 property as a result of AU's purchase and re-
13 purposing of the property. And that is
14 creating tensions -- more town tensions than I
15 think we've had in our community for the 30
16 years I've lived there.

17 So I don't -- and I don't know the
18 answer to that question. But when you start
19 losing a grocery store or you start losing a
20 dry cleaner which we have lost and a hair
21 salon and the basics of these kinds of things

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1 -- when you start losing those things in a
2 community like ours, it makes -- it says
3 something and it leaves -- it really leaves a
4 different feeling about the kind of
5 neighborhood you live in.

6 CHAIRMAN HOOD: Thank you.

7 Can you point me to -- on page 11
8 of your testimony, you speak in terms of ANC
9 3D opposes the following projects. You talk
10 about the Reeves Field bleachers. What is the
11 resolution to that? Because being here in
12 2001, I keep remembering the bleachers. And I
13 mentioned that previously.

14 MR. SMITH: You've been dealing
15 with the bleachers for years.

16 CHAIRMAN HOOD: What is the
17 resolution to that? Or is it in here? If
18 it's in here, I can read it later.

19 MR. SMITH: Our resolution is that
20 there should be no addition to the bleachers.
21 It's just simply not necessary. That's our

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1 feeling.

2 The bleachers -- you approved I
3 believe it was 250 ten years ago or something
4 -- 250 ten years ago. They asked for 1,000.
5 You approved 250. This year they've come in
6 and they've asked for 2,000, and they've
7 talked about reducing their numbers down.

8 I think what we're dealing with is
9 that we don't see the need for the addition to
10 the bleachers, especially given all of the
11 impacts the neighbors there already are
12 experiencing. And we're talking about
13 bleachers that face the community, not face
14 away from them, but they're directed towards
15 the community. So if you were trying to have
16 the greatest impact, that's the way they're
17 designed.

18 CHAIRMAN HOOD: I'll tell what I
19 have a problem with the way you state it.

20 "In 2001, the Zoning Commission
21 required AU to implement a neighborhood action

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1 plan." And you said where was that plan from
2 2001 to 2010, right about the time you come
3 back down and renew your campus plan. In your
4 testimony, it appears as though now all of a
5 sudden, the neighborhood action plan has been
6 started which was approved in 2001.

7 MR. SMITH: That's correct.

8 CHAIRMAN HOOD: Why was that after
9 all the complaints?

10 MR. SMITH: Frankly, I'm not the
11 one to ask that question to. I mean, we were
12 pushing the University for many of those ten
13 years to move forward with enforcing the code
14 of conduct off campus.

15 We were told at many community
16 meetings that that was not possible. And
17 there was a decision made by the University
18 last year. The last few years in particular,
19 we've had so many problems with student homes
20 in the neighborhood that have taken a long
21 time to resolve. And the University decided

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1 last August, I believe, to begin applying the
2 code of conduct, and made a big deal about it
3 on the campus. And the students were not real
4 happy about it either. But we were pushing
5 for that whole ten years. And in fact, that's
6 why in 2007 when there was a University
7 proceeding before this body that came to the
8 ANC, we put this body on alert, and we said
9 it's not working. And we said the same thing
10 to AU very formally in our resolution. We
11 conditioned our support for that proposal on
12 the basis of improvements in that neighborhood
13 action plan.

14 So we think it's good. We're
15 happy that the University is willing to
16 include that in the campus plan again. But we
17 need to make it more responsive. And I think
18 the way to do that is we all sit down and we
19 work on it. And I think the result of that
20 needs to be incorporated into the campus plan
21 as a condition.

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1 CHAIRMAN HOOD: Okay. You had a
2 few places in your statement that you were
3 pleased to announce that discussions were
4 starting. You were having I guess discussions
5 that really made a difference other than the
6 discussion we had previously. Who all was at
7 the table? The University, ANC 3D and who
8 else?

9 MR. SMITH: At the two meetings
10 we've had with the University involving the
11 ANC, it's just been the University and the
12 ANC.

13 CHAIRMAN HOOD: All three ANCs or
14 just --

15 MR. SMITH: No. Just ANC 3D
16 because we're dealing basically only with the
17 issues in ANC 3D -- the 70 percent of
18 construction costs. So we're dealing with
19 those issues.

20 The third meeting involved
21 residents of the Spring Valley community and

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1 the Spring Valley Residents Citizens
2 Association. And they asked me as Chair of
3 the ANC and also as a resident of Spring
4 Valley to sit in on those meetings. So that's
5 the essence of those meetings.

6 It would be my hope that as these
7 things progress that more of the neighborhood
8 -- more of the neighbors could actually get
9 more involved in some of these meetings.

10 Now in fairness to the University,
11 the University has had meetings with other
12 resident groups, not the ANC.

13 CHAIRMAN HOOD: Right. Okay. I
14 got you.

15 I want to associate myself -- and
16 this is to the University -- with Council
17 Member Michael Brown. And I think he says it
18 in his letter. It says he's encouraging us to
19 require AU to engage in additional and
20 meaningful dialogue with residents to alter
21 the plan in a way that mitigates the

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1 legitimate objections or impacts identified by
2 AU's residential neighborhoods -- neighbors.

3 I think from what I've heard from
4 DDOT, there are a lot of unknown variables.
5 And hopefully we can come closer to that
6 before we have to deliberate because I don't
7 think anyone up here lives in that area. And
8 it would be good if those who are going to be
9 impacted and those living in that area can
10 come closer together. As Commissioner Smith
11 has said, those discussions have started.

12 Let me ask this transportation
13 piece. And I'm going to be looking to see to
14 that. Hopefully it makes our job a little
15 easier as we deliberate when we get to that
16 point.

17 You say something in your
18 statement, Mr. Fields, on page three. And it
19 says, "DDOT also been planning a bicycle lane
20 at this location along the side of New Mexico
21 Avenue which adds additional modal conflicts."

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1 What do you mean by that? Are you saying the
2 bicycle lanes are in the way?

3 MR. FIELDS: Oh, no, no, no. That
4 if the bicycle lane comes in and they want to
5 put a loading zone in the same places, that's
6 many things going in the same place.

7 CHAIRMAN HOOD: Okay. Okay.
8 Because I was about to say you were going to
9 get some people who weren't going to be too
10 friendly -- some of those bicycle riders.

11 MR. FIELDS: Not what I meant to
12 imply.

13 CHAIRMAN HOOD: Okay. Any other
14 questions?

15 (No audible response.)

16 CHAIRMAN HOOD: All right. Let's
17 do cross-examination.

18 The Applicant?

19 MR. TUMMONDS: No questions.

20 CHAIRMAN HOOD: Okay. ANC 3F?

21 MS. WISS: Good evening,

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1 Commissioner Smith.

2 You did mention that you thought
3 your colleagues in the ANC 3E would be
4 surprised and have some comments about your
5 recommendation that student housing be located
6 at the Tenley Campus along with the law
7 school. Well, even ANC 3F was stunned by
8 that.

9 And so I'm wondering, do you think
10 these are compatible uses of the eight-acre
11 property?

12 MR. SMITH: I didn't mean to
13 exclude 3F when I said that. Just an
14 oversight on my part.

15 Our view as an ANC is that housing
16 is an issue for all neighborhoods adjacent to
17 the University and that no neighborhood should
18 not share in the -- sometimes the burden and
19 sometimes the responsibility of ensuring that
20 there's housing there.

21 In terms of compatible uses

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1 between the law school and some housing, sure.

2 Why not? I don't see anything incompatible
3 about it. And especially given the fact that
4 there is currently housing at that site. And
5 from all reports -- and it's been there for a
6 while -- and from all reports, it has not been
7 problematic. And also because of its location
8 so close to the commercial corridor.

9 We also believe that the
10 University shuttle system, which has been very
11 effective in terms of moving people around,
12 also helps to address that. So our comment is
13 that Tenley should also be a part of the
14 housing solution. And it should not all be
15 dropped on one part of our community,
16 recognizing also we have a very compact
17 community.

18 MS. WISS: But yes --

19 MR. SMITH: I know you don't agree
20 with that.

21 MS. WISS: -- Tenley has had

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1 housing there. But you'll agree that it has
2 not a law school on that same property. The
3 housing takes up exactly where they are
4 planning to put the law school.

5 MR. SMITH: Well, yes. But let's
6 compare this also to the -- and this is not to
7 get into a look at mine versus yours kind of
8 thing -- but we're also looking at an eight-
9 acre site over on the East Campus and look at
10 the multiple uses that are being planned on
11 the East Campus and look at the intensity of
12 the East Campus.

13 Now I'm not saying that so we
14 should build up Tenley so it should be as
15 intense as what we see on the East Campus.
16 But it is about sharing in the overall
17 responsibility or sharing in what the
18 University means for the community.

19 I mean, look, I would be very
20 happy if on a personal level if the law school
21 stayed where it was. But from the standpoint

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1 of looking at the zoning code as a Commission,
2 we had a hard time not supporting the idea of
3 relocating that to the proposed site in
4 principle. And we also though felt that there
5 was adequate space there to include some
6 small-scale housing. And we think that there
7 are creative ways to do small-scale housing
8 that would actually make it a very attractive
9 alternative.

10 MS. WISS: And did your ANC vote
11 to put both housing and the law school at
12 Tenley Campus? They did?

13 MR. SMITH: Yes. Yes, I think
14 you'll find our vote is in the --

15 MS. WISS: But I haven't been
16 served with many documents. Just somehow
17 we're off the radar for everybody. So I don't
18 know if that's in your -- something that the
19 ANC actually voted on because I was told there
20 was a seven-page document that did not include
21 that.

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1 MR. SMITH: No. Our vote, you can
2 find it in Attachment C of our testimony and
3 all of our votes which were --

4 MS. WISS: I don't have a copy of
5 your testimony.

6 MR. SMITH: Oh, I'm sorry. I
7 meant to give you one. Well, we'll get one to
8 you.

9 We took these votes on April 25th.

10 MS. WISS: Okay. And are you
11 aware --

12 MR. SMITH: And they've been
13 widely publicized. I mean, they've been on
14 our website. And believe me, we've been
15 subjected to --

16 MS. WISS: But it'd be nice if I
17 could just get them instead of have to go to
18 your website.

19 MR. SMITH: Sure.

20 MS. WISS: Thank you.

21 I guess the other question I was

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1 going to ask is are you aware that the Tenley
2 Campus is going through the historic
3 preservation process?

4 MR. SMITH: We are aware of that.

5 MS. WISS: Okay. I'll let ANC 3E
6 ask their questions. Thank you.

7 CHAIRMAN HOOD: So ANC 3E, do you
8 have any questions?

9 MR. BENDER: We do not.

10 CHAIRMAN HOOD: Okay. Neighbors
11 for a Livable Community, do you have any
12 questions?

13 (No audible response.)

14 CHAIRMAN HOOD: Okay. Spring
15 Valley, Wesley Heights Citizens, do you have
16 any questions?

17 (No audible response.)

18 CHAIRMAN HOOD: Okay. Tenley
19 Campus Neighborhood Association, do you have
20 any questions?

21 MR. FERENBACH: Mr. Smith, does

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1 the Tenley Campus lie within the boundaries of
2 your ANC?

3 MR. SMITH: No, it does not.

4 MR. FERENBACH: Are any of your
5 constituents within the 200 feet of that
6 campus?

7 MR. SMITH: No, they are not.

8 MR. FERENBACH: So what happens
9 there is not technically within your
10 jurisdiction, is it?

11 MR. SMITH: It is technically not
12 within our jurisdiction in terms of offering
13 great weight. But however, we are affected
14 just as anyone in ANC 3E is affected by
15 anything that happens on the campus because of
16 again its compactness. The interdependence of
17 all of our communities, the University is a
18 central institution that affects all of us.

19 The current law school site, for
20 example, is directly across the street --

21 MR. FERENBACH: I think you

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1 answered my question. Thank you.

2 MR. SMITH: I think I have. But
3 let me explain.

4 The current law school site is
5 directly across from our district, and we are
6 affected by things like parking and traffic
7 that relate not only to the current law school
8 site but also to the relocation. And as Mr.
9 Fields said, we are particularly concerned
10 about the impact on parking as it may relate
11 to back-up parking if there's not adequate
12 parking at the new site.

13 MR. FERENBACH: Well, I'm glad you
14 brought up traffic and parking. And I agree
15 that that is an indirect consequence here for
16 your ANC. And would you agree that expanding
17 the law school as well as when you add the
18 anticipated future uses at the existing law
19 school site is going to add to the traffic and
20 parking in the area?

21 MR. SMITH: I believe that this

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1 campus plan in total, including the law school
2 expansion, is going to add to traffic problems
3 and parking problems throughout this
4 community.

5 We have not yet taken a position
6 on the further processing of the law school
7 site. But we will be considering that in the
8 future.

9 MR. FERENBACH: Will relocating
10 the law school and expanding it and with
11 whatever goes on down on Mass Ave, will that
12 increase traffic and parking? Will that
13 aspect of the plan increase parking and
14 traffic hassles for everyone in the area?

15 MR. SMITH: Absolutely.

16 MR. FERENBACH: So you're in favor
17 of more traffic then?

18 MR. SMITH: No, I'm not in favor
19 of more traffic. I think we recognize that
20 this plan as a whole is going to increase
21 traffic and parking pressures on the community

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1 that need to be addressed. And what we have
2 not yet seen -- and as I said in my testimony
3 -- we do not believe that AU has addressed
4 those issues. And that is why we have come
5 forward with the positions that we have come
6 forward with.

7 And I think we've been pretty
8 clear in our testimony that we believe that
9 DDOT has not adequately reviewed the traffic
10 impacts. They have not examined even all the
11 areas that are currently impacted by it. And
12 so, we would share your view on that.

13 MR. FERENBACH: Are you familiar
14 with the 1986 agreement governing the Tenley
15 Campus?

16 MR. SMITH: I am not intimate with
17 it, but I am familiar with it.

18 MR. FERENBACH: Would you agree
19 that --

20 MR. SMITH: It's not something I'd
21 want to have to go to court to deal with in

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1 any way, shape or form based on what I know of
2 it.

3 MR. FERENBACH: Well, that
4 agreement was with the ANC, was it not?

5 MR. SMITH: That's correct.

6 MR. FERENBACH: And would you
7 agree that universities should honor their
8 agreements with their ANCs?

9 MR. SMITH: I don't even think I
10 need to answer that question. Of course.

11 MR. FERENBACH: Well, if you read
12 the 1986 agreement, you'll see that there's no
13 way that your dorm proposal would fly under
14 that agreement.

15 MR. SMITH: Well, I'm also aware
16 that there are many interpretations of that
17 agreement. And that's not really something
18 for these hearings to be honest with you.

19 And again, our point -- and one I
20 tried to make -- that in principle of terms of
21 relocating the law school -- in principle from

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1 its current site to the proposed site seems to
2 be -- at least to us -- consistent with
3 Section 210.

4 Now again, we have suggested that
5 a lot of the details that dealing with traffic
6 and parking and some of the other concerns,
7 these need to be addressed as part of the
8 further processing. And we are not yet ready
9 to say before this body whether we would
10 support the further processing of the law
11 school or not support the further processing.

12 But that is something that we will be taking
13 up in the next couple months.

14 MR. FERENBACH: Doesn't the zoning
15 standard go to neighboring properties? Isn't
16 that the term that's used?

17 MR. SMITH: Yes.

18 MR. FERENBACH: Are you aware of
19 any neighboring properties that support that
20 proposal?

21 MR. SMITH: I can't -- I don't

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1 know. I can't answer that because I really
2 don't know.

3 MR. FERENBACH: I have no further
4 questions.

5 CHAIRMAN HOOD: Thank you. Tenley
6 Neighbors Association, any questions?

7 (No audible response.)

8 CHAIRMAN HOOD: And Mr. Herzstein,
9 do you have any questions?

10 MS. CHESSER: I have one -- only
11 one question.

12 Is it tradition that ANC's comment
13 on proposals that are not within their
14 borders?

15 MR. SMITH: Well, it is common for
16 ANCs to comment on proposals that impact the
17 residents of their community and their
18 districts. That is very common, and
19 especially where there are institutions --
20 large institutions -- that impact multiple
21 communities and have impacts beyond what those

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1 borders are. I mean, I think that's partly
2 for example one of the reasons why
3 Commissioner Wiss is here -- same reason.

4 So yes, it is very common.

5 MS. CHESSER: Okay. Let me re-
6 state my question slightly.

7 Is it in the self-interests of the
8 ANC that you represent that the law school and
9 some undetermined group of undergraduate
10 students moves out of your ANC's jurisdiction
11 to a different ANC's jurisdiction where the
12 impact would be felt on the residents of that
13 other jurisdiction that you do not represent?

14 MR. SMITH: No, I think that's a
15 good question, and it's a fair question.

16 Frankly, most of the residents
17 that we've heard from in our community are
18 very unhappy about the law school relocating.

19 And as you might recall when the law school
20 first relocated to its current site, people in
21 our community were very strongly opposed to

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1 it.

2 The community has learned to live
3 with it. And they not only have learned to
4 live with it but now they view it as an asset
5 in the community. And so, the people that
6 live closest in our community to the law
7 school -- which is directly across the street
8 -- have contacted me and said we are really
9 concerned because we don't know what's going
10 to go in there. We like what's there now.

11 So frankly, we'd prefer that it
12 stay where it is. But that's not our choice.

13 That's the University's choice and decision.

14 We are very concerned about how
15 that building will now be used. And we have
16 residents concerned that maybe it'll be turned
17 into dormitory. I don't think that's likely.

18 The University has not indicated such things.

19 But we're concerned about what it may mean
20 for the overall population cap as I mentioned
21 in my testimony. It could lead to 2,000 more

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1 people. So yes, we're concerned about that.

2 In terms of the housing, we house
3 more than the vast majority of students in our
4 ANC. We will continue to house the vast
5 majority of students in our ANC. That's just
6 the way it is. That's our life. That's the
7 life. And that's what you choose when you
8 move into our neighborhood and into our
9 community and into all of our neighborhoods
10 and communities.

11 So I don't think it's much to ask
12 any other community to share some of the same
13 -- to do some of the same. I mean, it just
14 doesn't --

15 MS. CHESSER: I'd like to respond,
16 but I'd be testifying. So I won't. You can
17 all just imagine what I would say.

18 Thank you.

19 (LAUGHTER.)

20 CHAIRMAN HOOD: Okay.

21 MR. SMITH: I want a guard when I

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1 leave here.

2 (LAUGHTER.)

3 CHAIRMAN HOOD: Well, you might
4 better leave a little early. Do you want to
5 leave now?

6 (LAUGHTER.)

7 CHAIRMAN HOOD: Okay. I want to
8 thank everyone for their participation
9 tonight.

10 Ms. Schellin, do we have any
11 unfinished business -- anything we asked for
12 or anything --

13 MS. SCHELLIN: No. There's been a
14 continuing list. And I think Applicant and
15 DDOT and the ANC, they all know what they're
16 supposed to provide. And the transcripts will
17 be available.

18 But the next night is October 6.

19 CHAIRMAN HOOD: October 6?

20 MS. SCHELLIN: And since we
21 finished cross-examination, as you read in

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1 your opening statement, we'll start with ANC
2 3E.

3 CHAIRMAN HOOD: Okay. On October
4 6, which is -- what is that -- a Monday? A
5 Thursday. We will start with ANC 3E. And we
6 will try to get as much done as possible that
7 evening.

8 I want to thank everyone for their
9 participation. And we will continue this on
10 October 6.

11 Good night.

12 (Whereupon, at 10:43 p.m., the
13 hearing was adjourned.)
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