

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF:	:	
	:	
AMERICAN UNIVERSITY	:	Case No.
	:	
CAMPUS PLAN AND FURTHER	:	11-07
PROCESSING	:	
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Thursday,
November 3, 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 Jerrily 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)
- PETER MAY, Commissioner (NPS)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation

JOEL LAWSON

ARLOVA JACKSON

The transcript constitutes the
minutes from the Public Hearing held on
November 3, 2011.

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

2 6:36 p.m.

3 CHAIRPERSON HOOD: We ready to get
4 started? Apologize for starting a few moments
5 late.

6 Good evening, ladies and
7 gentlemen. This is the Zoning Commission of
8 the District of Columbia, Thursday, November
9 3, 2011. My name is Anthony Hood. Joining me
10 are Vice-Chairman Schlater, Commissioner May
11 and Commissioner Turnbull. We're also joined
12 by the Office of Zoning staff, Ms. Sharon
13 Schellin. Also the Office of Planning, Mr.
14 Lawson and Ms. Jackson.

15 Ms. Schellin, how many hearings
16 have we had?

17 MS. SCHELLIN: I've lost track. I
18 think is No. 8.

19 CHAIRPERSON HOOD: Okay.

20 MS. SCHELLIN: This is 7, 7 or 8.

21 CHAIRPERSON HOOD: I'm going to
22 save us some time --

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1 MS. SCHELLIN: I'm afraid --

2 CHAIRPERSON HOOD: Okay. I'm
3 going to save us some time. I'm not going to
4 read all of the opening statement.

5 The hearing will be conducted in
6 accordance under the provisions of 11 DCMR
7 3117 as follows: Tonight we'll have
8 preliminary matters, organizations and persons
9 in opposition, and then will be rebuttal and
10 closing by the Applicant. Organizations, five
11 minutes; individuals three minutes.

12 Only persons who have previously
13 signed up the other six times to testify in
14 opposition on this witness list should fill
15 out two witness cards prior to their being
16 called to come forward. Would all individuals
17 wishing to testify please rise to take the
18 oath?

19 (The witnesses were sworn.)

20 CHAIRPERSON HOOD: Okay. As our
21 normal practice, when our council members, or
22 the mayor, or public officials come, we always

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1 stop and let them go first because of their
2 busy schedules. We always appreciate them
3 coming down to provide testimony because they
4 represent a lot of people across the city.
5 And in this case tonight we have the Honorable
6 Michael Brown, at-large council member. I'm
7 going to ask him to come forward because I
8 know he has a very busy schedule.

9 And I want him to know, from the
10 Zoning Commission, we appreciate you coming
11 down and providing us testimony. And you may
12 begin when you're ready.

13 COUNCIL MEMBER BROWN: Well, good
14 evening. Good evening, Board of
15 Commissioners. Good evening to everyone
16 that's here from the community up in upper
17 Northwest near AU.

18 I submitted a letter. It was
19 either late June of early July in reference to
20 the AU Campus Plan, and a couple of pieces of
21 full disclosure first before I read my letter
22 into the record.

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1 My chief of staff, Amy Blanca, is
2 an AU Law School grad, so I wanted to
3 certainly point that out. I also wanted to
4 mention that several students, and I think
5 from the executive committee of their student
6 body, invited me on a tour of American
7 University, including their plan and kind of
8 what they had in mind. So I did go on a tour
9 that their newspaper also reported on. So two
10 things I wanted to certainly put into the
11 record as housekeeping matters.

12 And again, thank you very much for
13 having me, Mr. Hood, and for putting me in the
14 front of your witness list.

15 Wanted to join with the citizens
16 associations of the neighborhood surrounding
17 American University and ANCs 3D, 3E and 3F to
18 express my deep concerns about the proposed
19 2011 AU Campus Plan. This plan is now before
20 the Zoning Commission and I would encourage
21 the Zoning Commission to require AU to engage
22 in additional and meaningful dialogue with

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1 residents to alter the plan in a way that
2 mitigates the legitimate concerns identified
3 by AU's residential neighbors.

4 The 2011 AU plan calls for an
5 unprecedented growth, adding near 1 million
6 square feet of new buildings, nearly double
7 what was proposed 10 years ago and 10 times
8 what AU has built over the last 10 years.
9 This is not a realistic plan and sets the
10 stage for growth far above and beyond the
11 university's own population projections.

12 This plan would permanently alter
13 the character of the low-density residential
14 neighborhoods immediately adjacent to the
15 campus. The nature of the community
16 opposition in the plan suggests that AU simply
17 must outgrow its own physical space on its own
18 campus.

19 Although we welcome any economic
20 benefits that AU brings to our city, we must
21 also balance these benefits with the costs of
22 expansion that are being proposed by American

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1 University. This includes actual costs for
2 city services such as additional public
3 safety, for example, and more indirect and
4 perhaps even more significant, costs
5 associated with altering the character of the
6 strong and valued neighborhoods, in which AU
7 is but one part.

8 Construction of the new student
9 housing and law school are at the heart of the
10 AU 2011 Campus Plan. AU has chosen a path to
11 meet these two objectives in a way that proves
12 objectionable to neighbors when other options
13 are available that will be less objectionable
14 or not objectionable at all. But AU seems to
15 have rejected these options in favor of a path
16 of confrontation with the community now being
17 played out before you here, the Zoning
18 Commission. I have done everything I can to
19 try to referee some of this, but it is your
20 official duty to do that and make those
21 decisions.

22 I share the concerns of the

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1 residents in Spring Valley and Wesley Heights
2 who oppose AU's plans to remove existing
3 buffers with the neighborhood in order to
4 build high-rise dormitories along the
5 periphery of the campus instead of the campus
6 core as part of the existing student dormitory
7 communities or clusters.

8 I also share concerns of Tenley's
9 residents who opposed the relocation of the
10 law school to the Tenley Campus. Both
11 communities correctly argue that AU's
12 proposals are too intense and will be
13 unwarranted to additional traffic in their
14 neighborhoods. They also are highly critical,
15 with good reason, of AU's incomplete traffic
16 study and analysis.

17 Moreover, AU has been expanding
18 its footprint in the neighborhood for over the
19 last 10 years and purchasing additional
20 commercial space for the university uses that
21 fall outside of the purview of the Zoning
22 Commission and the campus plan process.

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1 It is vitally important that the
2 Zoning Commission take this expansion into
3 account when it reviews AU's new proposals for
4 growth and the impact in the surrounding
5 neighborhoods. Although campus plans also
6 prove highly controversial, the amount of
7 growth proposed by AU suggests an
8 extraordinary nature of this plan and its
9 potential for long-lasting permanent negative
10 impacts on the residents.

11 Many features of this plan are
12 coming to light for the first time as part of
13 the Zoning Commission hearings. That suggests
14 a less than adequate effort by AU to engage in
15 the community in a meaningful and complete
16 dialogue.

17 As we seek to make D.C. a much
18 more liveable city, we must do all we can to
19 strengthen and protect our neighborhoods. As
20 a university like AU, as it reaches the limits
21 of its campus, we must encourage the
22 institution to look elsewhere in our city

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1 where new growth can contribute to the
2 economic livelihood and revitalization of
3 other neighborhoods as well.

4 I encourage you to take these
5 steps necessary to protect the neighborhoods
6 surrounding AU and require university
7 administrators to begin a new round of
8 discussions with the ANC commissioners and the
9 citizens associations. I would further
10 encourage you to call on AU administrators and
11 the ANCs and the citizens associations to go
12 to any length possible required to tap all
13 resources possible to build a consensus on a
14 redrawn campus plan that addresses the needs
15 of the university without putting the future
16 of these strong neighborhoods at risk.

17 That is the letter that I
18 submitted in late June or early July and I
19 wanted to read it into the record. I thought
20 it was important as we try to make sure that
21 our neighborhoods are protected. We want to
22 make sure that our campuses and universities,

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1 no matter what university it is in the city,
2 especially the ones that are on neighborhoods
3 or abut neighborhoods that we can figure out
4 how to coexist. But this plan may need to be
5 scrapped and sit down again with folks that we
6 can figure out what to do to have a better
7 path and much more positive path.

8 So with that, Commissioners, that
9 is my letter, that is my testimony and I want
10 to thank you very much for letting me appear
11 tonight.

12 CHAIRPERSON HOOD: Okay. Thank
13 you, Council Member Brown. I will assure that
14 some of our questions actually have come from
15 your letter. So we have had many discussions
16 with your letter and other council members so
17 we greatly appreciate you taking the time to
18 come down and provide testimony personally.

19 Let me open it up. Commissioners,
20 any questions?

21 (No audible response.)

22 CHAIRPERSON HOOD: And we usually

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1 don't have questions of the council member or
2 the mayor. Now, I said that the last time
3 when Council Member Cheh was here. I'm going
4 to say it again, but I'm going to -- I have to
5 go through this cross-examination. Do we have
6 any cross-examination from the Applicant?

7 (No audible response.)

8 CHAIRPERSON HOOD: Do we have any
9 cross-examination from 3D?

10 (No audible response.)

11 CHAIRPERSON HOOD: 3F?

12 (No audible response.)

13 CHAIRPERSON HOOD: 3E?

14 (No audible response.)

15 CHAIRPERSON HOOD: 3E? 3E's not
16 here? Okay. So we definitely don't have any
17 cross-examination.

18 Okay. Neighbors for a Liveable
19 Community?

20 (No audible response.)

21 CHAIRPERSON HOOD: Spring Valley?

22 (No audible response.)

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1 CHAIRPERSON HOOD: Tenley Campus?

2 (No audible response.)

3 CHAIRPERSON HOOD: Tenley

4 Neighbors?

5 (No audible response.)

6 CHAIRPERSON HOOD: Mr. Herzstein?

7 (No audible response.)

8 CHAIRPERSON HOOD: True to form.

9 Thank you, Council Member. We appreciate it.

10 COUNCIL MEMBER BROWN: And just
11 you know, Mr. Hood, thank you for your
12 leadership on the Commission. And if there's
13 anything I can do or my office can do to
14 continue to help; and I'm just using the term
15 "referee" because I don't have a thesaurus in
16 front of me, I would love to be helpful if I
17 can be.

18 CHAIRPERSON HOOD: Okay. Thank
19 you very much for the offer.

20 COUNCIL MEMBER BROWN: Thank you
21 very much.

22 CHAIRPERSON HOOD: Thank you.

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1 Okay. Ms. Schellin, do we have
2 anything else preliminary?

3 MS. SCHELLIN: No, sir.

4 CHAIRPERSON HOOD: Okay. Tonight,
5 the way I understand it; and I have to lean on
6 Ms. Schellin a lot, we're only hearing from
7 people in opposition.

8 MS. SCHELLIN: Correct. And then
9 we go to rebuttal.

10 CHAIRPERSON HOOD: Persons in
11 opposition?

12 MS. SCHELLIN: Correct.

13 CHAIRPERSON HOOD: And then
14 rebuttal. Okay. I'm going to start now.
15 This is where I usually mess up everything,
16 and so if I mess your name up and it sounds
17 familiar, just come on to the table.

18 Okay. Rosemary Niehuss, Benjamin
19 Tessler, Edward Cavalcanti, Catherine J.
20 Mullen, Elaine Patterson, Katherine Brandt,
21 Jill Stern, David Vaughan, Carol Wells, Maria
22 Kress.

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1 Is anybody coming to the table?

2 Okay. Gail Donovan, David
3 Fehrmann, Alfred Brenner, Nancy Hanna.

4 Okay. Let's see -- Ms. Schellin,
5 I'm going to really have to help you -- help
6 me with the list.

7 MS. SCHELLIN: I'm not sure if Mr.
8 Fehrmann's already -- Mr. Fehrmann, did you
9 already testify as part of the --

10 MR. FEHRMANN: (Off microphone.)

11 MS. SCHELLIN: Okay.

12 MR. FEHRMANN: I just ran the
13 slide projector.

14 MS. SCHELLIN: You ran the
15 projector? Okay. You looked familiar. Just
16 want to make sure we're not double-dipping.

17 CHAIRPERSON HOOD: He just ran the
18 projector. Okay. How many do we have? We
19 have eight seats.

20 Nancy Hanna? Did Nancy Hanna come
21 forward? Johanna Farley.

22 MS. SCHELLIN: Glen Wesley has --

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1 CHAIRPERSON HOOD: Glen Wesley has
2 already testified? Okay. This looks like
3 Dennis Paul. Up under there I have a Charles
4 Hamilton. Are they together?

5 MS. SCHELLIN: (Off microphone.)

6 CHAIRPERSON HOOD: Oh, I see. You
7 helped me out a little bit. Okay. Dennis
8 Paul, Charles Hamilton, Gerald Salzman. Got
9 one more seat? Okay. Ann Della Porta. Okay.
10 Good.

11 MS. SCHELLIN: Would just remind
12 all the witnesses to give two witness cards to
13 the court reporter if possible before you sit
14 down.

15 CHAIRPERSON HOOD: Ms. Schellin,
16 if we could just hold the places. I'm not
17 going to go back through all those names.
18 Just help me remember.

19 What I'd like to do is start from
20 my left, your right. Well, you know what?
21 Let me do the opposite. Let me start on my
22 right, your left and let's just go all the way

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1 down here. Identify yourself, who you're
2 representing. If you're representing
3 yourself, you're an individual. Or if you're
4 representing an organization, let us know up
5 front, and then you may begin your testimony.
6 So we'll start with you, sir.

7 MR. TESSLER: This is the
8 testimony of Benjamin Tessler. For the last
9 30 years or so I've lived in Spring Valley and
10 Wesley Heights, and am currently a resident of
11 Westover Place. My company, WCNA & Miller,
12 built Spring Valley and Wesley Heights. Like
13 most people I have a great deal invested in my
14 home, my neighborhood and the quality of life
15 associated with the northwest portion of the
16 city.

17 Nebraska Avenue is currently the
18 border between the university and the
19 neighborhoods. It appears that the university
20 wants to make it the main drive through their
21 campus with Westover Place and Embassy Park in
22 effect being located on the campus now

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1 bordered by the commercial space that they own
2 at Sutton Place. From Ward Circle, the
3 university's boundaries and ownership has
4 extended along Massachusetts Avenue, down New
5 Mexico, along Nebraska and for several blocks
6 on Wisconsin Avenue. We know that they will
7 not stop there, further changing the character
8 and feel of our neighborhoods and displacing
9 even more neighborhood-serving business. We
10 don't need more university growth and sprawl.
11 We need limits on their expansion.

12 Every 10 years the neighborhoods
13 must fight for their existence next to the
14 well-funded and well-represented universities.
15 We humbly look to this Commission for your
16 assistance in this very uneven battle. We ask
17 you to look out for and protect the interests
18 of the citizens of Washington in protecting
19 our neighborhoods.

20 The university has not negotiated
21 with us in earnest. They had no reason to do
22 so as they feel that they have the upper hand

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1 in this matter. As required, they went
2 through the motions having meeting with us and
3 saying that they listened and modified their
4 plans to accommodate us. In reality we've
5 gotten little out of these meetings.

6 After all this time the university
7 has not agreed to 120-foot treed buffer,
8 windows that do not open and buildings that
9 are no larger than our town homes. They still
10 insist on dormitories on the Nebraska Avenue
11 lot although they have seen that the roadside
12 plan provides clear alternatives sites to
13 build dormitories on the Main Campus.

14 As with the previous 10-year plan,
15 the law school and the Katzen Center, the
16 university will only truly negotiate with us
17 in any meaningful way by you sending this 10-
18 year plan back to them with the instructions
19 that they listen to the neighbors and the
20 homeowners of this city and negotiate in good
21 faith. But this can only happen with your
22 help and intervention. But even with clear

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1 agreements the university does not honor its
2 commitment. Their high-priced attorneys find
3 ways around those agreements that they sign
4 and do so with impunity. This must be
5 stopped.

6 I thank you for your time and
7 consideration.

8 CHAIRPERSON HOOD: Okay. We thank
9 you.

10 Okay. Next?

11 MR. BRENNER: My name is Alfred
12 Brenner and I live at 4424 Westover. Figure
13 No. 1 in your handout shows the sight lines
14 that I had with respect to the current East
15 Campus Plan. You're looking at the long rows
16 of windows on floors 3 to 5 of dormitories 2
17 and 3 from my third-floor bedroom. This is
18 typical of the Westover homes bordering the
19 East Campus. Please see the documents that I
20 submitted last week from my full testimony

21 Tonight I want to focus on the
22 noise issue. Student bodies today are a very

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1 diverse group with lifestyles spanning 24/7
2 activity level, which is very different from
3 that of the Westover community. This leads
4 potentially to high levels of noise at all
5 hours of the day and night. In particular, I
6 want to address the environmental noise study
7 recently submitted by AU.

8 The study measured the ambient
9 traffic noise during the busiest times of the
10 day, namely at noon and at 7:00 p.m., however,
11 noise from the AU during the evening rush hour
12 is not the primary concern for neighbors. It
13 is the night time and weekend noise that is
14 most important. The simulated scenario in the
15 study estimated the loud music in the
16 dormitories will be heard in Westover's third-
17 floor bedrooms at average sound levels ranging
18 from 51 to 58 dB. These noise levels exceed
19 the maximum allowed sound level at night,
20 which is set at 55 dB.

21 The study concludes that ambient
22 traffic noise will drown out most of the noise

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1 from the dormitories, but this conclusion is
2 based upon readings of background noise during
3 rush hour. That conclusion may be true during
4 heavy weekday traffic, but it's certainly not
5 going to be true in the case at night and on
6 weekend days. This study is flawed because it
7 is not focused on or analyzed the likely
8 effects of AU-generated noise upon the
9 neighbors during the quietest hours when
10 residents are trying to sleep.

11 Study measurements averaged sounds
12 over 30-second intervals. While I'm sleeping
13 it is not the average sound levels that
14 matter, but the peak levels that occur. These
15 may reach tens of dB higher than the average.
16 They will disturb my sleep.

17 The study also notes concerns
18 about the HVAC units on top of the
19 dormitories. The report warns that, "These
20 units will need to be selected to meet the
21 noise regulations, and if necessary noise
22 mitigation should be provided."

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1 To mitigate these potential noise
2 problems I propose that in addition to an
3 appropriate densely-planted and fenced buffer
4 area between East Campus and Westover the
5 following accommodations may AU be required
6 for the EC Plan to proceed: Windows in all EC
7 buildings be double-paned and not openable.
8 New office buildings and hotel rooms are so
9 built. It is green. It is also -- most
10 important it will help mitigate the noise
11 issues. Enclose all the 14-foot HVAC
12 structures in heavy noise-abating walls on
13 four sides. Not acceptable to be thin sheet
14 metal as proposed by the architect. Should be
15 architecturally interesting, not just a long
16 stretch of shiny steel.

17 (Whereupon, the timer expired.)

18 MR. BRENNER: No students should
19 be allowed in building's use. And minimize
20 the noise and dust during construction. The
21 first buildings constructed should be the
22 barrier buildings. One these are up the tree

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1 buffer should be planted to allow for as much
2 tree growth as possible before occupancy by
3 the student body.

4 CHAIRPERSON HOOD: Thank you very
5 much, Mr. Brenner. And I'm not going to make
6 you the example, but let's make sure that when
7 we hear that we hurry up and wrap up, which
8 you did. So thank you.

9 Next?

10 MS. KRESS: Good evening. Thank
11 you, Mr. Chairman.

12 CHAIRPERSON HOOD: Is your
13 microphone on?

14 MS. KRESS: Yours? Oh, my name is
15 Maria --

16 CHAIRPERSON HOOD: No, your
17 microphone. Want to be able to hear you.
18 There we go.

19 MS. KRESS: I didn't even check
20 it. My name is Maria Kress and I have lived
21 at 4302 Westover Place for 31 years and I'm
22 here to voice my opposition to the AU plan as

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1 proposed and to talk about traffic.

2 My three-story town house is one
3 of 32 houses adjacent to the brick wall
4 separating Westover Place from AU's Nebraska
5 lot, which is currently referred to as the
6 East Campus. The brick wall which separates
7 my house from the AU lot is four-and-a-half
8 feet from my patio gate. Is it any wonder
9 that in addition to the increased traffic
10 which will result I'm concerned about the need
11 for a sizeable buffer and mature trees to
12 shield me and my neighbors from the tremendous
13 density of students housing, administration
14 buildings, plus 17,000 square feet of retail
15 space proposed for this lot? The AU plan as
16 proposed should be rejected.

17 My concern is the excessive
18 traffic the plan will generate. It is just
19 not believable that additional traffic will
20 not create objectionable conditions. When you
21 add population to any area, you will
22 automatically get an increase in traffic,

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1 pedestrian as well as vehicular, which will
2 create objectionable conditions.

3 The university traffic study
4 report asks us to believe that 590 student
5 crossing Nebraska Avenue to go to classes, to
6 the library and student activities several
7 times daily, plus an unknown number of
8 academic staff an unknown number of students
9 from other parts of the campus, an unknown
10 number of visitors, in addition to the unknown
11 number of staff, students and customers
12 frequenting these retail outlets, as well as
13 delivery and service vehicles, this will not
14 create additional and objectionable traffic.
15 Who could believe such a report? It is simply
16 unbelievable that the D.C. Department of
17 Transportation sent such an optimistic and
18 weak report for your review.

19 Council Woman Mary Cheh reported
20 grave concerns about traffic road. In fact
21 the Ward Circle traffic is currently so
22 excessive at times, exceeding capacity,

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1 causing significant and frustrating backups,
2 making it unbelievably difficult and dangerous
3 to exit the Westover front drive, you can
4 forget about making a left turn during peak
5 hours. The easiest way to exit Westover now
6 is to turn right and hope to find a place so
7 you can turn around and back.

8 Pedestrian traffic in and around
9 Ward Circle is already at dangerous levels.
10 The students are so young and carefree, many
11 walk into the crosswalk without looking to the
12 right or to the left. They care not if they
13 step out in front of you with ear buds in
14 their ears or talking or texting with their
15 hands as they walk along. They appear to be
16 out of touch with their own safety. My
17 greatest fear is that one of them will be
18 killed or injured some day. I drive and
19 travel that circle very carefully.

20 Commissioners, you have an
21 opportunity to tell the university they are
22 outgrowing their small campus and must scale

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1 back their desires. Please do so. Please
2 don't allow gridlock to occur in our
3 neighborhood. Thank you.

4 CHAIRPERSON HOOD: Thank you.
5 Next?

6 MS. DONOVAN: Good evening. My
7 name is Gail Donovan and I have lived at 4300
8 Mass. Avenue, N.W. in Westover Place for 31
9 years. My house is the first house on the
10 right as you enter our community. My patio is
11 four-and-a-half feet from the brick wall that
12 separates our community from the Nebraska
13 Avenue parking lot. The campus plan proposes
14 to retain this portion of the parking lot
15 along with the existing 35-foot buffer. As
16 proposed, the buffer would only be 392 feet
17 from my property, a wholly inadequate buffer
18 distance.

19 The current parking lot is a
20 commuter parking lot with over 900 spaces.
21 Seldom do any vehicles park behind my house.
22 Rarely are vehicles present in the lot during

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1 night time hours. In the proposed plan the
2 use of this lot will change dramatically. The
3 number of vehicles associated with housing,
4 retail, faculty and administrative staff will
5 transform a relatively quiet commuter lot into
6 one that is used 24 hours a day. The limited
7 buffer distance to our homes will create an
8 objectionable increase in noise and air
9 quality and our privacy will be further
10 compromised by vehicle headlights shining into
11 our windows at all hours of the night.

12 Objectionable conditions are
13 inevitable as the lifestyles of a mature
14 family-oriented community are not compatible
15 with student lifestyles. After all, I am
16 heading to bed when the students are going
17 out. The parking lot will have the potential
18 to become an informal gathering place for
19 students returning at all hours of the night
20 to their dorm rooms. The access to the buffer
21 area, if not prohibited in some way, will
22 become a haven for parties and mischief.

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1 Currently my neighbors and I find beer cans,
2 wine bottles and other trash tossed over the
3 wall into our alleyway and onto our patios as
4 the current buffer area provides an informal
5 place for students to congregate.

6 In conclusion, the surface parking
7 lot as proposed in the present campus plan
8 will evolve into a 24-hour/7-day-a-week
9 nuisance forced upon the taxpaying homeowners
10 of Westover Place. Therefore, I submit for
11 your consideration the following
12 recommendations: (1) That the parking lot be
13 constructed as an underground facility; (2)
14 that the buffer area between American
15 University and Westover Place be at least 100
16 feet along the entire property line; (3) that
17 the buffer area be secured by a fence with
18 absolutely no student access. Thank you.

19 CHAIRPERSON HOOD: Okay. Next?

20 MR. FEHRMANN: Good evening. My
21 name is David Fehrmann. I live at Westover
22 Place adjacent to the proposed East Campus.

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1 After careful examination of AU's
2 planned expansion and specifically the East
3 Campus, I find many objectionable conditions
4 which have not been mitigated and thus urge
5 you to reject the plan as currently presented.

6 The right to develop the parking
7 lot is not in dispute; AU certainly has that
8 right, but what they cannot do under the
9 special exception law is create objectionable
10 conditions for their neighbors.

11 There are ways that Westover Place
12 and American U. can come into agreement.
13 Sadly, however, the university will need to be
14 directed by this Commission to meet with the
15 ANC and the affected neighbors to resolve the
16 problems. So far the university has rejected
17 every opportunity to develop a plan we can
18 agree on. The university has ignored
19 neighborhood input and put forth a massive
20 plan for East Campus which they know faces
21 widespread opposition.

22 My concerns and suggestions for

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1 improvement are quite simple: First, the
2 proposed 590-student housing creates density
3 which is out of character with the
4 neighborhoods. All that is needed to solve
5 this is to relocate one dorm to the center of
6 their Main Campus where multiple building
7 opportunities exist.

8 Second, increase the buffer
9 distance to 100 or 150 foot in depth along the
10 full length of the border and insert a
11 guarantee that the buffer buildings will be
12 constructed before the dorms are occupied by
13 students.

14 Third, reduce the campus-serving
15 retail space to that of the Welcome Center.
16 Retail is out of character with Nebraska
17 Avenue and will add to an already congested
18 and hazardous traffic corridor. Student
19 retail should be located on the Main Campus
20 where it will serve the majority of students
21 and not interfere with neighbors' enjoyment of
22 their low-density residential neighborhood.

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1 Fourth, reduce or eliminate
2 entirely the surface parking lot, or if the
3 surface parking lot is retained it should not
4 be used after 10:00 p.m. at night.

5 It is also obvious to me that the
6 requirements for further processing have not
7 been met by failing to provide sufficient
8 detail and discussion of building façades. A
9 landscape plan that is more than a few trees
10 drawn on a diagram and many more details are
11 lacking. There is no noise abatement plan,
12 only a very recently shared study which
13 indicates that the noise at 12:15 in the
14 afternoon will not be a problem for most of
15 the Westover community. While 12:15 is an
16 important time of day, it is the 3:00 a.m.
17 noise in the parking lot and courtyards which
18 will be the most objectionable to Westover
19 Place.

20 Please reject this plan and direct
21 the university to engage with the neighborhood
22 to develop a mutually agreeable plan. We can

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1 do it, but you are going to have to help us
2 start the process. Respectfully submitted,
3 David Fehrmann.

4 CHAIRPERSON HOOD: Great. Thank
5 you. Next?

6 MS. FARLEY: Hi, I'm Johanna
7 Farley and I've lived at 4452 Westover Place
8 for 15 years. I love living in Washington,
9 D.C., but now I'm seriously considering moving
10 out of the city. Why? Because of the many
11 objectionable conditions created by AU's
12 proposed East Campus Plan.

13 I'm not opposed to development of
14 the Nebraska Avenue lot, but it's a quality of
15 life issue for me and my family. For AU to
16 create such onerous conditions for neighbors
17 when clear alternatives exist and to conduct
18 a two-and-a-half-year negotiating charade is
19 beyond unbelievable. It's a page out of
20 Kafka, not the Zoning Code.

21 My house is the second from the
22 left along the Westover wall near New Mexico

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1 Avenue. AU plans a two-story, 35-foot-high
2 administration and classroom building 40 feet
3 from the wall as a buffer building. It will
4 look into all three stories of my 35-foot-high
5 home, including my top-level bedroom. With
6 operating windows and activities until 11:00
7 a.m. each night, we will hear and see noise
8 and light even with my doors and windows
9 closed. This is highly objectionable since we
10 go to bed at 9:00 or 10:00 because we have to
11 get up at 5:30 for work the next morning.

12 Currently AU holds outdoor events
13 several times a year on their Main Campus
14 shielded by trees and buildings. However, the
15 noise still travels through the neighborhood
16 and drives us from our outdoor space. Now
17 imagine five and six-story dormitory buildings
18 just past AU's existing 40-foot buffer and
19 proposed buffer building. These dorms will
20 tower over our 35-foot homes, block our light,
21 air and blue sky and create noise.

22 Imagine 590 students coming and

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1 going 24 hours a day on foot and in cars,
2 gathering outdoors or inside with windows
3 open, voices raised, music blaring, air
4 handlers operating. Imagine never again being
5 able to enjoy your outdoor space. On a recent
6 beautiful Saturday 10 or 20 students were
7 tailgating in the Nebraska parking lot. Again
8 we had to go inside, a foretaste of the future
9 if AU's proposed East Campus Plan is approved
10 as is.

11 So how to correct these highly
12 objectionable conditions? I would ask the
13 Zoning Commission to require the following
14 mitigating measures be a condition of
15 approval: (1) Create an enclosed buffer zone
16 of 100 to 120 feet from the Westover wall
17 planted with mature trees; (2) build the
18 buffer buildings first to ensure the buffering
19 function of these buildings between the
20 neighbors and the dorms; (3) build the buffer
21 buildings along the entire length of the
22 Westover wall with inoperable buildings and

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1 mechanicals on the far side of the building
2 from the wall; (4) build only one dormitory
3 housing not more than 275 students along
4 Nebraska Avenue with inoperable windows and
5 well-shielded mechanics; and (5) build only an
6 underground parking facility, not surface
7 parking. Thank you for your consideration.

8 CHAIRPERSON HOOD: Thank you very
9 much. Next?

10 MR. SALZMAN: Gerald Salzman. I
11 live at 3101 New Mexico Avenue. I speak in
12 opposition to AU's Plan.

13 I am absolutely blown away by the
14 articulate comments by the councilman and my
15 neighbors. It's sort of -- I'm very new to
16 this and it's sort of inconceivable to me that
17 these objections cannot be heard by the Zoning
18 Commission and will not be acted upon. I give
19 you the experience of a neighbor in that area.

20 The traffic issues will be
21 horrendous. Currently to try and get onto
22 Nebraska Avenue from New Mexico Avenue --

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1 students walk whether there is a green light,
2 red light or yellow light. That one student
3 backs up the entire area. The problem comes
4 also in that the additional 2,500 employees
5 from the Homeland Security -- those additional
6 cars will in effect stop -- will significantly
7 impede traffic when combined with the
8 students.

9 The problem comes in terms of the
10 heavy economics of the downtown area.
11 Commuters going towards the downtown area use
12 Massachusetts and Nebraska Avenue as a major
13 artery. With the additional congestion it
14 will become more adverse, less likely that
15 businesses will want to relocate to the
16 District. I understand AU is a significant
17 entity, but the downtown area will suffer from
18 this plan because of the traffic congestion
19 and the impedance of the commuters. It takes
20 one person or one car to block up an
21 intersection. That one car, that one person
22 affects hundreds of other individuals and

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1 cars, so therefore it would be a domino or a
2 geometric effect.

3 I cannot understand how AU could
4 in good faith propose this plan. The issue of
5 noise, the issue of inconvenience, the issue
6 of the negative and irreversible affect upon
7 that neighborhood, our neighborhood. The plan
8 needs to be changed. Thank you very much,
9 sir.

10 CHAIRPERSON HOOD: Thank you very
11 much. Next?

12 MS. DELLA PORTA: Good evening.
13 My name is Ann Della Porta. I live at 4294
14 Massachusetts Avenue in Westover Place and I'm
15 a proud alumna of American University. And
16 although I believe that the university does
17 have the right to expand, I'm opposed to the
18 10-year plan that is currently before the
19 Commission for consideration.

20 Having lived in the neighborhood
21 for over 35 years, I have seen how the
22 university has expanded and taken over

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1 commercial spaces in the area. The steady
2 encroachment has the potential to
3 fundamentally change the nature of our
4 neighborhood. The university has made several
5 positive contributions to our part of D.C.,
6 namely the beautiful Katzen Art Center, the
7 university's arboretum and its commitment to
8 sustainability. But today I ask you to
9 consider the impact that the proposed plan
10 will have on our neighborhood, especially in
11 light of the increase in the cap on enrollment
12 and the planned expansion to the Department of
13 Homeland Security.

14 I am concerned that the expansion
15 of the university's footprint will remake our
16 residential neighborhood into an urban campus
17 similar to George Washington University. I
18 don't want to see our streets become
19 incorporated into the university's campus, a
20 likely result of the massive expansion planned
21 for the East Campus Complex. It's just too
22 much and too overwhelming for a residential

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1 neighborhood that is mature and stable.

2 My family, my neighbors and I have
3 watched as small businesses and shops have
4 closed in commercial spaces now controlled by
5 the university. We feel the impact of the
6 loss of these local services, many of whose
7 former locations remain empty. I fear that
8 the spaces will be filled with fast food
9 joints that cater only to students rather than
10 the larger community. Just in recent years
11 we've seen a clothing store and a wine shop
12 disappear as the law school moved in. Then
13 more recently a neighborhood grocery store
14 closed to be replaced by AU's mail sorting
15 room while medical offices and clinics have
16 been replaced by the university treasurer's
17 office, the architect of this plan. In light
18 of the university's inability to fill its
19 current empty spaces, the request to add
20 another 17,000 square feet of retail space on
21 campus seems excessive.

22 AU's plan with its proposed

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1 expansion on the East Campus will inevitably
2 impact our neighborhood and the residents who
3 live nearby. I believe that the dormitories
4 proposed for the East Campus and the increase
5 in the student cap rise to the standard of
6 being objectionable to us taxpaying residents.

7 I respectfully ask the Commission
8 to ensure that a buffer sufficient to minimize
9 the impact of sight lines, noise and lights be
10 included in this plan. I urge the board to
11 consider the neighborhood's concerns about
12 many objectionable conditions in the proposed
13 AU plan. Please help us retain the character
14 of our neighborhood and keep it liveable for
15 residents and students alike. I urge you to
16 reject the plan and order that university meet
17 with the neighbors and jointly develop a plan
18 which addresses the neighborhood's concerns
19 before resubmitting to the Commission. Thank
20 you.

21 CHAIRPERSON HOOD: Okay. Thank
22 you. Commissioners, any questions?

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1 (No audible response.)

2 CHAIRPERSON HOOD: Mr. Fehrmann,
3 you and Della Porta both mentioned about
4 continuing and going back and having the
5 university come back and work with the
6 community. I asked -- and it may be another
7 ANC, but I think I asked Commissioner
8 Chairperson Smith about that, and I don't
9 think he gave me -- and I don't want to put
10 words in mouths, but at least the impression
11 I got, that was not favorable. You all have
12 exhausted having meetings with the community.
13 Okay. Okay. Well, let me just say that was
14 the impression that I got. Well, maybe I may
15 be wrong. Maybe it was another case.

16 But anyway, is that -- will that
17 -- you think that will work? And I think I
18 asked this: How much time -- if this
19 Commission was to do that, what you asked
20 about sending the university back; and I'm
21 just throwing this out there -- if we didn't
22 vote and we said, okay, let's give them more

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1 time, let's give Council Member Brown and
2 others, and Council Member Cheh and others
3 time to referee and to continue to work with
4 the university to try to find -- maybe enlarge
5 some of those buffers, what we're hearing
6 about, deal with some of those traffics issues
7 on New Mexico and Nebraska -- so how much time
8 do you think that would take, because haven't
9 you all been involved with discussions already
10 for a lengthy time?

11 MR. FEHRMANN; Sir, we've been
12 working or listening to the university for two
13 years and it's difficult to say that we could
14 achieve any success in a short period of time
15 unless there are strong directions coming from
16 the Zoning Commission to the university of
17 what it would take to present an alternate
18 plan that would be acceptable. Without that
19 direction I don't believe the university and
20 the community will ever come together.

21 CHAIRPERSON HOOD: Okay. All
22 right. Thank you.

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1 Any other questions,
2 Commissioners?

3 (No audible response.)

4 CHAIRPERSON HOOD: Okay. Do we
5 have -- let me just do this this way, instead
6 of going down the list. Do we have any cross?
7 Pretty much you know the order because we've
8 been over that order. Do we have any cross?

9 (No audible response.)

10 CHAIRPERSON HOOD: Okay. And
11 Chairman Smith, if I misquoted you, I'll take
12 it back.

13 MR. SMITH: (Off microphone.)

14 CHAIRPERSON HOOD: Okay. Well, he
15 said I did. I'll take it back.

16 MR. SMITH: (Off microphone.)

17 CHAIRPERSON HOOD: Okay. I got
18 you -- maybe it was another case. Okay. We
19 want to thank this panel. We appreciate it.

20 And forgive me. I'll take all of
21 my comments back. Okay. I don't want to get
22 you in trouble.

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1 Okay. Let me go to Edward
2 Cavalcanti, J.W. Noonan, Paula Feeney, Barbara
3 Walker, Patricia Kelly, Harry Theyer, Marion
4 Guggenheim, Shirley Buttrick, Jeanne
5 Holzgreffe, T.C. Paup, Judith Berson, Tom
6 Quinn.

7 He's with the ANC, right? Tom
8 Quinn?

9 PARTICIPANT: (Off microphone.)

10 CHAIRPERSON HOOD: Okay. Well,
11 Tom Quinn is not here. Hagan Dick.

12 Is he in opposition?

13 PARTICIPANT: (Off microphone.)

14 COMMISSIONER MAY: Okay. Well, we
15 called his name. Merril Yavinsky, Mark
16 Knouse, Ms. Tyrel Flawn.

17 That's all on that page that I
18 see, Ms. Schellin. Okay.

19 Tim McBride. No, no, I'm sorry.
20 He's in support. Kent Slowinski, Thomas
21 Martin, Jerry Gallucci, Jane Becker. That's
22 enough? I didn't think we had but two people.

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1 I was so busy looking. Okay. Okay. Good.

2 Where did we stop, Ms. Schellin?

3 MS. SCHELLIN: (Off microphone.)

4 CHAIRPERSON HOOD: We did call

5 Jane Becker. Okay. Good. Okay. Thank you.

6 Okay. We're going to start to my
7 right. We'll start to your left.

8 MR. CAVALCANTI: Thank you. I
9 have a complicated relationship with AU. I'm
10 an alumnus and a big supporter of the Katzen
11 Art Center. I also live --

12 CHAIRPERSON HOOD: Could you give
13 us your name and who you --

14 MR. CAVALCANTI: Sorry. Edward
15 Cavalcanti, 4426 Macomb. And because of that,
16 I live three blocks away from AU. So my five-
17 year-old daughter has a fantastic place to ride
18 her bike, while I worry about what will become
19 of our neighborhood.

20 I've attended many of the AU
21 community hearings, ANC meetings and Zoning
22 Commission hearings and I'm sorry to say that

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1 they really do all sound alike much of the
2 time. AU thinks the neighborhood is being
3 unreasonable and the neighborhood feels like
4 it's being bullied. And there's not much room
5 for compromise in that, as we've just recently
6 discussed.

7 But there might be some room, and
8 here's a suggestion: The East Campus Plan is
9 easier and cheaper than making the same effort
10 on the Main Campus. That doesn't make it
11 right, especially if it negatively impacts the
12 neighborhood and there are still sites
13 available that are being poorly utilized.

14 If you have a look at Gray, Roper
15 Clark and McCabe Halls by Nebraska and
16 Rockwood Parkway, you can see that these
17 buildings along with the parking lot at the
18 center occupy a footprint that's roughly the
19 same as Letts and Anderson Halls put together,
20 if you don't count the newer wings on
21 Anderson. And when AU says that there would
22 be significant added cost to having these

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1 buildings torn down; meaning those four, I
2 would say that that's possible. But if it was
3 included as part of the campus plan back in
4 May 2010 to tear them down, I would suggest
5 that there was no grand remodeling done and
6 you could press forward with that. This plan
7 was rejected in part I believe because it
8 included a much larger project with 670 beds
9 on the South Campus.

10 Overall I would suggest that AU
11 must stop insisting on the right to build big
12 at the very edges of its property line.
13 Instead, they should look to the Clark site
14 alternatives and have lower buildings at the
15 perimeter; I believe the great majority of the
16 residents of Wesley Heights would support this
17 effort, and not to include buildings on the
18 East Campus with a total number of beds to
19 exceed 250, and not to mention that the
20 buildings should not dwarf the surrounding
21 neighborhood.

22 Two last thoughts: It might be

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1 nice if the buildings were architecturally
2 interesting and that the majority of the jobs
3 that are going to this grand construction
4 project would be going to workers that live in
5 Virginia and Maryland as taxpayers and not in
6 the District.

7 CHAIRPERSON HOOD: Great. Thank
8 you. Next?

9 MS. FEENEY: My name is Paula
10 Feeney and I live at 4455 Westover Place.
11 Thank you for the opportunity to present
12 testimony regarding two matters of concern to
13 me.

14 By introduction, I have owned my
15 residence at Westover since 1988. My home is
16 located just four houses inside the gated
17 pedestrian and vehicular gate at New Mexico
18 Avenue. I am the parent of two children who
19 are currently undergraduates, both away at
20 school. My daughter is at William and Mary.

21 My first concern is the proposed
22 but not defined commercial establishments on

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1 the East Campus targeted to serve the
2 thousands of students at American University,
3 perhaps until late at night. The current case
4 of university growth at William and Mary
5 illustrates my concern.

6 The newly constructed Tribe
7 Square, a new dorm and retail complex on
8 Richmond Road in Williamsburg, has space for
9 four new businesses, three of which have
10 signed leases. The tenants will include the
11 Crest, a restaurant; Pita Pocket and Subway
12 Café. All of these businesses will stay open
13 until 1:00 a.m., according to the local press,
14 the Gazette. It is important to note that
15 William and Mary Complex is not imbedded in a
16 residential area.

17 I can only imagine the detrimental
18 changes to my neighborhood's character and
19 quality of life if late night establishments
20 are not prohibited under the new plan for
21 American University's growth. Absent much
22 greater definition of the proposed retail,

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1 including hours of operation, I do not know
2 how the East Campus Plan can be approved.

3 My second concern is the physical
4 safety of the American University students.
5 If a large number of students are located in
6 East Campus dormitories, the increased foot
7 traffic on New Mexico Avenue will raise the
8 risk of injury or fatality for students.
9 Students currently jog and walk day and night,
10 frequently on their cell phones with
11 earphones, texting and traveling in groups,
12 paying no attention whatsoever to their
13 surroundings as they go up and down New Mexico
14 Avenue. Vehicular traffic is already heavy on
15 New Mexico, and it will grow.

16 There are three current dangerous
17 intersecting streets that feed onto New
18 Mexico; Westover, Embassy Park and 3301 New
19 Mexico Avenue. The students are young
20 pedestrians and they ignore and do not observe
21 the lights. There are already near misses as
22 drivers try to get onto New Mexico and Newark

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1 Streets using green lines. The proposed
2 additional students will already exacerbate
3 the already dangerous scenario. As we all
4 know, the recent tragic deaths on nearby
5 Connecticut Avenue only poignantly highlight
6 the concerns for pedestrian traffic -- I
7 should say safety at signalized intersection.
8 Will we lose a student before we realize that
9 we have created a no-win situation? Thank
10 you.

11 CHAIRPERSON HOOD: Thank you.
12 Next?

13 MS. BUTTRICK: My name is Shirley
14 Buttrick. I live at 2828 Wisconsin Avenue,
15 N.W. And while I'm not directly in the line
16 of fire, I'm close enough to be concerned
17 about my neighborhood.

18 I'm also an emeritus professor and
19 a former dean of the University of Illinois at
20 Chicago. I have previously taught at the
21 University of Maryland and I have also been a
22 professor at the University of Minnesota. I

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1 know something about university expansions and
2 development and am I opposed to the AU plan.

3 I will confine my remarks tonight
4 to the proposal for moving the present law
5 school; just use that as illustrative, to the
6 Tenley Campus. That plan would more than
7 quadruple the number of students and staff
8 moving into one of the most congested and
9 desirable areas in the city. There is no
10 intrinsic reason why a professional school
11 needs to be housed on the main campus of a
12 university.

13 They call it a satellite campus,
14 but it's walking distance to the Main Campus.
15 There is -- for example, American University
16 calls it a satellite location, but what is
17 usually meant by a satellite location is best
18 illustrated by the University of Maryland, for
19 example, who housed all its professional
20 schools in Baltimore where it was -- they were
21 welcomed and where professional schools were
22 needed and not in College Park, which was

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1 terribly congested.

2 The University of Chicago Law
3 School, an illustrious institution, housed its
4 law school in the Loop area of Chicago where
5 it was needed, wanted and welcomed and not on
6 the South Side of Chicago where it would not
7 have been welcomed and where it bears no
8 intrinsic relationship to the main purposes of
9 a university.

10 I mention this because the very
11 definition which AU uses of a satellite campus
12 is a misnomer. I want to simply go on to say
13 that many, many professional schools are not
14 housed on the main campus. There is a
15 disruption to existing neighborhoods when you
16 crowd professional schools and do what AU is
17 now trying to do. Close to even home,
18 Southeastern University, situated near a
19 Metro, I understand is currently available.
20 That kind of a satellite location for the law
21 school would be a welcome addition to the
22 community.

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1 (Whereupon, the timer expired.)

2 The District of Columbia
3 recognizes in its Comprehensive Plan the
4 desirability of such satellite locations. And
5 I don't need to quote you chapter 12, and
6 12.21, which goes into a discussion of the
7 desirability of satellite locations and what
8 they can do and why should they should be
9 encouraged.

10 CHAIRPERSON HOOD: Okay. Well,
11 since you said you didn't, we're going to read
12 that -- we're going to refresh or memories
13 with that and we're going to --

14 MS. BUTTRICK: Do you want me to
15 include it?

16 CHAIRPERSON HOOD: No, we're going
17 to go the next person actually because I
18 wanted you -- when you hear the bell, we want
19 you to give us your closing thought.

20 MS. BUTTRICK: All right. I'll be
21 glad to do that. I also --

22 CHAIRPERSON HOOD: I thought you

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1 already did it, but --

2 MS. BUTTRICK: Finally --

3 CHAIRPERSON HOOD: This is a hard
4 job here.

5 MS. BUTTRICK: Do I have a minute
6 before the bell?

7 CHAIRPERSON HOOD: The bell has
8 already rung. You've had -- you're in two
9 minutes after the bell.

10 MS. BUTTRICK: I'm so sorry.

11 CHAIRPERSON HOOD: Oh, that's all
12 right. We have your testimony, right?

13 MS. BUTTRICK: You have my
14 testimony.

15 CHAIRPERSON HOOD: Okay. Good.
16 That's all we need. We'll take care of it.

17 MS. BUTTRICK: Thank you very
18 much.

19 CHAIRPERSON HOOD: Thank you so
20 much.

21 MS. BUTTRICK: Thank you.

22 CHAIRPERSON HOOD: All right.

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1 Next?

2 MS. HOLZGREFE: My name is Jeanne
3 Holzgrefe and I live at 4418 Macomb Street,
4 across the street from Horace Mann Elementary
5 School where our children went to school.

6 I like universities. I'm a
7 clinical professor at George Washington
8 Medical School. Universities have been good
9 to me. I teach medical students and I want
10 universities to thrive. I need your help
11 though in whether to invest money we've saved
12 to renovate our house or whether this would be
13 a bad investment and Wesley Heights would no
14 longer be a good place to live and I should
15 move.

16 The Office of Planning calls our
17 neighborhood one of the residential jewels of
18 the District that ought to be preserved. We
19 don't want to spend money on expensive real
20 estate transactions costs rather than on our
21 children's education. Georgetown University
22 drove us out of our former home in Burleith

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1 and we don't want this twice.

2 There are several factors that go
3 into a liveable community. One is noise. I
4 like everybody else need a good night's sleep
5 in order to do my job well. When I was
6 working as a physician in the emergency room,
7 noise from AU's student houses in Wesley
8 Heights nearly drove us to the suburbs because
9 students kept us up at night. We had to call
10 the police many times. Fortunately those
11 houses have changed hands and we didn't have
12 to move. If AU increases its footprint in the
13 neighborhood, we will likely have more student
14 houses, and from some of them, not all, more
15 disruption that doesn't allow us the quiet
16 enjoyment of our homes.

17 Parking issues have also been
18 problems effectively addressed by others.

19 Green space at Horace Mann School.
20 It has sometimes gotten unsafe for small
21 children to use the green space at Horace
22 Mann. I have seen small children nearly get

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1 hit by soccer balls kicked at high velocity by
2 AU students. I've had conversations with
3 those students who seem to be very nice
4 people. AU students need to be exercising,
5 like all of us, but AU needs to provide their
6 own green space for their students, not just
7 their varsity athletes. Also, AU should not
8 rent out the fields to others before providing
9 adequate green space for their own students.

10 AU has bought commercial space in
11 the neighborhood and has re-purposed it for
12 student-serving uses, something that's no
13 longer allowed at George Washington University
14 within certain areas. We lost our grocery
15 store. Several managers told me that
16 Balducci's closed because AU raised the rent
17 and the parking and was doing quite well
18 financially, a different story from what
19 others have testified. A grocery store is one
20 of the things that makes a community a
21 walkable, liveable community. AU has known
22 our community wants that. We went over there,

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1 met with them and showed them the over 600
2 signatures representing 96 percent of the
3 people who were home in the neighborhood and
4 who signed the petition.

5 If we're evaluating a
6 comprehensive plan, the uses of AU-owned
7 commercial properties need to be considered.
8 What are AU's plans for the Balducci's
9 building? For a convention center,
10 classrooms, dorms? Will this be a way they
11 can increase their caps? Will there be
12 restaurants geared to students? I don't want
13 our end of the neighborhood to become an annex
14 of AU and I don't want to move. Thank you for
15 your help.

16 CHAIRPERSON HOOD: Thank you.

17 Next?

18 MR. KNOUSE: Good evening, Mr.
19 Chairman and Commissioners. I am Mark Knouse
20 residing at 5153 Yuma Street, N.W. My house
21 is located directly across the street from the
22 property at 5007 Yuma Street, a single-family

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1 home located in our Spring Valley neighborhood
2 that for the past four years has been leased
3 to students who are members of the American
4 University chapter of the Phi Kappa Alpha
5 fraternity. My next door neighbor, Mr. Merril
6 Yavinsky, who could not here tonight, of 4350
7 50th Street, and I have submitted written
8 testimony to you on September 22, which I
9 understand has been entered into the record.
10 My purpose tonight is to elaborate on that
11 written testimony in person.

12 First, let me begin by stating
13 that I too am a graduate of American
14 University. My wife and I have resided at
15 5153 Yuma for 10 years. We have three
16 children; two in college and one in graduate
17 school. We are certainly familiar with
18 college-aged students.

19 We chose this neighborhood because
20 of its safety and because of the majority of
21 residents take great pride in their property
22 and work hard to maintain it. I can safely

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1 say that if I knew what we were about to face
2 with the residents of 5007 Yuma, I would not
3 have purchased our property.

4 ANC 3D has voted to demand
5 stronger efforts by AU to police their
6 students living off campus as a condition of
7 the AU's campus plan. My purpose in
8 mentioning this is to support ANC 3D's demand
9 by emphasizing the total lack of respect of
10 the neighbors and the neighborhood by the
11 student residents of 5007 Yuma and, in my
12 opinion, the inability or unwillingness of AU
13 to monitor and discipline their students
14 living off campus.

15 When the first group of students
16 moved in four years ago, most of the neighbors
17 welcomed them, shared our tools with them if
18 they needed any help. Although there were
19 some parties, they were not excessively loud.
20 As each new group of students moved in, the
21 behavior worsened. As the weather warmed, the
22 parties become more frequent and behavior

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1 worsened even more. It was not uncommon to
2 see scores of students marching down
3 Massachusetts Avenue to 5007 to attend a
4 party. The parties would last most of the
5 night with loud music, bad language, fighting,
6 breaking bottles, driving at high rates of
7 speed, and on one occasion, sex on the front
8 lawn.

9 The neighbors constantly called
10 911 to request MPD help, but to no real
11 resolve. When the police did show up, they
12 would most often charge the residents with a
13 minor fine and the students would quickly take
14 up a collection and pay the fine.

15 It was not only the late night
16 parties. Trash was everywhere. We had vermin
17 problems. The neighbors who abutted the back
18 deck were doubly victimized. When we
19 confronted the students, they either ignored
20 us or they gave us some lip service excuse and
21 continued the bad behavior.

22 In an email to one of our

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1 neighbors, Dr. Kerwin explains that American
2 University staff and leadership have been
3 working with the D.C. police and the landlord
4 to deal with these behaviors. While I can
5 respect Dr. Kerwin, I don't buy it. AU needs
6 to adopt a stricter code of student conduct
7 similar to that that governs other
8 universities.

9 CHAIRPERSON HOOD: Okay. Thank
10 you. Next?

11 MR. MARTIN: My name is Tom
12 Martin. I reside at 4284 Massachusetts
13 Avenue, N.W. in Westover Place and I've lived
14 near AU for over 25 years. I work at the NAC,
15 however, I am testifying in a strictly
16 personal capacity this evening. I have two
17 interrelated issues; pedestrian safety and
18 traffic.

19 Crossing Massachusetts Avenue is
20 dangerous. I know because I walk back and
21 forth twice a day with great big yellow signs.
22 Personally I always wait until a driver in the

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1 first lane makes a visual contact and slows
2 down, and I pause in front of that car, look
3 at the second lane to see if there's anything
4 coming. Just last night a second driver
5 roared through feet in front of me, just a
6 couple of feet in front me. Same thing
7 happened this morning. While walking to work
8 I see students running, literally running
9 through the Mass. Ave. crosswalks or
10 jaywalking across Nebraska to catch the
11 shuttle buses at the stops that are located at
12 the edge of Ward Circle.

13 You know that Homeland Security
14 does not allow consultant contractors who are
15 over half of their work force at the NAC to
16 park on that site even when there's space
17 available? When the DHS policy was
18 implemented in the spring of 2009, nearby
19 churches on Nebraska Avenue rapidly filled up
20 their parking lots during the week by charging
21 contractors to park there. One consulting
22 firm accounts for over 100 spaces at National

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1 Presbyterian. And across the street at Temple
2 Baptist Church another firm accounts for half
3 of those spaces. And those consultants who go
4 to church on weekdays prowl the back streets
5 where Zone 3 stickers are not required when
6 they're not paying to park in those lots, or
7 they play musical chairs, rotating between
8 portions of Massachusetts Avenue and Nebraska
9 that do permit parking for two-hour periods.
10 The result, DHS consultants compete directly
11 with AU students and staff in seeking free
12 off-street parking. They have forced us at
13 Westover Place to hire a security service at
14 our open front entrance on Massachusetts
15 Avenue to protect the parking inside our
16 community.

17 On a similar note, on October 25
18 at Congresswoman Norton's meeting with Ward
19 Circle constituents, a DHS community services
20 of community relations rep said that the NAC
21 had just 550 contractors. Only 350 of them
22 require parking and 296 already have parking

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1 spaces. Her calculation was that leaves an
2 unmet demand of only 50 spaces. Sorry, but
3 those numbers just don't figure.

4 Encouraging commuters to abandon
5 their cars for public transportation is a
6 commendable goal. I encourage it. However,
7 DHS consultants with their sensitive security
8 clearances are largely former military folks
9 and they live in the exurbs of Maryland and
10 Virginia near their former military
11 installations. The typical commute; and I
12 know these people, is an hour to an hour-and-
13 a-half each way every day. For them, Metro
14 service is simply not viable or attractive.
15 To suggest as some at DDoT may do, that just
16 letting congestion build up will resolve
17 things is an ostrich with head in the sand.

18 And bottom line, if spring of 2012
19 is when GSA can have an unflawed traffic study
20 ready, so be it. But as an endangered
21 pedestrian I would ask you not to approve any
22 AU Campus Plan until that study is actually

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1 available and it can help inform your
2 considerations.

3 CHAIRPERSON HOOD: Okay. Thank
4 you.

5 MR. MARTIN: And I thank all for
6 our public service.

7 CHAIRPERSON HOOD: Sure. Thank
8 you. Next?

9 MS. BECKER: Thank you, Mr.
10 Chairman and Commissioners. Good evening.
11 I'm Jane Becker at 4322 Westover Place, 25
12 feet from the Nebraska Avenue parking lot
13 wall, and I'm here to address the landscape
14 buffer and ground water management.

15 The vast majority of the Westover
16 Place owners whose homes adjoin the wall
17 purchased before 1985, which is the year that
18 AU annexed the Nebraska Avenue site. My home
19 used to be separated from both Nebraska and
20 Massachusetts Avenues by a dense forest of
21 trees. You saw several weeks ago how sparse
22 that is today despite the misleading graphics

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1 that AU has presented. And all those trees
2 were cut down to permit AU to construct an
3 extensive unattractive parking lot across the
4 entire Nebraska Avenue site that is only fully
5 utilized several times a year, at graduation
6 and at freshman orientation.

7 Many of the homes at Westover,
8 both along the wall and nearby, have third-
9 floor balconies at a height of 20 to 25 feet
10 overlooking the lot. These balconies form
11 part of the master bedroom suite and they are
12 intensely used living space. Therefore, we
13 are insistent that the landscape buffer take
14 into account the visuals from more than just
15 the ground level. Plantings must first of all
16 start with mature trees. Those are defined as
17 trees with trunks of 12 inches or more in
18 diameter and starting heights of 25 to 30
19 feet. Must be sufficiently dense to visually
20 shield all three floors of Westover homes from
21 any eventual buildings and contain an
22 aesthetically attractive mix of deciduous and

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1 evergreen trees that will block views from
2 Westover during all seasons.

3 Moreover, the Nebraska Avenue lot
4 is at least several dozen feet higher in the
5 middle. I would like to also mention that AU
6 has steadfastly refused to provide land survey
7 information. In any case, the lot is several
8 dozen feet higher in the middle. It's sloping
9 downward towards Westover, meaning that any
10 eventual buildings on the lot will begin at a
11 considerably higher elevation than Westover.
12 It is essential that this fact be taken into
13 account in designing the landscape buffer, a
14 buffer that will need to hide the 68 to 78-
15 foot tall structures, including rooftop
16 equipment, built on higher ground to start
17 with. It's vital that American University
18 form a joint committee with affected neighbors
19 to develop an acceptable buffer.

20 We are also alarmed at the ground
21 water management proposals we've seen thus
22 far. It appears as though AU plans to level

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1 the site, indicating a rather abrupt slope
2 downward towards the Westover wall with what
3 looks like a trench along the wall itself
4 threatening its moorings. More importantly,
5 however, most Westover homes have finished
6 basements and most, especially those nearest
7 the wall, were built with basement sump pumps,
8 essential to protect against basement flooding
9 during periods of heavy rain. In fact, during
10 power failures sadly there has frequently been
11 flooding. We shudder to think about the
12 likely consequences of AU's exceedingly poorly
13 conceived plans for ground water management.

14 Thank you for affording me this
15 opportunity to address you regarding
16 objectionable conditions.

17 CHAIRPERSON HOOD: Thank you.
18 Next?

19 MR. GALLUCCI: Commissioners, my
20 name is Gerry Gallucci. I live in Westover
21 Place right behind the wall separating our
22 homes from the AU parking lot.

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1 Let me begin by saying that I have
2 always thought of AU as part of our
3 neighborhood, a positive part. I'm one of
4 those who have used the library, visited the
5 arts center and appreciated the vitality that
6 the university brings to our daily life.
7 Despite the fact that we sometimes can hear
8 students' expressions of exuberance, I'm also
9 one of those who has never had a bad word to
10 say about AU since moving to Westover almost
11 20 years ago. I do not object to AU building
12 on the parking lot or even to placing some
13 student housing there. I am not anti-growth.
14 The question is how and where to grow.

15 I attached to my written statement
16 my recent letter to the Northwest Current
17 suggesting the District encourage universities
18 to consider satellite campuses, real satellite
19 campuses, for example. However, over the last
20 several months AU has acted in a highly
21 adversarial manner rather than as a good
22 neighbor. The AU leadership has never sought

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1 to engage us in a genuine dialogue, sitting
2 down with a small group of Westover residents
3 to discuss directly how we might come to an
4 agreement over its planned growth.

5 AU President Kerwin, according to
6 his AU bio a nationally-recognized specialist
7 in public policy and teacher of American
8 government, has never deigned to speak with
9 us, his neighbors. Instead AU held
10 facilitated sessions under its control and
11 eventually pretended to offer concessions on
12 aspects of their initial proposal that they
13 never meant to do. They started with bloated
14 number of 100 beds so they could eventually
15 come down to 590. None of this was done in
16 good faith efforts with neighbors. Five-
17 ninety is still too much. The Planning
18 Office's 400 is more appropriate, though still
19 more dense than the surrounding residential
20 neighborhood.

21 My real problem, however, remains
22 the way AU has conducted itself as a school

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1 yard bully. I request that the Commission
2 turn down AU's request for the parking lot and
3 send it back. Let AU have another 10 years,
4 if necessary, to learn how to be a good
5 neighbor, regain local trust and develop a new
6 plan through real dialogue. Thank you.

7 CHAIRPERSON HOOD: Okay. Thank
8 you very much.

9 Commissioners, any questions of
10 this panel? Commissioner Turnbull?

11 COMMISSIONER TURNBULL: Yes, Mr.
12 Chair, I just want to go back. Mr. Martin,
13 you had talked about parking on the churches
14 and I'm just trying to remember where exactly
15 the churches are.

16 MR. MARTIN: Yes, sir. The two
17 churches are both along Nebraska Avenue. The
18 first one that I mentioned, National
19 Presbyterian, if you're coming from Ward
20 Circle and you're going toward Tenley, it is
21 I would guesstimate a quarter of a mile
22 further past the Nebraska entrance to the NAC;

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1 in other words on the right side just before
2 the intersection of Van Ness and Nebraska.

3 The second, I believe the address
4 is 3850, Temple Baptist, and it is directly
5 across from the brown wooden building which is
6 marked visitor center.

7 COMMISSIONER TURNBULL: Okay.

8 MR. MARTIN: And that's the gate
9 which would be the two-way entrance under some
10 of the proposals that are being discussed.

11 COMMISSIONER TURNBULL: And you
12 had a count for cars. Are you -- so they were
13 -- DHS only allows -- they don't allow any
14 contractors?

15 MR. MARTIN: That's correct. In
16 March of 2009 a policy was instituted of not
17 allowing parking on the NAC facility except
18 for govees, government employees.

19 COMMISSIONER TURNBULL: How many
20 cars are impacted do you think that cannot --

21 MR. MARTIN: I can only estimate
22 those indirectly for two reasons; one --

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1 COMMISSIONER TURNBULL: Well, I
2 know you're not a traffic engineer.

3 MR. MARTIN: I'm not a traffic
4 engineer. I'm not authorized to speak for
5 DHS, And there are security implications of --

6 COMMISSIONER TURNBULL: Yes.

7 MR. MARTIN: -- what goes on there.
8 Please realize it's a highly sensitive
9 installation.

10 COMMISSIONER TURNBULL: Right.

11 MR. MARTIN: The S-1, Ms.
12 Napolitano, has her offices there, and there
13 are other facilities which are engaged in the
14 struggle to protect the homeland. I'll just
15 leave it at that.

16 The number of cars would be
17 sensitive. All I could do was cite the
18 numbers that I know --

19 COMMISSIONER TURNBULL: Yes.

20 MR. MARTIN: -- about how many are
21 parking at --

22 COMMISSIONER TURNBULL: At the

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1 church?

2 MR. MARTIN: -- the two
3 churches --

4 COMMISSIONER TURNBULL: Churches.
5 Yes.

6 MR. MARTIN: -- to give you an
7 idea that the traffic study is indeed very
8 flawed.

9 COMMISSIONER TURNBULL: Okay.

10 MR. MARTIN: And there are many
11 more cars out on the street than I think AU
12 wants to admit.

13 COMMISSIONER TURNBULL: Okay.

14 Thank you.

15 And I just have a question for Ms.
16 Buttrick. You had cited -- you were basically
17 talking about remote campuses, or talking
18 about University of Chicago with its law
19 school. I mean, you could make the same case
20 for Georgetown with --

21 MS. BUTTRICK: Yes.

22 CHAIRPERSON HOOD: -- its law

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1 school. Your point is that a law school may
2 be better suited at a more intense area in a
3 -- it doesn't have to be near a campus?

4 MS. BUTTRICK: It doesn't have to
5 be part of the general university, a four-year
6 university, right.

7 COMMISSIONER TURNBULL: When's the
8 last time you were back at UIC?

9 MS. BUTTRICK: Well, I retired
10 from UIC, but about 12 years ago.

11 COMMISSIONER TURNBULL: You
12 haven't seen the campus since?

13 MS. BUTTRICK: Well, I know how
14 that campus was built and it's a very -- I
15 won't a lot of time, but there was a story of
16 development done by -- in a way on vacant land
17 and basically the contribution that that
18 campus made to the economic development of
19 Chicago is a case study in itself. They built
20 on, so to speak, old warehouse land, or
21 whatever you want to call it, that was
22 impinging on any neighborhood. They built

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1 systematically and --

2 COMMISSIONER TURNBULL: Well, they
3 did part of -- they did knock down part of an
4 Italian neighborhood?

5 MS. BUTTRICK: Huh?

6 COMMISSIONER TURNBULL: They did
7 remove part of an Italian neighborhood at the
8 time.

9 MS. BUTTRICK: They moved it, not
10 -- they moved it southwest of the Loop.

11 COMMISSIONER TURNBULL: Well, you
12 know, the walkways are gone?

13 MS. BUTTRICK: Well, I know some
14 of the walkways --

15 COMMISSIONER TURNBULL: Yes. No,
16 they're all gone.

17 MS. BUTTRICK: They're all gone?

18 COMMISSIONER TURNBULL: They're
19 all gone.

20 MS. BUTTRICK: Well, you've been
21 there very recently.

22 COMMISSIONER TURNBULL: Yes,

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1 they're all gone.

2 MS. BUTTRICK: But it is an
3 interesting development of a school that built
4 itself systematically and actually created a
5 real economically viable community. They put
6 the medical school there, too.

7 COMMISSIONER TURNBULL: Okay.
8 Thank you.

9 MS. BUTTRICK: So that it became a
10 really interesting place.

11 CHAIRPERSON HOOD: Okay.
12 Commissioner May?

13 MS. BUTTRICK: Anyway, my
14 testimony was really concerned with not making
15 this area into another Foggy Bottom, which was
16 a neighborhood I loved and have a lot of
17 nostalgia for and I'm appalled every time I
18 wander into Foggy Bottom now and I'm grateful
19 that I never bought a little town house there,
20 which was my dream. And I hope we don't do
21 this with another neighborhood which I
22 consider pretty special in Washington, D.C.

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1 And I thank you all for your really heroic
2 work in this whole enterprise.

3 CHAIRPERSON HOOD: Okay. I hope
4 you thank us when we all finish.

5 Okay. Commissioner May?

6 COMMISSIONER MAY: I just had a
7 question for Ms. Becker. You refer to
8 planting trees with a 12-inch diameter. Do
9 you have any experience in doing that?

10 MS. BECKER: Yes, I do and they
11 exist. They're expensive, but it's quite
12 doable.

13 COMMISSIONER MAY: Right. And
14 what about survival rates for trees like that?

15 MS. BECKER: If it's done
16 properly, it's quite high.

17 COMMISSIONER MAY: Okay. And what
18 the basis for your experience in that?

19 MS. BECKER: I was previously a
20 facilities manager for the U.S. Government.

21 COMMISSIONER MAY: Okay. Now the
22 Park Service, generally speaking, likes to

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1 plant trees with three and four-inch diameters
2 as a rule because they survive the best, and
3 our maximum is typically about five inches.
4 And I know that planting a tree of 12 inches
5 you typically need to use a tree spade. The
6 biggest one I've ever used was 10 inches.
7 Beyond that you get into extraordinary means
8 for moving trees. So I'm curious, how do you
9 move a 12-inch-diameter tree?

10 MS. BECKER: With a crane.

11 COMMISSIONER MAY: Well, I know,
12 but I mean, how did you pick it up out of the
13 ground?

14 MS. BECKER: With --

15 COMMISSIONER MAY: With a tree
16 spade or with other special --

17 MS. BECKER: I don't know what a
18 tree spade is, but with heavy equipment, yes.

19 COMMISSIONER MAY: It's that big
20 thing that scoops it up.

21 MS. BECKER: Yes, with -- yes.

22 COMMISSIONER MAY: Okay. All

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1 right. It sounds like it's a -- I mean, I
2 moved a lot of trees actually on the Capital
3 Campus a few years ago and it was quite
4 costly,, and moving trees of that size is
5 especially costly. So, thanks.

6 CHAIRPERSON HOOD: Okay. Dr.
7 Buttrick, I just go back to you because I was
8 going to ask some of the same questions about
9 the satellite campuses, but I think I got my
10 answer in your discussion with Commissioner
11 Turnbull. But is part of the problem also;
12 and I think I heard this earlier, is that the
13 present location of the law school has not
14 been -- nobody knows what's going to happen
15 there. Is that a major issue that there's no
16 predictability? Who knows what's going to
17 happen where the law school is now? Is part
18 of that a major issue?

19 MS. BUTTRICK: I think, so far as
20 I can understand, if you rent commercial
21 space, you don't have to explain what you're
22 doing with it. But there is an existing law

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1 school which is a big building and it has
2 underground parking. And it's a big question
3 mark as to what they propose to do with that
4 facility.

5 CHAIRPERSON HOOD: But you and I
6 know a good neighbor would work with you,
7 right?

8 MS. BUTTRICK: Huh?

9 CHAIRPERSON HOOD: A good neighbor
10 would work with you?

11 MS. BUTTRICK: I'm sorry?

12 CHAIRPERSON HOOD: A good neighbor
13 would work with you and kind of tell you what
14 their plans are. Is that where we're going
15 here?

16 MS. BUTTRICK: I would hope so.

17 CHAIRPERSON HOOD: Okay. That's
18 all I need to know. Okay.

19 MS. BUTTRICK: I would hope so.

20 CHAIRPERSON HOOD: Thank you very
21 much.

22 MS. BUTTRICK: Thank you very

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1 much.

2 CHAIRPERSON HOOD: Okay. Let me
3 see, is there any cross-examination for this
4 panel? Is there any cross-examination for
5 this panel?

6 (No audible response.)

7 CHAIRPERSON HOOD: Not seeing any.
8 Going once, twice. Gone.

9 Thank you very much. We
10 appreciate it.

11 Okay. And let me just say that if
12 we're going to walk over to see Ms. Schellin,
13 it would be good to walk behind. And isn't
14 the camera down here? Imagine at home you're
15 watching it and all of a sudden you see
16 somebody just walk by the camera. So if
17 you're going to walk over to see Ms. Schellin,
18 walk behind those sitting at the table. And
19 I think at least our films and our tapes will
20 look a little more professional. So if you
21 could work with us, we'd greatly appreciate
22 it.

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1 Okay. Ms. Schellin, where are we?
2 Ninety-four? Okay. James Morgulec, Jane
3 Waldman, Tony Cafoncelli, Christine Spencer,
4 Jeffrey Kraskin, Julie Six, Nina Kraut, Ann
5 Caumann. Ann Caumann? Not here? Lisa
6 Bhansali. Is that José Miguel Vivance? Leigh
7 Stewart. Okay. We've got two more we need.
8 Lisa Krueger. Is Lisa Krueger here? Okay.
9 Louis Cubeddu. Louis? Susan Jaquet.

10 MS. SCHELLIN: You need to come up
11 here.

12 CHAIRPERSON HOOD: You said John
13 Allen-Gifford. You know what, if you had
14 waited one more person, you would have been
15 next.

16 Okay. Susan Jaquet's not here.
17 Jack Ritchotie, John Allen-Gifford, Walter
18 Schulmann. Okay. That's all we have. Is
19 that it?

20 MS. SCHELLIN: Yes, Vice-Chairman
21 Schlater has brought the question whether Mr.
22 Kraskin has already testified, but he was part

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1 of the party in opposition's testimony.

2 CHAIRPERSON HOOD: Did you speak?

3 MS. SCHELLIN: Were you part of
4 that panel?

5 DR. KRASKIN: I was not part -- I
6 was part of 1107A, North Hall only.

7 MS. SCHELLIN: Okay. So the 1107A
8 case? Okay. Different case.

9 CHAIRPERSON HOOD: Okay. Is there
10 anyone else who is in the audience whose name
11 is on the list who has not testified?

12 (No audible response.)

13 CHAIRPERSON HOOD: Okay. Well,
14 this is our last panel. I'm going to start to
15 my right, your left. You may begin.

16 MR. CAFONCELLI: Hi, Mr. Chairman,
17 members of the Zoning Commission. My name is
18 Antonio Cafoncelli and I'm a member of OLLI
19 organization and also a resident of Westover
20 Place.

21 On June 15 I sent to you, Mr.
22 Chairman, and to Jennifer Steingasser of the

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1 D.C. Office of Planning a copy of the letter
2 I mailed to Mr. Bob Goodman, the chairman of
3 the OLLI's board. The letter was to inform
4 Mr. Goodman about the negative impact that the
5 construction of the East Campus will have
6 towards our community at Westover Place. I
7 also manifested to him that I oppose
8 vigorously the AU expansion plan and the need
9 to have a constructive and rational dialogue
10 between the AU authorities and our neighbors
11 intended to resolve the objectionable issues
12 towards the AU project expressed consistently
13 by our neighbors in the hope to reach a
14 consensus that could facilitate the task of
15 the Zoning Commission in a final resolution.
16 Unfortunately, this dialogue was never
17 materialized.

18 The most important fact expressed
19 in my letter to Mr. Goodman was the lack of
20 open discussion or referendum to explain to
21 OLLI members the pros and cons of this plan
22 instead of having the members blindly send

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1 letters of support for this project. In his
2 letter to OLLI members Mr. Goodman mentions
3 casually that there is substantially
4 opposition from the neighbors without giving
5 details of why this opposition exists. To us
6 OLLI members living at Westover Place, the
7 East Campus was one of the most contentious
8 parts of the whole AU expansion project since
9 it will affect our lives negatively. I
10 considered this action an abusive strategy
11 intending to humiliate the intelligence of our
12 membership as the major facts were never
13 objectively explained to our membership.

14 On October 18, I attended a town
15 hall meeting with all OLLI membership. The
16 first speaker was the AU chief of staff, Mr.
17 Taylor. He spoke briefly outlining the plan
18 and the extended facilities to be constructed.
19 He gave no particular details of the project
20 and never mentioned to the audience the
21 importance of the sustained and detailed
22 objections that most of our neighborhoods and

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1 the ANC Ward D Commission have maintained
2 throughout most of the discussion of the AU
3 plan. Instead, Mr. Taylor continued with the
4 narrative of hope that the Zoning Commission
5 will approve the plan shortly and therefore
6 OLLI will have a venue where to conduct its
7 activities.

8 As a OLLI members that enjoys the
9 remarkable and outstanding teaching courses
10 that OLLI offers to its members, I would never
11 oppose the construction of teaching facilities
12 by AU that would benefit ultimately OLLI
13 institution. Specifically teaching facilities
14 at this campus are welcome. What I'm
15 censoring and oppose is that OLLI members were
16 coerced to support the entirety of AU
17 expansion plan which negatively impacts the
18 well being of our communities without knowing
19 the details of this plan. Thank you so much.

20 CHAIRPERSON HOOD: Thank you.

21 Next?

22 DR. KRASKIN: I am Dr. Jeffrey

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1 Kraskin and my home is the first home on
2 Massachusetts Avenue in the Spring Valley
3 area. I have resided at this address for over
4 50 years. I grew up with AU. I took swimming
5 lessons at AU and I have seen AU grow from a
6 small liberal arts university to a university
7 today pushing at its edges. This is my third
8 AU Campus Plan in which I have had some
9 involvement. Like many here, I have spent
10 more than two years living this present campus
11 plan. As a community member and officer of
12 the citizens association who attended and
13 participated in the Campus Plan Task Force
14 meetings I cannot support the full plan as
15 filed with this Commission.

16 AU's Web site lists seven
17 objectives which they state are reasons to
18 support their plan. The key objectives listed
19 by AU in their drive for support are in and of
20 themselves acceptable and admirable. Sadly,
21 the campus plan filed does not meet many, if
22 any of these objectives.

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1 As a lifelong community member I
2 certainly understand the need to "alleviate an
3 undergraduate housing crunch." And the
4 community would agree, but believes strongly
5 that it should not be done at the expense of
6 the community by placing new housing towering
7 on the periphery of the campus abutting
8 single-family residential homes.

9 AU's own key objectives include
10 the statement "add buildings in a responsible
11 manner with appropriate density, height and
12 setbacks." Yet the proposed filing of the
13 plan does not respect AU's own words. The
14 proposed East Campus housing stock contains
15 higher density and height than any of AU's
16 housing situated closest to residential areas
17 such as seen by the Roper, Clark and Nebraska
18 Hall buildings.

19 One should ask why has every group
20 testifying before this Commission felt the
21 Nebraska Hall addition is acceptable,
22 including its closest neighbors, the Fort

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1 Gaines community? Might it be that Nebraska
2 Hall and the proposed addition are only three
3 stories, not even as tall as the allowed 40
4 feet? Could it be that Nebraska Hall is a
5 brick façade consistent with the neighboring
6 homes, not the AU precast limestone gray?
7 Could it be that Nebraska Hall is set back
8 much further from the existing homes and
9 Nebraska Avenue than other proposals? This
10 proposed plan does not reflect any responsible
11 manner of being "cognizant of responsive to
12 community concerns."

13 Did AU modify its plan as response
14 to a community comment? Apparently yes in a
15 letter by Dr. Kerwin dated July 6. Dr. Kerwin
16 pointed out about changing from a proposal on
17 South Campus, but he pointed out that it was
18 a considerable neighborhood opposition, but in
19 reality that was a private meeting held by Dr.
20 Kerwin with a prominent U.S. Senator who
21 resides in our neighborhood.

22 So can this campus plan be

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1 resolved, Chairman Hood, you ask? Should we
2 sent it back to the neighborhood and the
3 parties? The answer is yes. And we don't
4 need a mediator or facilitator. We just need
5 a communicator. Thank you.

6 CHAIRPERSON HOOD: Okay. Thank
7 you. Next?

8 MS. SPENCER: Good evening. My
9 name is Christine Spencer. My husband and I
10 live at 4430 Westover Place. We own our home
11 which borders the American University parking
12 lot that is outside the main campus. My
13 husband has worked for two universities in
14 administration. We have not understood the
15 position of American University that seems
16 intent upon completely ignoring the concerns
17 of neighboring residents.

18 Specifically we are concerned
19 about the behavior of students and the
20 increase in such issues likely to occur with
21 increasing the proximity of students through
22 more student residences and retail outside the

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1 Main Campus boundaries. We have personally
2 experienced many problems with the students
3 under the current situation along our wall.
4 Numerous times we have had drunk, noisy, dope-
5 smoking American University student hide in
6 the area next to the wall that borders our
7 home. They are frequently verbally abusive
8 when asked to be quiet to please leave or move
9 back to the Main Campus.

10 On April 17, this past spring, I
11 observed a group of about 20 to 25 male
12 students in the center of Ward Circle. I was
13 out for a walk. They were dressed in khaki
14 shorts, T-shirts and black tennis shoes.
15 Kneeling on the ground was a young man with a
16 professional looking camera giving directions
17 to these gentleman. On the count of three,
18 the young men all turned inward towards the
19 statue, dropped their shorts and exposed their
20 bare bottoms to me and the other drivers while
21 the picture was being snapped. Then they all
22 gave each other high fives and congratulations

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1 and began to walk back across the circle onto
2 the AU campus.

3 I was highly offended and I made a
4 report in writing to not only the District 2
5 police station, but also to the dean of
6 students. I received a call from the dean of
7 students who basically said to me that all we
8 could do was make a report. Almost every
9 weekend, weather permitting, there are noisy
10 students in that parking lot until the early
11 hours.

12 Unlike Howard, Georgetown and
13 George Washington Universities, American
14 University has no public safety policy in
15 place which allows security officers to patrol
16 student dormitories. There are literally
17 hundreds of alcohol violations each year on
18 the American University campus, but there's no
19 such policy to secure or to patrol the
20 dormitories. American University cannot
21 control the behavior of its students within
22 the dorms on its Main Campus, and it does not

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1 seem inclined to do so. Increasing the
2 proximity of students by bringing dorms and
3 retail space closer into the neighborhood
4 would greatly increase and decrease our
5 quality of life. Thank you.

6 CHAIRPERSON HOOD: Okay. Thank
7 you. Next?

8 MS. SIX: Thank you. My name is
9 Juliette Six and I live at 3807 Alton Place,
10 N.W. where I've lived very happily for the
11 last 22 years, and it's less than two blocks
12 to Tenley Circle.

13 I don't think that it's too much
14 to ask for transparency in these negotiations,
15 and specifics. And I think that those
16 specifics should include the numbers of
17 students that we are talking about with the
18 law school, with the proposed move of the law
19 school to an R-1-B residential neighborhood in
20 the second-oldest settlement in Washington,
21 D.C., which is Tenleytown.

22 And I think we also should know

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1 the number of students that AU envisions for
2 its CLE, which are their special events. And
3 it would be helpful to have a breakdown by
4 days and times and day and when people are to
5 be on site, parking for each of these groups
6 so we can fully assess how this plan will
7 affect the neighborhood, both with regard to
8 parking and traffic. So far we've heard
9 something about 400 spaces to be provided in
10 the garage, and perhaps there might -- and
11 they're talking about a -- we don't know
12 absolutely how many students we're talking
13 about here, but it could be as many as 2,000
14 plus faculty. And the studies I've seen
15 indicate that the majority of law students do
16 drive to school. And the faculty certainly
17 drives.

18 And on top of that, the parking
19 fees are scheduled to be -- have been
20 announced to be at an astronomical rate. Now,
21 we're not looking to encourage the students
22 and the faculty to drive, but why not charge

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1 the students a nominal fee to park in the
2 garage, thus encouraging them to park there
3 rather than on the residential streets?
4 Otherwise, they will use the residential
5 streets calculating there will be few times
6 they may be caught. Parking will affect both
7 sides of Wisconsin Avenue.

8 With transparency, negotiation
9 with regard to parking and traffic might be
10 achieved, and there's nothing I'd like better.
11 Thank you very much. Respectively submitted.
12 Thank you for the opportunity to be here this
13 evening. Appreciate it.

14 CHAIRPERSON HOOD: Thank you.

15 Next?

16 MS. KRAUT: My name is Nina Kraut.
17 I live at 3815 Yuma Street, N.W., my residence
18 since late 1987. My house is located a bit
19 more than a block directly east of Tenley
20 Circle and I can actually see the part of the
21 circle and AU's Tenley Campus from the
22 sidewalk in front of my house. As it is now

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1 constituted, I'm opposed to AU's plan for the
2 law school.

3 I believe I'm uniquely qualified
4 to speak about a particular aspect of AU's
5 Tenley Campus Plan, that of enforcing the law
6 school's very theoretical neighborhood
7 residential parking prohibition. Between 2000
8 and 2004 I was a part-time AU Law School
9 graduate student. I received my LLM degree in
10 international law in May of 2004. During that
11 four-year stretch I was also in private
12 practice, I was a single parent of a Janney
13 student, I was a primary caretaker of an
14 elderly parent, and so on. My days and
15 evenings were frenetic. Because of my
16 schedule I drove to class most of the time and
17 most of the time I found a place to park in
18 the 4700 or 4800 block of Warren Street right
19 behind the law school, a half block east of
20 Mass. Ave.

21 Because I had a Zone 3 residential
22 sticker, initially I believed I had a perfect

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1 right to park on the street near the law
2 school, notwithstanding my status as a
3 student. But after receiving several fairly
4 expensive tickets, I applied for -- and AU
5 tickets, I might add, and I put "tickets" in
6 quote. I applied for and received a parking
7 waiver which allowed me to park on the
8 residential streets contiguous to the law
9 school.

10 In applying for the waiver, I
11 discovered how to keep the students off the
12 residential streets system actually worked.
13 Each semester or once during each academic
14 year when a student registered for class he or
15 she would voluntarily fill out a car
16 registration form with make, model and license
17 plate number. During the semester a low-level
18 law school employee would go out into the
19 immediate neighborhood with a list of license
20 plates of cars belonging to currently enrolled
21 law students. If he found a car belonging to
22 an enrolled student, he would ticket it.

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1 This was not done daily. I know
2 that for a fact, for before receiving the
3 waiver there were weeks when I would park on
4 the street near the law school from early
5 morning until late afternoon every day; for
6 example, when I was studying for finals or was
7 doing research for a paper, and I would not
8 receive a ticket at all, or I would receive a
9 single ticket during a week or two or more
10 period. Without exception, as noted, I parked
11 my car on Warren just a few feet -- a few
12 lengths east of the rear of the law school, or
13 on a side street just off the west side of
14 Mass. Ave. across from the school where
15 parenthetically I never received a ticket
16 ever.

17 At a meeting at the Tenley Library
18 about a year-and-a-half ago, one of AU's reps
19 stated effectively that the plan was to
20 implement the same no-parking restriction
21 system on residential streets that existed
22 when I was a student there and that exist

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1 currently until -- to this day. If experience
2 is a dear teacher, however, this plan is
3 patently absurd for our neighborhood, already
4 inundated by commuters. AU's patrolling of
5 residential streets is essentially a sham.

6 Thank you.

7 CHAIRPERSON HOOD: Okay. Thank
8 you. Next?

9 MS. BHANSALI: Good evening. My
10 name is Lisa Bhansali. I live at 3903 Alton
11 Place, N.W. with my husband and my son. I've
12 also been an adjunct professor at American
13 University's Washington College of Law since
14 the year 2000. From the front of my home I
15 look right onto Tenley Circle.

16 I'm here this evening because I'm
17 very concerned about American University's
18 proposal to move to a residential zone 2,000
19 students, 500 faculty and participants of
20 continuing legal education courses, as well as
21 the daily events planned at the law school.
22 The campus site on Tenleytown current has less

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1 than 500 students and faculty.

2 AU is asking to move from a
3 commercially zoned area site on Massachusetts
4 Avenue to a single-family detached R-1-B
5 residential zone. According to the D.C.
6 Zoning Regulations, I understand a university
7 may only build in a residential area if the
8 proposed development is not objectionable to
9 neighboring properties because of noise,
10 traffic, number of students or other
11 objectionable conditions. The Zoning
12 Commission should reject AU's proposal to
13 increase its student body to 2,000 students
14 and move them over to Tenley. This is far too
15 much for a residential neighborhood.

16 During rush hour, since there's no
17 parking on the circle or on Nebraska Avenue,
18 the side streets of Yuma, Alton; which is
19 where I live, and Albemarle and other closest
20 streets will be the parking spaces available
21 to the AU Tenley Campus. Our neighborhood
22 already has a great deal of difficulty with

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1 traffic and parking. Cars from Virginia and
2 Maryland come and park on our streets and then
3 use the Metro. I know that currently
4 according to AU itself less than 15 percent of
5 the students and even fewer than those use the
6 faculty -- or the faculty use the Metro. AU
7 has not provided a meaningful plan to keep
8 students from parking on neighborhood streets,
9 a serious problem currently at the law school
10 where almost 5,000 tickets were issued in the
11 year 2009. That's the most recent year for
12 which I was able to get data.

13 The proposed 400 parking spaces on
14 Tenley Campus will be inadequate to meet the
15 need. I realize that some subscribe to the
16 idea that if you don't build parking you'll
17 force people to use the Metro, but that only
18 uses us, the neighbors, as part of the
19 experiment. If you consider for a moment that
20 the law school students and faculty won't use
21 the Metro, particularly because of the
22 problems we've been having also recently at

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1 the Metro, that would mean about 2,000-some
2 people would be bringing their cars to about
3 400 spaces.

4 I cannot imagine that we're going
5 to be able to change them over to the Metro
6 and have them abandon their current choices or
7 that approximately 1,600 spaces will change.
8 I haven't factored in how many of the people
9 are on the campus at different times, but if
10 AU would provide the class schedules including
11 the class sizes, we could look at some
12 realistic numbers. That information is in
13 AU's possession and should be placed in to the
14 record for consideration.

15 Since the law school as proposed
16 is a 24/7 operation, many students will be
17 parking after the Zone 3 parking restrictions
18 have lapsed in the evenings. Plus there's
19 outside activities such as the CLE that I
20 mentioned, various lectures, founders'
21 dinners, etcetera. That's about another 1,300
22 visitors, to estimate, each month beyond the

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1 students and the faculty. None of these
2 visitors seem to have been factored into the
3 traffic plans so far.

4 We ask you to please consider
5 another option since AU does not pay taxes as
6 a tax-exempt institution. Only 38 percent of
7 their tax -- of their salaries are going to
8 D.C. residents and less than 16 percent are
9 spent on D.C. goods and services. Thank you
10 very much.

11 CHAIRPERSON HOOD: Thank you.

12 Next?

13 MR. ALLEN-GIFFORD: My name is
14 John Allen-Gifford and my family and I own an
15 reside in the house at 4412 39th Street, N.W.,
16 which is one building away from Tenley Circle
17 on the east side of Wisconsin Avenue. I think
18 it's safe to say that we would be affected by
19 American University's planned changes and
20 their affect on its Tenley Campus site.

21 I don't know to what extent we'll
22 be affected because the plans are very

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1 incomplete, but I suspect that AU's desired
2 used for these sites do not comply with 11
3 DCMR 2010 -- 210.2, which states that they are
4 not likely to be objectionable to neighbors.
5 What I am more certain of is that the plans
6 which have been made public do not meet the
7 requirements of DCMR 210.4 that plans be
8 comprehensive as a prerequisite. Based on
9 what has been made public, however, my chief
10 concerns for where I live relate to
11 transportation, parking and the character of
12 my neighborhood.

13 The first point I want to make
14 about transportation concerns traffic. It
15 already the case at rush hour that drivers
16 have a very difficult time turning left off of
17 Alton Place onto Nebraska Avenue where it
18 feeds into Tenley Circle. My wife and I
19 routinely turn right onto Nebraska and then
20 left at Grant Road or farther down at
21 Albemarle and double back in order to be able
22 to reach Tenley Circle. Yes, that can hold up

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1 traffic going northeast away from Tenley
2 Circle, but at least it only slows one lane
3 and is a safer maneuver than turning left and
4 trying to force one's way into an unending
5 stream of often irritated commuters.

6 The other major traffic concern
7 for my household is that my street, 39th, is
8 a major cut-through route from Nebraska Avenue
9 to Nebraska Avenue. Although there's a stop
10 sign at the beginning of my block at 39th and
11 Yuma, you wouldn't know it from the steady
12 stream of cars traveling up my one-way street
13 at times. Adding cars traveling east from the
14 Tenley Campus via Yuma is likely to make this
15 intersection more of a problem and back up
16 traffic on Nebraska around the Tenley Campus.

17 My other major transportation
18 observation concerns Metro, and especially the
19 Tenleytown station. This station was
20 intentionally constructed to be a lower-volume
21 residential station and has only one elevator
22 and one escalator offering platform access.

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1 Either the up or the down platform escalator
2 is often out of service and rush hour crowds,
3 which already include many students coming to
4 the nearby public schools, are then forced to
5 share a single side of the single escalator.
6 In my view this is already unsafe should there
7 ever be a fire or other emergency. I am a
8 proponent of public transportation and a
9 frequent Metro rider, but the physical
10 constraints at this station need to be
11 acknowledged. It does not have unlimited
12 capacity for ridership to grow in a safe
13 manner.

14 As far as parking goes, I'm close
15 enough to the Metro that my block is already
16 used by commuter parkers. So AU's changes
17 might not make much difference to me during
18 the business day. The new problem I
19 anticipate would be with off-hours parking
20 from evening and weekend classes and events
21 and from resident students. My neighborhood
22 has already had --

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1 (Whereupon, the timer expired.)

2 MR. ALLEN-GIFFORD: Thank you.

3 CHAIRPERSON HOOD: Okay. Thank
4 you very much. And we have your testimony.

5 Okay. Any questions of this
6 panel, Commissioners? Vice-Chairman Schlater?

7 VICE-CHAIRMAN SCHLATER: Ms.
8 Kraut, you raised something that I had just
9 been curious about, which is these parking
10 tickets. AU has some parking enforcement
11 people, I understand. Are they employees of
12 AU who go around and give tickets?

13 MS. KRAUT: Yes, they are very
14 low-level. My recollection is that they were
15 part of the maintenance department at the law
16 school. They were not part of the D.C.
17 government or anything like that. And in
18 fact, when I first got my waiver -- when I
19 first got my first ticket or second ticket, I
20 looked at it and I said, wait a minute, I'm a
21 residential tag 3 holder and who are these
22 people to give me tickets for parking on a

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1 public street?

2 VICE-CHAIRMAN SCHLATER: And when
3 you pay the ticket, who do you pay?

4 MS. KRAUT: I didn't pay, but --

5 VICE-CHAIRMAN SCHLATER: Who would
6 you -- who are you directed to pay?

7 MS. KRAUT: The school. I mean,
8 it's really a very strange -- I actually
9 called I think the attorney -- the D.C.
10 Corporation Counsel and spoke to somebody
11 there about it. I mean, I thought it was
12 pretty outrageous.

13 VICE-CHAIRMAN SCHLATER: I think
14 on the one hand it's very good that AU is
15 policing the streets to try to discourage
16 students and faculty from parking there. But
17 on the other hand, it's a fairly perverse
18 incentive. The more illegal parkers there
19 are, the more money they get.

20 One thing I would ask, Mr.
21 Chairman, is maybe AU could provide some
22 information, more information about the

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1 tickets that it's giving out, the numbers of
2 tickets that it's giving out and the amount of
3 money that it's collecting in that program.

4 MS. KRAUT: Let me -- if I could
5 just add, I don't think -- I mean, my
6 recollection is that I rarely saw one of these
7 parking enforcement people out there. I mean,
8 it did not happen very often, but enough for
9 me to -- you know, maybe I got 10 tickets
10 total during four years or something.

11 VICE-CHAIRMAN SCHLATER: That's a
12 lot of tickets.

13 MS. KRAUT: Well, right.

14 VICE-CHAIRMAN SCHLATER: Thank you
15 very much.

16 CHAIRPERSON HOOD: Any other
17 questions? Commissioner May?

18 COMMISSIONER MAY: Ms. Kraut, if
19 we can continue on this topic, I find your
20 testimony is kind of confusing for me. So
21 were you saying that you were not being
22 ticketed regularly after a certain point?

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1 MS. KRAUT: I was never ticketed
2 regularly.

3 COMMISSIONER MAY: It was sort
4 of --

5 MS. KRAUT: They did not go out
6 there on a regular basis and ticket anyone.

7 COMMISSIONER MAY: Yes.

8 MS. KRAUT: I mean --

9 COMMISSIONER MAY: But you were
10 ticketed enough that you sought a waiver?

11 MS. KRAUT: No, I was not ticketed
12 enough. When I get one ticket for \$100 or so
13 -- I think it was \$75, or something like that.

14 COMMISSIONER MAY: Yes.

15 MS. KRAUT: When I get a single
16 ticket, I'm going to raise a ruckus about
17 that. You know, I was not --

18 COMMISSIONER MAY: So that was
19 enough?

20 MS. KRAUT: Pardon me?

21 COMMISSIONER MAY: I mean, you
22 said you --

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1 MS. KRAUT: One ticket --

2 COMMISSIONER MAY: Was enough.

3 MS. KRAUT: -- was enough, but I
4 don't think -- my first semester I don't think
5 I was ticketed at all.

6 COMMISSIONER MAY: Okay.

7 MS. KRAUT: I don't think I was
8 really ticketed maybe until my second or third
9 semester there and --

10 COMMISSIONER MAY: But after -- I
11 mean, once you got the waiver, was that good
12 for forever?

13 MS. KRAUT: No, I had to -- I
14 think I had to reapply a couple of times.

15 COMMISSIONER MAY: And you did in
16 subsequent years so you could park?

17 MS. KRAUT: Well, I learned, sure.

18 COMMISSIONER MAY: Right. Okay.

19 And your concern is that they're simply --

20 MS. KRAUT: They don't --

21 COMMISSIONER MAY: It's a good
22 idea, but it's not being done consistently?

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1 MS. KRAUT: Yes.

2 COMMISSIONER MAY: Is that the
3 principle?

4 MS. KRAUT: Yes.

5 COMMISSIONER MAY: Okay.

6 MS. KRAUT: It's not done very
7 much at all.

8 COMMISSIONER MAY: Right. Okay.

9 MS. KRAUT: And when I went to the
10 meeting a year-and-a-half ago, AU basically
11 said that this was -- this is -- that the same
12 system was going to be implemented.

13 COMMISSIONER MAY: Right. Just
14 out of curiosity, how difficult was it for you
15 to find parking on the streets in the area of
16 the law school?

17 MS. KRAUT: Well, sometimes it was
18 quite difficult, and that's why I would go
19 over to the other side --

20 COMMISSIONER MAY: But how far did
21 you have to --

22 MS. KRAUT: And then I would go

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1 over to the other side of Mass. Ave. and park
2 there because sometimes it was a little bit
3 easier to find cars there.

4 COMMISSIONER MAY: Right. So how
5 far away would you wind up parking?

6 MS. KRAUT: Sometimes I was three
7 blocks away.

8 COMMISSIONER MAY: Okay.

9 MS. KRAUT: Up -- yes, up Warren.

10 COMMISSIONER MAY: Okay. Ms.
11 Bhansali, questions for you since you --

12 MS. BHANSALI: Sure.

13 COMMISSIONER MAY: -- live in
14 proximity to Tenley Circle. I don't have an
15 aerial view that really shows me where your
16 block is. Can you describe it to me a little
17 bit?

18 MS. BHANSALI: The circle is
19 visible from my home. If you see the circle
20 like this, you have -- I can't draw this map;
21 sorry.

22 COMMISSIONER MAY: Well, I mean,

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1 your north of the circle, west of the circle?

2 PARTICIPANT: (Off microphone.)

3 COMMISSIONER MAY: Okay. She's
4 the one who's testifying.

5 MS. BHANSALI: -- it's east and
6 you can see Nebraska. And then just right
7 after Nebraska is the circle. So if you walk
8 out my door, you can see Nebraska and almost
9 fall into it because I'm literally one house
10 away from Nebraska.

11 COMMISSIONER MAY: Okay.

12 MS. BHANSALI: There's one house
13 between me and Nebraska.

14 COMMISSIONER MAY: All right. So
15 it's across the street -- oh, this is
16 Nebraska --

17 MS. BHANSALI: Yes, you'd have to
18 cross Wisconsin to get to Tenley, but --

19 COMMISSIONER MAY: Okay.

20 MS. BHANSALI: -- somewhat
21 parallel --

22 COMMISSIONER MAY: So you're on

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1 the east side of Wisconsin?

2 MS. BHANSALI: Correct.

3 COMMISSIONER MAY: Okay. What's
4 parking like in your neighborhood now?

5 MS. BHANSALI: It's pretty bad. I
6 wasn't able to complete all of my testimony,
7 but you do have it in writing. There are a
8 lot of people who come and park on the streets
9 during the weekdays and even on the weekends.
10 We have a lot of activities in that
11 neighborhood, so of course you've even got the
12 people who -- neighbors like myself here will
13 use parking for their own cars on the streets
14 because a lot of the houses there don't have
15 driveways. So you've got a lot of parking
16 also from those who are living there and then
17 using public transportation or walking in the
18 neighborhood.

19 COMMISSIONER MAY: Right. And you
20 have -- is there residential parking permit
21 signs up in your block there?

22 MS. BHANSALI: Yes. Yes, there

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1 are.

2 COMMISSIONER MAY: Okay. So the
3 people who are driving there and parking and
4 using the Metro are typically going to be
5 people who are from the same zone, but a
6 little bit further away from Metro.

7 MS. BHANSALI: Exactly.

8 COMMISSIONER MAY: Yes.

9 MS. BHANSALI: Generally speaking,
10 but some also come from Maryland. And there
11 are places where you can park for certain
12 hours; they're exempt, and so they tend to be
13 during the work day hours.

14 COMMISSIONER MAY: Yes, okay.

15 MS. BHANSALI: Where you don't
16 have to have the Zone 3 --

17 COMMISSIONER MAY: Okay. Does
18 anybody on the panel live on the -- the folks
19 who are neighbors of the Tenley Campus?
20 Anybody live to the west of Wisconsin Avenue?

21 MS. SIX: They weren't here.

22 COMMISSIONER MAY: They're not

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1 here?

2 MS. SIX: The ones who you called,
3 they were not here today.

4 COMMISSIONER MAY: Okay.

5 MS. SIX: They actually did
6 testify last time.

7 COMMISSIONER MAY: Okay.

8 MS. SIX: I live just a block
9 further east and I don't have the commuting
10 for my block that you find in the 3900 block.

11 COMMISSIONER MAY: Yes.

12 MS. SIX: But we -- our block --

13 COMMISSIONER MAY: Because you're
14 that much further from the Metro? Is that the
15 idea?

16 MS. SIX: And we don't have the
17 exemptions as -- you can't park any longer
18 than a couple of hours.

19 COMMISSIONER MAY: Yes.

20 MS. SIX: And but that street is
21 ordinarily completely full with just the
22 neighbors own cars.

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1 COMMISSIONER MAY: That street?
2 Which is that street?

3 MS. SIX: That my block is --

4 COMMISSIONER MAY: Your block is
5 ordinarily completely full?

6 MS. SIX: Yes, the neighbors all
7 -- we know who -- we respect each other's
8 spaces in front of our houses. In other
9 words, we don't -- we try not to park in front
10 of a neighbor's --

11 COMMISSIONER MAY: House.

12 MS. SIX: -- house and just our
13 cars in front of our own house.

14 COMMISSIONER MAY: I see. It
15 sounds like that's actually ample parking
16 compared to what many neighborhoods have. I
17 mean, is it?

18 MS. SIX: Well, yes, until -- but
19 once that -- well, when it snows, it isn't and
20 when people come in and park there it isn't,
21 when you've got workmen there or whatever.
22 And, you know -- no, I'm just anticipating.

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1 COMMISSIONER MAY: Right. I'm
2 just trying to understand how much of an
3 impact it would be if there were some students
4 coming to the law school and parking there.

5 MS. KRAUT: I wonder if I could
6 respond.

7 COMMISSIONER MAY: Go ahead.

8 MS. KRAUT: On my block -- I'm in
9 the 3800 block closest to -- I'm the second
10 house in from 39th --

11 MS. SIX: On Yuma.

12 MS. KRAUT: -- on Yuma.

13 COMMISSIONER MAY: Thanks.

14 MS. KRAUT: So I get a number of
15 Maryland -- particularly Maryland commuter
16 cars parked on my block. They -- I mean, I
17 know the cars and I --

18 COMMISSIONER MAY: And would you
19 have residential parking restrictions?

20 MS. KRAUT: Yes, residential
21 parking on my block. But there are regular
22 Maryland cars that park on our block --

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1 COMMISSIONER MAY: Yes.

2 MS. KRAUT: -- that are ticketed
3 by the D.C. police --

4 COMMISSIONER MAY: Yes.

5 MS. KRAUT: -- or meter maids
6 maybe once in a -- literally in a blue moon.

7 COMMISSIONER MAY: Yes.

8 MS. KRAUT: I mean, rarely.

9 COMMISSIONER MAY: Yes.

10 MS. KRAUT: So they're there.

11 There are spaces --

12 COMMISSIONER MAY: Have you tried
13 to get better enforcement?

14 MS. KRAUT: Oh, sure. I call
15 sometimes --

16 COMMISSIONER MAY: Yes.

17 MS. KRAUT: -- to say, you know,
18 this car's been out here for, you know, X
19 amount of time. But my concern, and one of
20 our concerns concerns the fact that without --
21 with inadequate parking at the proposed new
22 law school, where they only have I think 400

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1 spaces, there's just going to be this
2 inundation of --

3 COMMISSIONER MAY: Yes. Right.
4 Yes, I understand what the concern is. I'm
5 just trying to gauge how bad the parking
6 situation actually is right now.

7 MS. KRAUT: Well, it's pretty bad
8 certainly for the 3900 block and for my end of
9 the 3800 block --

10 COMMISSIONER MAY: Okay.

11 MS. KRAUT: -- on Alton, Yuma and
12 I think probably on Windom also --

13 COMMISSIONER MAY: Okay. Thanks.

14 MS. KRAUT: -- there's
15 significant --

16 COMMISSIONER MAY: Thank you.

17 MS. SIX: The reason that my
18 block's a little more protected is because
19 Alton Place is one way off of Reno. You can't
20 get to it through the 3700 block. So
21 that's --

22 COMMISSIONER MAY: Thank you.

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1 MR. ALLEN-GIFFORD: I just want to
2 -- I don't want to speak, but I want to refer
3 you to my testimony. The second-to-last
4 paragraph has information about parking.

5 COMMISSIONER MAY: Thank you.

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

8 Ms. Kraut, did you ever have to
9 pay any fine?

10 MS. KRAUT: No.

11 COMMISSIONER TURNBULL: You paid
12 no -- I mean, you --

13 MS. KRAUT: No.

14 COMMISSIONER TURNBULL: -- got the
15 one, you called up, you complained?

16 MS. KRAUT: No, I sort of ignored
17 it for awhile, just simply ignored it.

18 COMMISSIONER TURNBULL: So you
19 have like seven --

20 MS. KRAUT: And nothing ever
21 happened. I think that the system is if you
22 don't pay those fines, you don't graduate, or

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1 something like that. I'm not sure. But it
2 was certainly -- I mean, I was taking one
3 course a semester, so I wasn't really
4 concerned about graduating in a rush, and I
5 was already a lawyer, so it didn't matter.
6 But I simply didn't -- I didn't pay and then
7 it began to sort of bother me that I was --
8 you know, every time I got a ticket, you know,
9 maybe once every month or whatever it was.

10 COMMISSIONER TURNBULL: Yes.

11 MS. KRAUT: I just -- you know,
12 eventually I went up and I said -- and I
13 started complaining to the school and then
14 somebody in the dean's office said, you know,
15 you could apply for a waiver. And I said, oh,
16 okay. So I wrote a letter and explained my
17 situation and they gave me a waiver. And then
18 I started parking right -- you know, wherever
19 I found and spot on Warren or wherever, 47th
20 Street, 48th Street, and so on.

21 COMMISSIONER TURNBULL: AU should
22 not feel that they have a case to come back

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1 and pick up any money?

2 MS. KRAUT: Statute of limitations
3 has run, I think.

4 COMMISSIONER TURNBULL: Okay.
5 Well, thank you. Well, I'm just curious. I
6 mean, if they're -- if you're issuing tickets
7 but you never -- if something never happens,
8 it's kind of interesting that it's a policy
9 that -- I mean, I guess I was under the
10 assumption that things get forwarded on to
11 Metro Police or something, but anyways that's
12 something we're going to get information on.

13 COMMISSIONER MAY: It sounds like
14 it's a different --

15 MS. KRAUT: It's not.

16 COMMISSIONER MAY: -- completely
17 different parking system --

18 COMMISSIONER TURNBULL: Yes.

19 COMMISSIONER MAY: -- as opposed
20 to -- I mean, many university police officers
21 can issue D.C. tickets.

22 COMMISSIONER TURNBULL: Yes.

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1 COMMISSIONER MAY: And, I mean,
2 and every other police force in the city, Park
3 Police, Capitol Police, everybody uses the
4 same ticketing system --

5 COMMISSIONER TURNBULL: Right.

6 COMMISSIONER MAY: -- and the
7 money goes -- actually all goes to the
8 District no matter --

9 COMMISSIONER TURNBULL: Yes.

10 COMMISSIONER MAY: -- who issues
11 the ticket. But it doesn't sound like that's
12 what the system is.

13 COMMISSIONER TURNBULL: That
14 that's happening here.

15 MS. KRAUT: But the fact is that,
16 you know, with the commuter traffic it's rare
17 that commuters from Maryland, for example, and
18 non-Zone 3 cars get ticketed. It's very rare.

19 COMMISSIONER TURNBULL: Yes.

20 MS. KRAUT: I mean, they just park
21 there and they don't -- you know, so once a
22 month they get a ticket, big deal.

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1 COMMISSIONER TURNBULL: Yes, it's
2 a good deal. All right. Thank you.

3 CHAIRPERSON HOOD: Any other
4 questions?

5 Hold on. Don't go anywhere. We
6 have to do cross-examination.

7 Any other questions?

8 (No audible response.)

9 CHAIRPERSON HOOD: Okay. Do we
10 have any cross?

11 MR. MAZZUCHI: I have one.

12 CHAIRPERSON HOOD: Okay. Come
13 forward. If you can identify --

14 MR. MAZZUCHI: It's Michael
15 Mazzuchi from the Spring Valley-Wesley Heights
16 Citizens Association, and it's a question for
17 Mr. Kraskin.

18 Mr. Kraskin, based on your three
19 cycles of involvement with these AU Campus
20 Plans what do you think it would take for AU
21 and the community to truly come to an
22 agreement?

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1 DR. KRASKIN: I really think if we
2 take the situation out of a large room, in
3 which we've been dealing for over two years
4 with all the -- anybody that wants to show up
5 and talking and we get it down to the parties
6 at hand; the ANCs and representatives of each
7 of the community groups and the -- like
8 Westover Homeowners Association, I think with
9 good communication people willing to make
10 change, change can occur. And I think we've
11 started to see a little bit of that with the
12 discussion of the North Hall. So I think that
13 this whole plan could be changed; and I don't
14 think it would even take six months to do, but
15 I think it has to take a commitment of the
16 university to be willing to make that
17 constructive communication happen.

18 CHAIRPERSON HOOD: And let me ask
19 this question, Mr. Mazzuchi: Did the doctor
20 work with you on your presentation? That's
21 where -- did you do the camera with him, or I
22 mean the -- okay, you didn't? Okay. So

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1 you're not pulling me? Okay. I'm going to
2 leave it at that.

3 DR. KRASKIN: No, he didn't even
4 see this.

5 CHAIRPERSON HOOD: Okay.

6 DR. KRASKIN: No.

7 CHAIRPERSON HOOD: Okay. Thank
8 you. Okay. Because it happens down here.
9 They don't think we notice, but it happens
10 down here. Maybe it wasn't American. Maybe
11 it was one of those other -- but it happens,
12 and I just everybody to know we do notice it.
13 We don't go to sleep up here. Okay. Thank
14 you.

15 More cross-examination? Okay.
16 Ms. Chesser?

17 MS. WISS: Yes, Cathy Wiss.

18 CHAIRPERSON HOOD: Okay. Ms.
19 Wiss? Commissioner Wiss, if you --

20 MS. WISS: Yes, Cathy Wiss for ANC
21 3F. I have a question for Nina Kraut. Can
22 you tell us what basis they gave you a waiver,

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1 on what basis?

2 MS. KRAUT: Well, I just simply --
3 I think I testified I was a -- I had a law
4 practice, my own law practice. I was a single
5 parent. I had -- my mother was in a -- Chevy
6 Chase House up on Connecticut Avenue, an
7 assisted living facility. I was her primary
8 caretaker. I was running -- I had a house, I
9 had a dog. You know, I had a very full
10 schedule and I was -- it was a very frenetic
11 schedule. And so, I just wrote that out and
12 said I need a waiver. I need my car. I don't
13 have time to deal with garages and parking,
14 nor do I have the funds. I mean, I'm already
15 paying through the nose and I just don't --
16 you know, I am not able to accommodate your --
17 you know, and I need to park on the street.
18 And I live in the neighborhood, so I have a
19 Zone 3 ticket -- you know, sticker anyway.
20 And therefore please give me a waiver. And
21 they gave me a waiver. I don't think it would
22 have taken almost any argument at all.

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1 MS. WISS: Okay. Did you have a
2 sense of whether other students have waivers,
3 too?

4 MS. KRAUT: My sense was that
5 asking for and getting waivers was not out of
6 the ordinary. I don't know what the degree of
7 that was. I have no idea. I cannot say.

8 MS. WISS: But you think you were
9 not alone?

10 MS. KRAUT: But I was not the only
11 person under the AU law school umbrella, I'm
12 sure. It was not the first time they had
13 heard about it. It seemed like, well, why
14 don't you do this? It was just sort of an
15 ordinary kind of thing.

16 MS. WISS: But did you have a
17 sense about other students? Did they have
18 multiple activities like you where you were
19 going to school, to your son's school, to your
20 job, to other things?

21 MS. KRAUT: The program I was in
22 was in international law, and a lot of the

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1 students there were -- in my program over that
2 four-year period were from countries other
3 than the United States. In fact, most of the
4 kids were. So a lot of them did not have
5 cars, the international students. But because
6 it was really a -- it was -- full time it was
7 a one-year program. Because I was part time
8 it took me four years. But the law students
9 were -- the regular law students, the J.D. law
10 students were there and whether they had --
11 what was your question? Do they have waivers?

12 MS. WISS: My question is trying
13 to get a sense of whether people just sort of
14 drove to the law school --

15 MS. KRAUT: Yes.

16 MS. WISS: -- stayed there all day
17 and then drove home or --

18 MS. KRAUT: Well, you know, a
19 lot --

20 MS. WISS: -- did they hop around
21 for different activities or --

22 MS. KRAUT: I don't know, because

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1 I took a class, you know, each semester, or
2 maybe two classes a semester and I did spend
3 time there doing research papers and studying
4 and so on, but I do know that in the evening
5 -- and I did have some classes in the evening,
6 that there were people there who clearly were
7 lawyers. I mean, they came, you know, dressed
8 like lawyers with briefcases and so on. So I
9 know that they had different types of
10 schedules. And where they parked, God knows.

11 There was also bar exam classes
12 given during the summer for two months. There
13 were a huge number -- I mean, I think almost
14 every single week AU has conferences, or one-
15 day workshops, or several-hour workshops, or
16 even an hour-and-a-half workshops that I go
17 occasionally to where practicing lawyers go
18 and participate. They have a summer school
19 program also that is very, very well attended.
20 So it's a -- during any year or any semester,
21 including summer, there are classes going on
22 day and night and many of them are -- have,

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1 you know, lawyers already -- people who are
2 already practicing because of these -- a lot
3 of these conferences and so on. I mean, it's
4 a very, very active law school.

5 MS. WISS: Now, did you see the
6 people who were dressed like lawyers actually
7 driving up, or were they the ones that took
8 the subway, or do you have any idea?

9 MS. KRAUT: Well, there is no --
10 where the law school is now --

11 MS. WISS: Okay. Or the shuttle
12 bus.

13 MS. KRAUT: -- there is no Metro
14 there.

15 MS. WISS: Yes.

16 MS. KRAUT: You know, to tell you
17 the truth I certainly wasn't -- I mean, I was
18 sort of racing, you know, to my car, so I
19 really -- I certainly didn't have my eyes
20 peeled, but my sense was that they didn't. I
21 mean, they don't have time. You know, these
22 are people who have families and so on.

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1 MS. WISS: Okay. Thank you. A
2 question for Lisa Bhansali. As an adjunct
3 faculty member did you drive or did you walk?

4 MS. BHANSALI: I drove and also
5 got tickets on occasion, but as a faculty
6 member I didn't pay and didn't have to because
7 the parking authority, the Office for Parking,
8 made it clear that I didn't have to.

9 MS. WISS: Okay. So the
10 professors don't have to pay?

11 MS. BHANSALI: I don't know if all
12 of the professors have the same problem, but
13 I didn't have to.

14 MS. WISS: Okay. And I guess we
15 have statistics showing that most of the
16 faculty, most of the adjunct faculty drive.
17 All of the regular faculty drive.

18 MS. BHANSALI: Yes, that's the
19 numbers that I've been able to see, that out
20 of the faculty numbers we've seen, they drive
21 and a number of students also drive. But in
22 terms of adjunct faculty, there isn't a close

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1 enough Metro stop to be able to get there.

2 MS. WISS: Okay. Are you still in
3 touch with any faculty at the law school to
4 know what their driving patterns might be?

5 MS. BHANSALI: I know some, and
6 most either park in the neighborhood or now
7 are able to drive inside the underground
8 garage and get parking there.

9 MS. WISS: Yes. And do you know
10 whether they may live? Do they have public
11 transportation accessible to them, or do they
12 drive because --

13 MS. BHANSALI: Yes, but they don't
14 public transportation. I mean, the only
15 public transportation around that area to
16 Massachusetts Avenue would be a bus and --

17 MS. WISS: If they were move to
18 Tenley do you think they might use the bus or
19 the subway, or do you think they might still
20 continue to drive?

21 MS. BHANSALI: I highly doubt
22 they'd be using any other thing than a -- I

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1 mean, particularly as adjunct faculty, you're
2 coming from downtown, from your office. If
3 you lived in the Tenley area like I do, you'd
4 tend to drive. In fact, it's almost an
5 attraction to teach at American University
6 because you're so close to your home. So you
7 drive up from your office, teach, park in that
8 neighborhood and then drive over to your home.

9 MS. WISS: Okay. Thank you. And
10 for those of you that live near the Tenley
11 Campus, do you park on the street by your
12 houses, or do you have off-street parking?

13 MS. BHANSALI: On the street.

14 MS. BUTTRICK: Street.

15 MR. ALLEN-GIFFORD: On the street.

16 MS. SPENCER: Street.

17 MS. WISS: So that if law students
18 and faculty use the spaces on your street
19 would that make things more difficult for you
20 to find parking?

21 MS. BUTTRICK: Yes.

22 MS. BHANSALI: Yes.

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1 MR. ALLEN-GIFFORD: Yes.

2 MS. SPENCER: Absolutely.

3 MS. WISS: Okay. Thank you. Oh,
4 wait a second. I do have one more question.
5 Now what if somebody just decided not to
6 register their car for the parking? I mean,
7 is that possible? Do people just say I'm not
8 going to bother?

9 MS. KRAUT: I did actually. I did
10 that one semester. I think probably my first
11 semester there I just didn't fill out the
12 form. I mean, it was just that simple.

13 MS. WISS: And so why did you then
14 decide to fill it out?

15 MS. KRAUT: I think somebody told
16 me I had to, so I did.

17 MS. WISS: Okay. Thank you.

18 CHAIRPERSON HOOD: Next?

19 MS. CHESSER: Well, I'm asking for
20 a clarification of the rules. Tenley
21 Neighbors Association represents many of the
22 neighbors around the campus, many of whom are

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1 sitting here at this table, and they asked
2 me --

3 CHAIRPERSON HOOD: Is this cross-
4 examination?

5 MS. CHESSER: Okay. I can ask
6 you. Do you know my husband? Do you know he
7 has a disability?

8 MS. SIX: Yes.

9 CHAIRPERSON HOOD: Wait a minute,
10 did somebody mention --

11 MS. CHESSER: Do you know that we
12 have --

13 CHAIRPERSON HOOD: Hold on, hold
14 on. Hold on for a second. Let me just say
15 this: If I can chair a Medical Marijuana
16 meeting --

17 MS. CHESSER: Okay.

18 CHAIRPERSON HOOD: -- I can chair
19 this one.

20 MS. CHESSER: Okay.

21 CHAIRPERSON HOOD: So did anybody
22 ask -- did anybody mention that? Maybe I

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1 missed it.

2 MS. CHESSER: I was about to ask
3 about off-street parking.

4 CHAIRPERSON HOOD: Ms. Chesser, I
5 think you're out of order on that question,
6 because that was not -- did anybody mention
7 that?

8 MS. CHESSER: Okay. Do we have
9 off -- do you know whether we have off-street
10 parking, or are we reliant on off-street
11 parking?

12 MS. KRAUT: Many of us are reliant
13 -- on off-street parking?

14 MS. CHESSER: Right. On on-street
15 parking; I'm sorry.

16 MS. KRAUT: On-street? I think
17 many of us have no garages or garages that are
18 filled with things and other things, or
19 different cars.

20 MS. CHESSER: Correct.

21 MS. KRAUT: So we have to park on
22 the street.

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1 MR. ALLEN-GIFFORD: Not all the
2 homes have alleyways behind them. I live in
3 a house that does not.

4 MS. CHESSER: Right.

5 MS. BHANSALI: A lot of folks are
6 reliant on parking very close to their house.
7 Particularly if they're elderly or have any
8 problem getting to their houses they need to
9 have a parking space in front of their house.

10 MS. KRAUT: And I know that there
11 are some people with disabilities in the
12 neighborhood --

13 MS. CHESSER: Thank you.

14 MS. KRAUT: -- who need -- you're
15 welcome -- who need to park right near their
16 homes. And I'm getting -- you know, I'm
17 hitting an age also where I come home with,
18 you know, groceries, with bags of groceries,
19 I don't want to have to walk half a block.

20 MS. CHESSER: Right.

21 MS. SIX: That was the point I was
22 making.

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1 MS. CHESSER: What I was trying to
2 get a clarification on was I had been told
3 earlier that if I was doing things on behalf
4 of TNA, that was okay. But that I was also a
5 neighbor, as an individual I could testify.
6 But now I'm told no because you represented
7 TNA but did not testify because I thought I
8 was going to testify now. Now I was told I
9 can't testify now either.

10 CHAIRPERSON HOOD: Ms. Chesser,
11 you used the opportunity in cross-examination
12 to come and tell me that. And let me just
13 tell you that has always been our practice.
14 I don't like the way that was done. Let's
15 move on.

16 Any other cross-examination for
17 those at the table?

18 MS. CHESSER: Yes, how many --

19 CHAIRPERSON HOOD: You could have
20 talked to staff --

21 MS. CHESSER: I did.

22 CHAIRPERSON HOOD: Okay. Well,

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1 they gave you the ruling. We typically -- let
2 me just say this: We can address this later,
3 but they typically -- that's what we do.
4 We've always done it. We've done it in
5 American, we've done it in UDC, we've done it
6 in Georgetown. That's the way we proceed.

7 MS. CHESSER: Okay.

8 CHAIRPERSON HOOD: But I just
9 don't like the way that you used that
10 opportunity during cross-examination to get
11 that point across. That's not the way we do
12 down here. So you can finish cross-examining.

13 MS. CHESSER: Okay. Well, I'm
14 silenced at every turn, so --

15 CHAIRPERSON HOOD: No, you're not
16 silenced.

17 MS. CHESSER: Thank you, my
18 neighbors.

19 CHAIRPERSON HOOD: You can
20 continue to cross-examination. Are you
21 finished?

22 MS. CHESSER: I am.

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1 CHAIRPERSON HOOD: Okay. Thank
2 you.

3 Anyone else have any cross-
4 examination?

5 (No audible response.)

6 CHAIRPERSON HOOD: Okay. We want
7 to thank this panel. We appreciate your
8 testimony.

9 MS. KRAUT: Thank you.

10 MS. SIX: Thank you.

11 CHAIRPERSON HOOD: Okay. We're
12 going to give five minutes. We're going to do
13 rebuttal.

14 Mr. Tummonds, if you can come to
15 the table first?

16 Hold on one second. Ms. Chesser,
17 sit down and give your testimony. Just sit
18 down and give me your testimony. Just give us
19 your testimony. If that'll make it happy or
20 easy, but I can tell you I don't think my
21 colleagues and I are going to hear. You can
22 sit down and give us your testimony.

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1 MS. CHESSER: (Off microphone) now
2 said that you don't want to hear it.

3 CHAIRPERSON HOOD: No, I didn't
4 say that. I'm just saying you've been --

5 MS. CHESSER: (Off microphone.)

6 CHAIRPERSON HOOD: Let me just
7 tell you how distract-ful it has been. You've
8 been coming up to Ms. Schellin all evening.
9 Your neighbors have been testifying. We've
10 been trying to give their attention. At least
11 for me, every time you do that I look over
12 there and I hear you. Have to hear them out
13 of this ear and hear you out of this ear.

14 So we need to be courteous. We
15 try to be respectful of everyone. If you feel
16 like you need to testify to us and tell us
17 something different than what we've already
18 heard for the past seven hearings, you can do
19 that. I think we need to be fair to each
20 other. I've tried to be fair when I run these
21 hearings and I ask you to be fair to me.

22 The staff has given you a process.

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1 Nobody's trying to exclude you. The staff has
2 given you a process and we all need to follow
3 that process. But if you need to, sit down
4 and give us your testimony.

5 MS. CHESSER: I've been
6 prejudiced, so (off microphone.)

7 CHAIRPERSON HOOD: No you have not
8 been prejudiced. I'm asking you now to sit
9 down and give us your testimony.

10 MS. CHESSER: (Off microphone.)

11 CHAIRPERSON HOOD: Put three
12 minutes on the clock, Ms. Schellin.

13 MS. CHESSER: I don't have it in
14 front of me anymore. (Off microphone.)

15 CHAIRPERSON HOOD: Mr. Tummonds,
16 do you have a problem with that?

17 MR. TUMMONDS: No problem.

18 CHAIRPERSON HOOD: Thank you very
19 much.

20 MS. CHESSER: I mean, I think it's
21 difficult for neighbors who -- they have their
22 biggest investment that they have, they're

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1 given three minutes. And I understand why you
2 do that, but it's just a very truncated
3 process.

4 What I was going to say was that
5 -- you know, I've been here every night.

6 CHAIRPERSON HOOD: You have, and
7 don't cry because you're going to make me cry.
8 Okay?

9 MS. CHESSER: Okay.

10 CHAIRPERSON HOOD: So don't do
11 that. Okay?

12 MS. CHESSER: Well, then I will
13 cry. No.

14 CHAIRPERSON HOOD: Because I've
15 been wanting to cry a lot of -- there's some
16 other nights I wanted to cry, believe me.

17 MS. CHESSER: I've had four hours
18 sleep. My husband got into National at 2:00
19 in the morning.

20 But having said that, I think the
21 neighbors come here and all of these
22 proceedings, we don't start them. The -- I'm

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1 going to call them the Plaintiffs, the
2 developers start them. It costs us money
3 every time we do this. It costs us our time.
4 People have to hire baby sitters and
5 everything else and nobody gets paid to be
6 down here if you're a neighbor. You get three
7 minutes to give your piece, and it's very
8 difficult. And we do feel like our neighbors,
9 our neighborhoods and our way of living comes
10 under risk as people make these plans.

11 And I know it's already difficult
12 for us to find parking. As I started say, my
13 husband has a disability. He cannot take the
14 subway. It's really nice if we get to park in
15 our block or at least close by.

16 And I can tell you the
17 relationship with AU has been -- I mean, I
18 went to a meeting with AU and they couldn't
19 give us copies of all their plans. And when
20 I said why can't -- why aren't there enough
21 copies for the neighbors and they said, Judy,
22 Xeroxing is very expensive. Well, it's not

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1 expensive compared to the funds that people
2 have invested in their homes. And it's just
3 been a process where it's been at every
4 juncture people don't really want to work with
5 the neighbors, and that's a hard thing. They
6 could provide you with a lot more information
7 than they have provided you.

8 They have class schedules for the
9 last year, for the last two years. They can
10 tell you when the classes are, how many people
11 are in them; because they close them off when
12 they get to a certain level, how many
13 professors at any given time on the campus,
14 how many CLE classes they have, when they are,
15 how many people are in them, what events have
16 been there. They could do a whole schedule
17 that really would give you a very good idea of
18 how many people have been on that campus, the
19 law school campus, at any given hour in the
20 last year.

21 And that would give you a pretty
22 good predictor of the total number of people

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1 that are on the campus at any given time. And
2 I just think that would -- if they were
3 dealing straight with us all, they would do
4 that. We've asked them for some of that
5 information. We have not gotten it. They
6 have already showed that they have no respect
7 for the caps that you put on last time. They
8 moved the law school to the commercial area,
9 backfilled the caps on the campus and grew the
10 law school from 1,400 to 1,700. Now they want
11 2,000. And I just think that --

12 (Whereupon, the timer expired.)

13 MS. CHESSER: -- I'm very
14 concerned that they're going to create a
15 really difficult situation in our neighborhood
16 where we're not going to have any access to
17 our own homes.

18 And I'm going to ask you one other
19 thing and you're going to tell me I'm really
20 out of order.

21 CHAIRPERSON HOOD: Well, then you
22 might as well keep right on going.

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1 MS. CHESSER: All the zoning
2 changes -- could people come to St. Columbus
3 and give us a town hall meeting and explain to
4 us all the zoning changes that are being
5 considered? Because I know you are fair and
6 I think that would be a really fair thing to
7 do.

8 CHAIRPERSON HOOD: Now, you said
9 that after all that. Now I am fair.

10 MS. CHESSER: Well, I could've say
11 that at the beginning, but --

12 CHAIRPERSON HOOD: I don't hear
13 no --

14 MS. CHESSER: And I do think that
15 you --

16 CHAIRPERSON HOOD: Could you work
17 with Ms. Steingasser in the Office of
18 Planning?

19 MS. CHESSER: Okay.

20 CHAIRPERSON HOOD: I think they
21 have really been working hard on this whole
22 zoning rewrite. We've had -- I want to say

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1 1,000, but I don't want to over exaggerate.
2 We've had plenty of hearings. A lot of the
3 hearings, I will tell you, a lot of the seats
4 are empty.

5 MS. CHESSER: Because we don't
6 know they're happening and we don't -- I mean,
7 a town hall meeting at St. Columbus is a
8 pretty normal thing in our neighborhood to do
9 a presentation.

10 CHAIRPERSON HOOD: Okay. Well,
11 we're doing campus plans tonight.

12 MS. CHESSER: Okay.

13 CHAIRPERSON HOOD: Anything else
14 you want to request while you have the table?

15 MS. CHESSER: No, but thank you.

16 CHAIRPERSON HOOD: Okay.

17 MS. CHESSER: Thank you. And I
18 know you try to be fair. I'm just -- and I'm
19 asking you to look at student caps as well as
20 the capacity of the buildings, because I think
21 that they've shown that they violate the caps.

22 CHAIRPERSON HOOD: Okay.

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1 MS. CHESSER: Thank you. Thank
2 you. Thank you.

3 CHAIRPERSON HOOD: And let me just
4 to you. No, hold your seat because we have to
5 do cross. Let me just -- the only thing I
6 want to respond to you -- and I appreciate
7 your comment. Actually we heard that from
8 some others, some of the exact same things
9 you're saying. We know -- we understand.
10 Believe me, after all this testimony we've
11 gotten, we've heard it loud and clear. As
12 Council Member Brown has said, I don't know if
13 we're going to be the referees. We're going
14 to come up with something. Enough said on
15 that for right now.

16 But let me just say about the
17 three minutes, it's been three minutes every
18 -- let me just say this. I haven't always sat
19 here. I sat on that side. Matter of fact, I
20 wasn't able to sit. I had to stand and I had
21 the podium and I had to testify at a zoning
22 case. So, you know, there's all kind of

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1 rationale and reasons why some of us are here.
2 My rationale is because of community issues,
3 a number of them in my own neighborhood, and
4 it was always three minutes. Three minutes
5 has been -- and then if I represented my
6 community, then I got five minutes. And if
7 you go to the City Council -- when I go down
8 there, I get three minutes. So I don't know
9 where it came from. It's been there ever
10 since I've been here, since '98, and I'm sure
11 it's been here prior to that. Maybe you have
12 to ask some of the folks who've been around
13 like Commissioner May and others, but -- I
14 just called your name out because you were
15 sitting there. But the three minutes has
16 always been there. Organizations have always
17 got five minutes and parties. That has been
18 the rule.

19 MS. CHESSER: Right.

20 CHAIRPERSON HOOD: It's nothing
21 new here. It's always been that way. So
22 thank you, Ms. Chesser. Hopefully

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1 everything's all right with you?

2 MS. CHESSER: Yes, I was going to
3 say I can sort of understand the three
4 minutes. I was having problems when I was
5 told I couldn't have the three minutes.

6 CHAIRPERSON HOOD: Well, actually
7 -- and let me just tell you this: Ms.
8 Schellin was actually correct. She was
9 actually correct.

10 MS. CHESSER: And I had been
11 misinformed earlier, so --

12 CHAIRPERSON HOOD: Okay. But I
13 don't know who told you that, but Ms. Schellin
14 was correct.

15 MS. CHESSER: Okay.

16 CHAIRPERSON HOOD: And I will tell
17 you, she has the best interest of this whole
18 process. And that's what she has to do, try
19 to help us hold it together.

20 MS. CHESSER: Okay.

21 CHAIRPERSON HOOD: Okay. Thank
22 you.

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1 MS. CHESSER: Thank you. Thank
2 you.

3 CHAIRPERSON HOOD: Any cross-
4 examination from anybody?

5 (No audible response.)

6 CHAIRPERSON HOOD: Okay. Then,
7 Ms. Chesser, are you going to go back up to
8 the table any time tonight?

9 MS. CHESSER: Nope.

10 CHAIRPERSON HOOD: Okay.

11 MS. CHESSER: I'll promise you
12 I'll stay down here.

13 CHAIRPERSON HOOD: Okay. Mr.
14 Tummonds, could you let us know about how much
15 time you need?

16 MR. TUMMONDS: Sure, we expect
17 that -- I think it will be less than 40
18 minutes, but approximately 40 minutes. Four
19 zero. We do have one preliminary matter based
20 on rebuttal testimony.

21 On October 27 we submitted for the
22 record our environmental noise study and

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1 included with that was the résumé of Kevin
2 Miller that we propose to be an expert
3 witness.

4 CHAIRPERSON HOOD: So we're
5 looking at 40 minutes. Let me just say this:
6 We're looking at 40 minutes on rebuttal and
7 then we're going to have to cross rebuttal.

8 VICE-CHAIRMAN SCHLATER: We got to
9 finish.

10 CHAIRPERSON HOOD: I'm just trying
11 to see if we can finish tonight.

12 VICE-CHAIRMAN SCHLATER: Finish.

13 CHAIRPERSON HOOD: I haven't been
14 good so far, so I don't even know where to
15 start.

16 MS. SCHELLIN: You can do it in
17 less than 40?

18 MR. TUMMONDS: Yes, we will do our
19 best. It could be closer to 30-35.

20 CHAIRPERSON HOOD: Because the
21 cross is where the issue is with me.

22 MR. TUMMONDS: That's true.

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1 CHAIRPERSON HOOD: Okay. All
2 right. We're going to try to finish. If we
3 don't, Ms. Schellin, as --

4 MS. SCHELLIN: Monday.

5 CHAIRPERSON HOOD: -- we proceed
6 we're looking at when?

7 MS. SCHELLIN: Monday.

8 CHAIRPERSON HOOD: That's fine,
9 but I probably -- I possibly won't be here
10 Monday, but that -- one person? Two? You
11 two? What about Tuesday?

12 Let's see how we go.

13 COMMISSIONER TURNBULL: You
14 brought up the point of the expert witness on
15 Mr. Miller. And just on the education, it
16 simply said University of Maryland, physics,
17 but there's nothing about a degree, a year,
18 bachelor's, master's, Ph.D. I mean, if I look
19 at Mr. Koehn's afterwards, I mean, it clearly
20 -- I mean, most of the time on a curriculum --
21 on a CV you -- we get clear information. And
22 it basically talks about some very basic

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1 items, but it doesn't list any specific cases
2 or projects where -- that that was worked
3 upon. I think that would have been helpful
4 for us from an experience standpoint. I
5 wonder if maybe you could enlighten us on that
6 then.

7 MR. MILLER: I apologize for not
8 having adequate information. I've been
9 accepted so many times that I haven't really
10 paid attention to it anymore, as an expert
11 witness. I can list numerous ones if you care
12 for places where I've been accepted as an
13 expert witness.

14 COMMISSIONER TURNBULL: Well, I
15 guess I'm just looking at as an acoustical
16 engineer, major projects that were involved
17 with acoustics. A university, you know, like
18 a theater project, a new something that would
19 give credentials as to some of the major
20 acoustical work that you've been on.

21 MR. MILLER: USAir Arena. NCI
22 Center.

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1 COMMISSIONER TURNBULL: Okay.

2 MR. MILLER: If that puts a --
3 Katzen Art Center.

4 COMMISSIONER TURNBULL: Okay.

5 MR. MILLER: And these are local
6 ones, but we work nationally and
7 internationally. I can continue down a list
8 if you want. I mean --

9 COMMISSIONER TURNBULL: Yes.

10 MR. MILLER: Good. Okay. We work
11 for major corporations. We've done plenty of
12 work for people like Northrup Grumman,
13 Lockheed Martin, Boeing. We've done work at
14 the White House. We've worked for the
15 Architect of the Capitol. We've done studies
16 at the -- for example, the visitor center that
17 went in under the Capitol. We didn't design
18 it, but we were involved in the visitor center
19 that went into the Capitol, a study that was
20 done there. Howard Hughes Medical Institute,
21 many universities. Of course American
22 University, Virginia Tech, University of

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1 Virginia, William and Mary, Christopher
2 Newport. And these are all -- many of them
3 are ongoing projects. And then as I say,
4 we've -- I've also been qualified as an expert
5 witness for numerous entities around, boards
6 and court.

7 COMMISSIONER TURNBULL: Okay. I
8 think it just would have been helpful in the
9 beginning to have listed some of the projects.

10 MR. MILLER: I apologize.

11 COMMISSIONER TURNBULL: Okay.
12 Thank you.

13 VICE-CHAIRMAN SCHLATER: Okay. No
14 objections to having Mr. Miller as an expert
15 witness. I think, Mr. Tummonds, you can move
16 forward with your rebuttal.

17 MR. TUMMONDS: Great. Wonderful.
18 Thank you. Throughout the 24-month community
19 dialogue process that they engaged in for this
20 campus plan, AU sought to provide timely and
21 comprehensive answers to all questions
22 pertinent to the zoning process that have been

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1 posed by the community. In fact, during this
2 public hearing process AU has responded to 38
3 separate requests for information or
4 materials. We have submitted into the record
5 a list of those requests and our responses.

6 Another document which we are
7 submitting this evening the Applicant's
8 comprehensive response to the Office of
9 Planning's 13 conditions of approval of the
10 campus plan and further processing
11 applications. In order to frame our rebuttal
12 testimony this evening, we have focused our
13 testimony on the four groups of conditions
14 that were identified in the Office of
15 Planning's reports.

16 Those groups of conditions
17 include: (1) noise, which is mostly related to
18 the use of the athletic fields on the western
19 end of the campus; (2) number of students,
20 which relates to enrollments caps; (3) student
21 housing; and (4) development of the East
22 Campus.

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1 We have met or adequately
2 addressed OP's four conditions related to the
3 use of the athletic fields. We have satisfied
4 all four of the OP conditions related to the
5 number of students, how they are counted and
6 the required level of university-provided
7 housing. It is in regard to the proposed
8 development of the East Campus that we do not
9 agree with all of OP's proposed conditions.

10 In our rebuttal testimony this
11 evening we will address the appropriateness of
12 the proposed East Campus development including
13 the intensity of use; i.e., the number of
14 beds, and on the retail use to be provided and
15 the sufficiency of setbacks and landscape
16 buffers between the proposed structures on the
17 East Campus and the adjacent Westover Place
18 homes.

19 I will now have our first witness,
20 David Taylor, address the use of the athletic
21 fields.

22 MR. TAYLOR: Thank you. We

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1 appreciate the opportunity to clarify and
2 remedy a number of issues raised during our
3 campus plan hearings. I will focus on two
4 areas, the athletics fields and enrollment
5 caps.

6 We have two fields used for
7 intercollegiate athletics; Reeves Field and
8 Jacobs Field. Reeves Field is a natural grass
9 field where a men's and women's soccer teams
10 play their home games. A track encircles the
11 field and is used by AU teams, the campus
12 community and neighborhood friends. In our
13 last campus plan the Zoning Commission
14 approved 250 bleacher seats for Reeves to
15 better accommodate spectators. Our current
16 campus plan originally sought 2,000 seats on
17 that same site, but instead we will alter that
18 and seek the previously approved 250 on that
19 same site to better accommodate spectators who
20 tend to stand on the track during games.
21 These new seats are some 450 feet distant from
22 the nearest home on University Avenue.

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1 Jacobs Field. The Jacobs Field
2 site has been used for more than 60 years as
3 a home for a variety of American University
4 activities including club sports, intramural
5 sports, intercollegiate sports, pickup games,
6 physical education, ROTC training and
7 occasionally for special events as fund
8 raisers and exhibition games. It was home to
9 AU's intercollegiate baseball team into the
10 1980s.

11 For the past 20 years AU has done
12 a number of things to lessen the impact for
13 our adjacent neighbor, Mr. Herzstein. We have
14 removed a roadway that previously bordered the
15 field and the property. We eliminated parking
16 in that area to lessen the impact on the
17 adjacent property. We planted thick landscape
18 screening of trees and shrubs costing some
19 \$250,000 and provided ongoing consultation
20 with the AU landscaping staff. We created a
21 buffer zone by installing a fence up to 50
22 feet on the AU property. We restricted field

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1 use to daylight hours only, no lights. We
2 also installed a decorative fence to prevent
3 students, faculty and staff from going into
4 the adjoining neighborhood while allowing card
5 key access to neighbors who wanted to come
6 onto campus to use the track or to use AU as
7 a walk-through.

8 In 2005, after the fields had been
9 off line for some three years as the Army
10 Corps of Engineers removed and replaced all
11 soil because of World War I activities, AU
12 installed artificial turf to have a better
13 playing surface because the intensity of
14 normal use made it difficult to grow grass.

15 Since then Jacobs has been the
16 home to our women's field hockey team during
17 fall whose games, about 10 to 12 in number,
18 average around 182 spectators per match, and
19 women's lacrosse during spring whose 8 to 10
20 games average around 311 spectators per match.

21 In response to the Office of
22 Planning recommendation and our ongoing

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1 discussion of sound mitigation issues, we will
2 implement additional remedy and propose a
3 revised set of 14 conditions which we will
4 submit tonight for review. This includes
5 ongoing mitigation efforts such as maintaining
6 and enhancing as needed the green screen of
7 landscape buffering between the fields and the
8 adjacent properties, keeping the six and
9 seven-foot high fence and one-way access gates
10 in good repair, continuing to limit the field
11 use to daylight hours only.

12 Regarding sound in particular,
13 this includes limiting amplified sound to AU
14 intercollegiate games or special events,
15 exceptions identified in advance. When
16 amplified sound is used, respecting the 60
17 decibel level for residential use with
18 improved speaker placement, better volume
19 controls and periodic sound monitoring and
20 decibel level checks. As recommended by the
21 Office of Planning, we will explore
22 alternative sound systems to more evenly

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1 distribute the sound at ground level and seek
2 improved speaker placement and volume control.
3 Sound monitoring is being done and will
4 continue to be done before and during athletic
5 events.

6 Furthermore, since we already
7 provide these reports to appropriate
8 university and athletic staff, we can share
9 them with designated community officials as
10 well. Our AU public safety office is
11 available to contact should concerns arise, as
12 is our community relations director.

13 In prior testimony we acknowledge
14 there will be sound spikes even when sound is
15 unamplified such as when a goal is scored, the
16 National Anthem is played or leaf blowers
17 clear the field, but spikes should be the
18 exceptions and additional restrictions as
19 identified in our filing should help remedy
20 this issue.

21 To the extent that Jacobs Field is
22 used for events not related to American

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1 University students or American University
2 Athletic Department sponsorship or affiliation
3 such as for charitable events, local high
4 school matches or exhibitions by the U.S.
5 field hockey team, the total number of non-AU
6 events requiring sound amplification should be
7 limited to 12 per year. We also will not
8 allow home field use for games by Georgetown
9 University's women's field hockey team.
10 However, we would like to allow them to
11 practice at Jacobs instead of forcing them to
12 once again travel to College Park, Maryland to
13 find a practice field meeting intercollegiate
14 field hockey specifications.

15 We believe these efforts described
16 here and submitted for review will demonstrate
17 appropriate additional accommodations, clarify
18 who the fields are for, and simplify what may
19 have been confusing as written in the last
20 order.

21 A few comments on enrollment.

22 American University's enrollment goal for the

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1 coming decade is to maintain the student
2 quality which has improved tremendously in
3 recent years and seek minimal growth in the
4 undergraduate population and moderate growth
5 in those programs, graduate and law, that can
6 best handle it because these students are
7 older non-resident with different
8 matriculation, class use, travel and impact
9 patterns.

10 As recommended by the Office of
11 Planning, over the next ten years American
12 University proposes a cap of 13,600 students
13 as the total enrollment for all categories.
14 Pursuant to OP's condition each student;
15 undergraduate, graduate, law or other, who
16 takes at least one class or course at any of
17 the properties covered by the campus plan
18 would be counted. This total includes 2,000
19 students as the maximum potential enrollment
20 of the Washington College of Law at the Tenley
21 Campus approximately one mile from the Main
22 Campus.

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1 This law school enrollment would
2 reflect at most an additional 230 students
3 over a 10-year period. This is not
4 necessarily a law school target, but a
5 capability that could be accommodated
6 appropriately at the Tenley site. A separate
7 law school cap is appropriate because of the
8 nature of this freestanding campus, facilities
9 that will be one-third larger than the current
10 law school, the focused academic program of
11 the law school, the distance from the Main
12 Campus and adjacency to Metro and other
13 transportation options.

14 While AU is comfortable with this
15 aggregated cap, fluctuations in the demand for
16 specific education programs and the job market
17 it risky to impose specific graduate and
18 undergraduate caps. Flexibility is essential
19 to serve the educational needs of local,
20 regional and national populations and to meet
21 job market demands for new and relevant
22 academic programs.

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1 Trends and shifts in education
2 offerings will occur. Certain academic
3 programs will rise in popularity and others
4 will diminish. No university can predict
5 precisely which degree programs will meet
6 market demand over an extended period. AU
7 just be positioned to use its education
8 offerings to meet shifting market demands
9 affected by the economy and employment trends,
10 both of which will fluctuate.

11 Now, to provide a monitoring
12 mechanism, we suggest that AU will indeed
13 house two-thirds of its undergraduates in
14 university-provided housing as will be
15 outlined by Mr. Abud's testimony that will
16 follow.

17 To sum, American University agrees
18 with the Office of Planning recommendation
19 that we cap our total student population at
20 13,600, that we cap the law school student
21 population at 2,000, and that we provide
22 university housing for two-thirds of our

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1 undergraduates. But we must have the
2 flexibility to adapt as job market trends
3 dictate and accordingly have the ability to
4 adjust our education programs and
5 opportunities. Thank you.

6 MR. ABUD: Good evening. George
7 Abud with American University.

8 As Mr. Taylor stated, we agree to
9 a requirement that we have housing available
10 to accommodate 67 percent of our
11 undergraduates in university-providing
12 housing. This table uses the methodology used
13 by the Office of Planning for counting housing
14 and illustrates how our new housing would be
15 phased in over the life of the plan.

16 We project that the Nebraska Hall
17 addition and North Halls will open for fall of
18 2013, at the same time that the Tenley Campus
19 would go off line. East Campus housing is
20 projected to open by fall of 2016. We propose
21 that the 67 percent housing requirement be
22 phased in to be fully effective for fall of

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1 2016. Please note that we need to provide 590
2 beds at East Campus to meet the requirement.

3 In response to Commissioner
4 Turnbull's request, here is information about
5 our off-campus parking enforcement at the Main
6 and Tenley Campuses. The map shows our
7 general enforcement area, though the area does
8 vary depending on neighbor requests and our
9 own observations.

10 Gorove/Slade's analysis of off-
11 campus parking covered a small area that
12 concentrated on the streets where we see the
13 highest amounts of AU-related parking. The
14 table on the left shows where tickets were
15 issued in 2010, and the table on the right
16 shows the disposition of those tickets. You
17 will note that about 60 percent of tickets
18 issued were to people related to AU.

19 There was discussion earlier about
20 how this -- our jurisdiction and how this
21 enforcement mechanism works. The university
22 has a policy that requires everyone associated

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1 with the university, if they drive to
2 university, to park on university property.
3 Our ticketing is essentially enforcing that
4 policy and doesn't have any force outside of
5 that the way the Metropolitan Police do. We
6 do levy a fine of \$75 for each infraction.
7 Those fines are revenue to the university, but
8 given the small number of tickets involved and
9 the expense of actually patrolling I don't
10 think it's a major revenue source for the
11 university.

12 Michelle Espinosa will address
13 off-campus student behavior.

14 MS. ESPINOSA: Good evening.
15 Tonight I'm going to address three major
16 elements of the testimony you've heard
17 regarding the measures American University
18 employs to manage student conduct in the
19 community.

20 First, there has been testimony
21 that we have not listened to neighbors and
22 have taken little action to curb misbehavior

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1 by AU students for the duration of the 2001-
2 2010 Campus Plan. Our records refute this and
3 I want to correct the previous testimony.

4 Second, I will provide an update
5 on the status of the planned enhancements I
6 described during my June 9 testimony. We have
7 made important progress on these initiatives
8 and we are seeing positive results.

9 Finally, I will outline measures
10 in addition to those described on June 9 that
11 incorporate many of the suggestions made by
12 neighbors who have worked with us on resolving
13 their complaints. Specifically, we have taken
14 important lessons from Ms. Leamy's experience
15 and are adopting measures she has suggested
16 might help ensure that others do not
17 experience what she and her family endured.

18 The 2001 Campus Plan Order
19 required AU to include the following language
20 in its Neighborhood Action Program to address
21 off-campus student conduct: "Subject to
22 applicable laws in situations where students

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1 misconduct poses a substantial danger to
2 themselves or others, or there is a violation
3 of District of Columbia or federal law, the
4 university shall seek to charge students under
5 its Student Code of Conduct. In all other
6 cases the university shall investigate and
7 address student misconduct through procedures
8 described in the Neighborhood Action Program."

9 The statement made by ANC 3D
10 Commissioner Smith at the June 9 public
11 hearing was not correct. We were not required
12 by the Zoning Commission's order in the 2001
13 Campus Plan to amend our Student Conduct Code
14 to apply more broadly to off-campus student
15 behavior.

16 In keeping with the Zoning
17 Commission's order, between 2001 and 2010 our
18 associate dean of students met with the
19 residents of approximately 6 to 10 problem
20 properties each year. Student conduct records
21 for this period indicate that approximately 70
22 conduct cases were filed in connection with

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1 police citations for student misconduct off
2 campus. Sanctions in these cases included
3 mandated participation in alcohol and drug
4 education programs, community service,
5 restriction from holding office in student
6 organizations and restriction from
7 participating in our study abroad programs.

8 To summarize, under the 2001-2010
9 Campus Plan we did comply with the Zoning
10 Commission's directive to implement a
11 Neighborhood Action Plan and we have
12 discipline records to document that we held
13 students accountable through our Conduct Code
14 for violations of law committed off campus.

15 Continuing complaints from
16 neighbors, however, suggested that we needed
17 to do more. We listened to their concerns and
18 in the spring of 2010 we amended our Student
19 Conduct Code to give us the authority to
20 address misconduct off campus without formal
21 police action. Jurisdiction under the revised
22 code now extends to include when a student's

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1 alleged misconduct has a negative effect on
2 the university's pursuit of its mission or on
3 the well being of the greater community.

4 To points that Ms. Leamy made in
5 her handwritten notes to you following her
6 testimony, the AU Conduct Code prohibits
7 disorderly conduct and interfering with the
8 rights of others, harassment and violation of
9 local, state or federal law such as the new
10 Disorderly Conduct Amendment Act of 2010.
11 When students or I organizations commit a
12 second violation after a formal warning, they
13 can then be charged with at minimum failure to
14 comply with the directive of a university
15 official.

16 On June 9 I testified that our
17 objectives have been to reduce the number of
18 problem properties in the neighborhood, to
19 reduce the number of complaints per property
20 and to reduce the severity of the misconduct
21 reported. Our records indicate that we are
22 making progress in meeting these objectives.

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1 Between August 29 and October 31 this fall we
2 have recorded seven incidents of disruptive
3 off-campus conduct at single-family
4 residences.

5 One incident and the related
6 address could not be linked to any AU student.
7 Two incidents were reported by neighbors who
8 chose to resolve the matters themselves and
9 specifically requested no additional
10 involvement by the university. However,
11 follow up with these neighbors confirms that
12 there have been no further incidents. In the
13 four remaining cases I have met with the
14 students involved, issued them written
15 warnings and I have followed up with neighbors
16 in subsequent weeks.

17 These four incidents have resulted
18 in charges under the Student Conduct Code
19 against both individual students and against
20 two student organizations. The cases are
21 recent and are still pending.

22 We recognize that we must continue

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1 to improve on our record and we are making
2 progress through the consistent application of
3 the planned enhancements I identified on June
4 9. I am pleased to report tonight on the
5 status of these initiatives.

6 On August 23, prior to the start
7 of classes, we sent letters to all students
8 living in the 20016 ZIP code to establish the
9 university's expectations for their conduct in
10 the community and to outline the procedures we
11 use to manage complaints. In September, we
12 required all student organizations and sports
13 teams that rent group houses to identify a
14 house contact person and to register the house
15 address with student activities or athletics,
16 as appropriate. This provision has already
17 proven beneficial in responding to two
18 complaints in recent weeks.

19 We heard from Ms. Leamy and others
20 that landlords have to be a larger part of our
21 intervention strategy. We hear this and we
22 agree as I expressed in my testimony on June

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1 9. We are taking steps to identify the
2 landlords and property management companies
3 renting to AU students in our ZIP code area.
4 We will partner with them to develop
5 preventative and intervention strategies for
6 problem solving. This effort is just
7 beginning. It's worth noting that Ms. Leamy
8 had reportedly prompted the landlord of the
9 Van Ness Street property to terminate her
10 lease with the current residents effective
11 December 1. Communication among neighbors,
12 landlords, AU and students in two problem
13 houses last spring led to a similar outcome
14 when students vacated those houses at the end
15 of their lease. These landlords have not re-
16 leased their properties to AU students.

17 I and other university colleagues
18 have met with community members on and off
19 campus to listen to their concerns. We plan
20 to invite community leaders to meet with us
21 annually to establish a mutual understanding
22 about our protocols for addressing student

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1 misconduct off campus. We will also
2 regularize contact with homeowners
3 associations in communities near the campus.
4 Even with these initiatives underway we have
5 listened to and heard our neighbors ask us to
6 do more. In response we are building on these
7 planned enhancements by drawing on the
8 suggestions made to us by Ms. Leamy and
9 others. Additional measures in place
10 include the following: After an incident has
11 been addressed, I contact neighbors to follow
12 up and to ensure that the resolution is
13 holding. This strategy is improving my
14 working relationships with neighbors and
15 enabling me to collect additional useful
16 information about our students.

17 To expedite complaint response we
18 are using direct mail to inform neighbors in
19 our ZIP code area about our 24/7 complaint
20 line in the Office of Public Safety and the
21 online reporting form linked to the Dean of
22 Students Office. At Ms. Leamy's suggestion we

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1 are asking the software provider of the online
2 system to enable those who complete the form
3 to retain a copy for their records.

4 To foster good student conduct in
5 communal properties we are meeting with
6 building managers at apartments and
7 condominiums near the campus to offer our
8 assistance if students are being disruptive to
9 other residents. One interaction has led to
10 plans for a group meeting next week at a
11 property where students reside.

12 We are beginning a process to
13 ensure that private residences where AU
14 students rent are properly licensed. If they
15 are not, we will bring these properties to the
16 attention of D.C. government.

17 We have made a concerted effort to
18 curtail off-campus parties during times when
19 we typically see increased activity such as
20 during Welcome Week, Halloween, fraternity
21 recruitment and graduation. We have seen a
22 reduction in the number of neighbor complaints

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1 received this fall. For example, we had just
2 one complaint following the recent Halloween
3 weekend.

4 Finally, AU's public safety is
5 building a more extensive partnership with
6 MPD's 2nd District through reciprocal
7 briefings and coordinated complaint response.

8 In conclusion, over the last year-
9 and-a-half the work of American University's
10 Community Relations Coordinating Committee and
11 its members has enabled us to make measurable
12 progress in shaping our students' conduct. We
13 do enforce our Conduct Code and we do not need
14 police action to bring charges. We do need
15 incident information and identification of
16 students involved and we will be aggressive in
17 seeking these. Repeat violations do bring
18 increasingly severe sanctions even if taken
19 separately the individual violations are not
20 egregious. We have reduced the number and
21 severity of incidents to which we are
22 responding. Our communication lines with

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1 neighbors have improved and we have heightened
2 the awareness and sensitivity of our students
3 to the effects of their conduct on AU's
4 neighbors. Federal law defines the outcomes
5 of specific student conduct cases as
6 confidential information, but word of mouth in
7 our university community is making it
8 increasingly clear to our students that they
9 are accountable for their behavior both on and
10 off campus. Still, we know we are expected to
11 do better and we will.

12 To document our performance we
13 will report aggregate data annually about off-
14 campus conduct cases and outcomes. We can
15 share this information at regular meetings the
16 university will host for neighborhood leaders
17 and we can post it on an appropriate Web site.

18 We are listening to AU neighbors
19 and we are committed to achieving positive
20 neighbor relations through the education and
21 development of American University students.
22 That includes teaching each new group of

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1 students as they develop increased
2 independence, how to live in the community and
3 conduct themselves with consideration and
4 respect for others. Thank you.

5 MR. ABUD: We believe that the
6 intensity of use of the proposed East Campus
7 development is appropriate and consistent with
8 our surrounding neighborhood. The Office of
9 Planning in its report recommended reducing
10 the number of beds on the East Campus to 400
11 and cited a bed density analysis to support
12 their recommendations. We disagree with this
13 new metric which compares land areas to beds
14 on various parts of the AU campus because it
15 was applied only to AU and applied
16 inconsistently on our own campus.

17 If such a metric were to be used,
18 it should be calculated to create a more
19 accurate picture. OP's calculation included
20 the land area of the athletic fields for that
21 section of the campus despite the fact that is
22 a unique use and does not exist on other

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1 sections with which it was compared. The
2 graphic at the bottom shows the field land
3 area which we think should be excluded.

4 This table shows OP's calculations
5 and how we have adjusted them to reflect the
6 effect of removing the fields. What you see
7 is that the bed density proposed for East
8 Campus is comparable to that proposed on the
9 portion of the campus that is south of Mass.
10 Avenue and east of Nebraska. What stands out
11 as an anomaly is not East Campus, but the
12 Nebraska Hall site. OP seeks to establish a
13 new standard and then apply it selectively.
14 Our proposal balances the location of beds on
15 campus, taking into account the university's
16 needs and community interests.

17 In response to concerns raised by
18 the community and the Office of Planning,
19 we're reducing the proposed retail area on the
20 East Campus by eliminating the retail space in
21 building 2, which is nearest New Mexico
22 Avenue. That's a reduction of 7,000 square

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1 feet, which will bring the total retail space
2 to 12,000 square feet. We have submitted for
3 the record our comprehensive retail strategy
4 that outlines how we will select vendors.

5 Next, Kevin Miller will discuss
6 the noise propagation study.

7 MR. MILLER: Good evening. Kevin
8 Miller, Miller, Beam & Paganelli, consultants
9 in acoustics, vibration and audio/visual
10 design. We were requested by the university
11 to conduct a study of the potential impact of
12 the -- acoustical impact of the proposed
13 campus, this proposed housing or -- on the
14 parking lot area.

15 The study was conducted following
16 two forms. We first measured field
17 measurements at the site of both the ambient
18 or background levels and then we also measured
19 levels of simulated activities by the students
20 at the site. This was done by conducting --
21 generating noise levels of typical talking in
22 groups and at an appropriate level and then

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1 also generating background music levels that
2 might be used for either elevated or for -- a
3 student might use while studying if they're
4 not using headphones. It's more common for
5 students to probably use headphones, but if
6 they were using non-headphones, then we used
7 that kind of music level. This information
8 was then entered into a noise model which was
9 created by the CADNA software, which is a
10 well-established international acoustical
11 noise modeling software.

12 The results of the study indicate
13 that the existing noise levels, of course as
14 would expect, are controlled by traffic noise
15 and diminish as you walk away from the -- or
16 move away from the main roadways and increase
17 as you get closer to the roadways. The
18 average levels along the Westover property
19 line were in the 48 to 55 dBA range. The
20 noise model simulation results with the
21 generated or created noise, but taking into
22 consideration the locations of the buildings,

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1 the orientation of the buildings and the
2 buffering effect that would be provided by
3 buildings 4 and 6 -- the noise model indicates
4 that most of the projected noise will not
5 exceed the existing background levels. This
6 is again, as I say is -- incorporates the
7 building locations and orientation.

8 The current plan shows the
9 buildings where the windows are effectively on
10 the sides of the buildings away from the
11 primary residential property line. And then
12 between the buildings and the -- the occupied
13 buildings and the residential area are
14 buildings 4 and 6, which provide a significant
15 buffer or barrier.

16 A worst case scenario was also
17 generated. That's playing loud music from
18 multiple sources scattered throughout the
19 courtyards and the windows. And by the way,
20 this also was all done assuming open windows.
21 Okay? Obviously with the closed windows the
22 levels would be substantially less. And the

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1 levels at the Westover property line were 51
2 to 58 dBA with this what we call worst case
3 scenario. Worst case scenario we understand
4 is not likely though, because that would
5 require -- would be controlled by community
6 policing of the dorm residents if the --
7 because the levels that would generate this
8 worse case scenario would be much higher to
9 adjoining occupants within the building which
10 could very likely disturb them.

11 So in summary, buildings 4 and 6
12 serve as sound buffers. The sound from normal
13 activities will not be above the background
14 noise levels. Based on this and past
15 experience in similar scenarios our
16 professional opinion is that this operation
17 would not cause an objectionable condition
18 from an acoustical standpoint and that's with
19 the understanding that the resident management
20 of activities will prevent this worst case
21 scenario.

22 MS. BUFFINGTON: My name is Beth

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1 Buffington. I'm with Little Diversified
2 Architectural Consulting.

3 This is an image of the back of
4 Katzen and Nebraska Halls and its adjacent
5 neighborhood. There's been a lot of
6 discussion about the relative location of
7 residence halls to neighboring communities and
8 what that impact would be.

9 As you can see here, the proximity
10 of the Nebraska Hall property to the
11 neighborhood houses and you can also -- what
12 you may not know here is that the rooms
13 actually face towards the neighboring
14 buildings. They do have operable windows and
15 there have really been no complaints. Also
16 you can see Katzen at the top of the screen.
17 It does have windows that face the neighboring
18 buildings. And some of those windows are
19 operable.

20 Again, we wanted to talk about the
21 adequacy of the buffer. There's also been a
22 great deal of testimony about the 40-foot

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1 dimension in the buffer. I just want to call
2 your attention to the fact that that occurs at
3 only one point along the Westover property and
4 most of the buffer is significantly deeper
5 than that. And the one point is actually
6 literally a solid point of a building. And we
7 also have discussed what the ground floor --
8 what the uses would be along the buffer
9 buildings.

10 This is building 4, which is the
11 freestanding academic building. You will see
12 in all these slides, which we're just going to
13 go through pretty quickly, along that edge
14 which faces towards the residential buildings;
15 these are the two-story buffer buildings,
16 there are offices and spaces that would all
17 have light sensor controls on the lighting, so
18 the lights would go off whenever these offices
19 were not in use.

20 This is building No. 6, which is
21 the piece that faces New Mexico Avenue. And
22 again, you can see similar kind of

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1 configuration with offices and a couple of
2 smaller seminar rooms along that edge of the
3 building.

4 I also really fairly quickly want
5 to go through -- you asked for more detail
6 about the appearance of the building; and this
7 is all in our testimony for the record, and
8 you can see that we're developing these
9 buildings. And each one of these slides
10 you'll see a smaller image of exactly where
11 this view is taken from. This is taken from
12 Nebraska Avenue. These are essentially
13 developed elevations of the building so they
14 don't show any landscaping. And you can see
15 how -- although we're very early in the design
16 process that we're continuing to develop this
17 idea that we're creating a variety, a texture
18 of materials and depth along the façade.

19 This is building 5, the corner
20 building. And again, with the kind of
21 limestone detailing that is typical on the
22 original campus. This is building No. 6 from

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1 the buffer. Again, typical kind of detailing
2 along that building. Another view of one of
3 the two-story buffer buildings, part of
4 building 6, and building 4 on the end.

5 I did want to say a few words
6 about the site and its location the opposite
7 side of Nebraska Avenue. And it's been
8 characterized over and over again that this is
9 an intrusion into a residential neighborhood.
10 The East Campus is along the edge of the --
11 which I'm -- help me, George -- along Nebraska
12 Avenue here. It's actually in an
13 institutional use right along Nebraska Avenue.
14 Its neighbors are large. Methodist Church.
15 Homeland Security across the circle. Then the
16 NBC Channel 4 news station and the National
17 Presbyterian Church, all of which are large
18 campus-like environments fronting on Nebraska
19 Avenue.

20 In contrast, the Westover Place
21 condominiums find themselves surrounded by
22 high-density residential along Massachusetts

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1 Avenue, and obviously all of those
2 developments in there. And we had some other
3 slides showing the density of their
4 development and the fact that it is already
5 surrounded by much larger and higher density
6 development on all sides. There's very little
7 green space in the development itself. Most
8 of their area is taken up for parking and
9 roads. And so they certainly get a lot of
10 relief from the green space that's created
11 along the American University property line.

12 And once again, these are views
13 along the buffer, what you would see. The
14 building alone. Then with the existing tree
15 cover. The center. These also taken at
16 different elevations of the adjacent buildings
17 again with the tree cover and one view again
18 with the tree cover.

19 Next slide. We've been asked for
20 more detail in the campus planting plan. You
21 can see in this slide the slightly more --
22 less colorful edge here is the existing trees

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1 along this edge. The darker trees are the new
2 trees. And the thing that's been included,
3 for the record, does say specifically what
4 size trees they are and how big they will be
5 at planting. But they're building an under
6 story of evergreen trees along the center of
7 the site which -- because most of the existing
8 trees are canopy trees and also some flowering
9 trees that are the pink trees.

10 And the trees will -- as -- when
11 they're originally planted -- and these are
12 several of the species that are being
13 provided. And as you previously suggested,
14 Mr. May, they're being planted in a 4 or 5-
15 inch caliper or a 12 to 15-foot tree for an
16 evergreen. For some reason they don't do
17 evergreens in caliper. And the top slides
18 show their size when they would be planted and
19 their increase in size in five years. And the
20 smaller trees do grow faster and they do have
21 a better chance of survival.

22 MR. TAYLOR: Since July 2009, when

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1 we began the community dialogue process for
2 the 2011 Campus Plan, AU has sought to balance
3 the multiple viewpoints and respect the
4 different and some times competing interests
5 of the various neighborhoods and stakeholders
6 as the campus plan evolved. We shared
7 planning principles based on the university's
8 academic needs, reviewed sites, produced
9 project ideas, modified them and then modified
10 them again. We created a campus plan Web site
11 where we posted meeting handouts and
12 discussion materials.

13 We held or attended dozens of
14 meetings, some 50 as of June when these
15 Commission hearings began, and we've continued
16 them since then. Some have been large group
17 sessions attended by 30, 40 or more persons,
18 often with representation from the Office of
19 Planning and from the Office of Council Member
20 Mary Cheh. Others were tabletop sessions with
21 a small handful of affected neighbors, and
22 occasionally the one-on-one cup of coffee.

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1 We've agreed on some things and not on others,
2 but we have listened, we have made
3 accommodations and we have altered our plan
4 based on input.

5 The campus plan process is not
6 simple nor easy for anyone, for our
7 neighboring community members or for us, but
8 we appreciate the sincere and often passionate
9 participation of everyone. We know that the
10 campus plan approval process is a beginning,
11 not an end. We will work to honor our
12 commitments and continue the rapport that is
13 essential for the university and the
14 community.

15 Thank you, Commissioners, for your
16 time and attention this evening and over the
17 past few months.

18 MR. TUMMONDS: That concludes our
19 rebuttal testimony.

20 CHAIRPERSON HOOD: Okay.
21 Commissioners, any questions?

22 (No audible response.)

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1 CHAIRPERSON HOOD: Let me just ask
2 this: Did any of the parties get -- and I'm
3 sure this is not -- I'm not sure if it's a
4 requirement. Did they get some of your
5 responses prior to tonight's hearing?

6 MR. TUMMONDS: Well, I think the
7 first document, the list of the 38 responses
8 we've done over the period -- is there -- yes,
9 they've been filing those all the way along.
10 They received -- the environmental noise study
11 was served on everyone last week because it
12 was new information that was provided. And
13 then really the PowerPoint tonight is just
14 furtherance of, you know, information that
15 we've presented previously in the course of
16 these hearings.

17 CHAIRPERSON HOOD: So some of the
18 changes that we have, Mr. Tummonds, that we
19 talked about tonight, because of what we heard
20 during these hearings, they --

21 MR. TUMMONDS: They have -- it
22 will be new, yes. Correct. Some of the

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1 things tonight will be new.

2 CHAIRPERSON HOOD: New today?

3 Okay.

4 MR. TUMMONDS: Yes.

5 CHAIRPERSON HOOD: Okay. All
6 right. Mr. Taylor, you said you had cups of
7 coffee and how you met with the individual
8 neighbors. I didn't hear that at this
9 hearing. I heard that you all were not
10 responsive.

11 And here's the other thing -- and
12 I'm not saying you did or didn't. I'm not
13 trying -- I'm not taking a side here, because
14 I'm -- I don't have a side to take. Not yet.
15 But here's the thing: Why did I hear so much
16 of that if you -- you know, it's common down
17 here to hear something, but we've heard a lot
18 of that. A lot of American's not listening,
19 American University is not listening. It was
20 just -- it was an abundance of it. It was
21 quite -- it was more than usual that I would
22 -- I would think. I think something's wrong.

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1 I just don't know what it is. I haven't
2 figured it out yet, but something's wrong.

3 And then here's the thing: I'm
4 looking at some of these things you've
5 implemented. For me, it needs to be a track
6 record. And for me, if you heard those things
7 prior to this hearing, just to accommodate the
8 hearing and say that we're going to do this
9 now, I think it's too late. I think some of
10 these things should have been put in place
11 when the outcry came. So I'm having a problem
12 figuring out why now, just in front of us, get
13 through the Zoning Commission and move on and
14 go back to the status quo. Why weren't some
15 of these things put in place three, four years
16 ago to mitigate some of the issues that right
17 now we have no track record for? And I'm
18 talking about just what you presented tonight.

19 MR. TAYLOR: Well, a couple of
20 things: First of all, regarding the first
21 part of my testimony, it was based on a look
22 back on all of the things that we have done,

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1 a number of things that we have done over the
2 pst decade and more, particularly for the
3 athletics fields. So there is a record of
4 achievement. There is a record of change.
5 There were slides to demonstrate the changes
6 we have made.

7 The sound issue is a single issue.
8 The decibel level is a single issue in a
9 larger program of mitigation. And so, that's
10 one point I'd like to make on that.

11 Now, regarding the sound issue in
12 and of itself, as I suggested, we are
13 monitoring. We are adjusting. And we're
14 really to make those records public. So that
15 again is what we are willing to do going
16 forward. But again, I suggest that you look
17 at the entire record of the last 10 years,
18 even the last 20 years of all of the
19 mitigation that we have done on that side for
20 that particular item.

21 And as far as the cups of coffee,
22 yes, let me just suggest that we've -- my

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1 point is we've met large meetings, medium-size
2 meetings, one-on-ones. And it's all very
3 important, because admittedly we have a number
4 of different communities that surround us.
5 And even though in large public meetings
6 people might get dug in and take strong
7 positions, we still want to be able to pick up
8 the phone and walk the campus and compare
9 notes and treat each other like human beings.
10 And that is part of the dynamic.

11 CHAIRPERSON HOOD: All right. The
12 buffer. I'm looking here at the new proposed
13 -- I think I had it right, the new proposed
14 conditions. I heard a lot even tonight about
15 the buffer that people would like to see
16 around their homes, around the Westover homes,
17 I believe is the area. And I'm looking here
18 at your new condition, No. 11, locate a 65-
19 foot landscape buffer along the property line
20 adjacent to Westover Place on the East Campus.
21 Unless I got something confused, I heard
22 tonight that -- how did you get the 65? Was

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1 that consulting or working with the community?
2 Or is that what you all agreed to, or was that
3 just something -- what we heard is American
4 just say this is what we're going to do and
5 that's it. Is that one of those cases, or did
6 you all work with the community on that? Did
7 the community all work together to get the 65?
8 Because I heard they wanted over 100 and 100,
9 I think -- 120 I think is what it was. But
10 anyway. How did we get to 65?

11 MS. BUFFINGTON: Well, we're 100
12 feet to the residential buildings. And, you
13 know, this campus plan has changed
14 dramatically. And my firm's been working on
15 it for about 16 months. And when we started
16 working with American University, East Campus
17 was all residential. And there were -- and
18 the buffer was a little bit wider, but there
19 were residential rooms that -- there were no
20 buffer buildings and there were residential
21 rooms that faced the community.

22 And as we met with the community,

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1 they requested that there be administrative or
2 academic buildings on that campus that formed
3 a buffer with their homes. And so, the
4 university said what if we put in a two-story
5 academic administration building here? You
6 know, that will not be any taller than your
7 homes. You will still have the substantial
8 landscape buffer along the edge where all of
9 the existing trees that are -- and there is a
10 big stand of canopy trees there along that
11 property line before you get to where the
12 existing parking lot is. All of those trees
13 will be retained. And then we'll supplement
14 them further with evergreen trees on this
15 under story of, you know, smaller trees and
16 ornamental trees. And so that, you know, as
17 much as possible year round you will not even
18 see these smaller buildings.

19 And then as well these residential
20 rooms which offend you will not face you. So
21 they will not look into your homes, so that
22 you will look at the end of the residential

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1 buildings, so that the residential building
2 that looks towards the community is -- and I
3 can't remember the distance, but it's over 250
4 feet away. And again, there would still be
5 the substantial screening.

6 So I would say that this plan --
7 and the number of beds has gone down from
8 1,000 to, what was it, 790 and then --

9 MR. ABUD: Seven-seventy.

10 MS.BUFFINGTON: And now it's down
11 to 590. So the university has continued to
12 move forward with replacing beds on this
13 campus with administrative and academic
14 buildings, which honestly, in meetings that I
15 attended the community said was what they
16 wanted, that they felt that that would help.

17

18 CHAIRPERSON HOOD: Okay.

19 MR. ABUD: I think perhaps I could
20 add something that -- part of the issue is
21 that, yes, we have done many things to address
22 the concerns that have been raised with us.

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1 We haven't necessarily done them in the exact
2 fashion that people have wanted. And so, you
3 cited the 120-foot buffer that was requested
4 tonight. We've been told prior to this a 180-
5 foot buffer is what we ought to do. We didn't
6 think -- we think -- we thought we could
7 accomplish the same amount of mitigation with
8 the proposal that we have before. And we've
9 addressed it, just not in the exact way that
10 people have requested.

11 CHAIRPERSON HOOD: And I'm in no
12 way suggesting that you have to do exactly the
13 120, but my main point was in this I guess you
14 mentioned that you took into consideration
15 what the community asked. I just wanted to
16 know, has that been a dialogue or has that
17 been discussed before we got to this point
18 where we are here? That was pretty much where
19 I was. And I think Mr. Tummonds had answered
20 my question on that.

21 And I go back to the Katzen
22 Center. I know there was some -- I probably

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1 shouldn't bring this up, but I remember
2 sitting on that case. There was some
3 opposition. And I heard tonight how great the
4 Katzen Center was. So, you know, those are
5 the kind of outcomes that we want to achieve,
6 even though it was rough getting there.

7 I have a number of questions. I
8 will tell you that -- but you know what, I'm
9 going to withhold mine. I don't have time to
10 do this.

11 Any questions, follow-up
12 questions? Commissioner Turnbull?

13 COMMISSIONER TURNBULL: Thank you,
14 Mr. Chair.

15 Getting back to what you were just
16 on, continuing on your line of questioning
17 regarding the landscape area adjacent to
18 Westover, what's -- I don't really -- I'm
19 looking -- how high is the wall, the brick
20 wall?

21 MS. BUFFINGTON: The brick wall is
22 six feet high.

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1 COMMISSIONER TURNBULL: It looks
2 higher, but it's still going to remain at six
3 feet?

4 MS. BUFFINGTON: It's -- is it our
5 -- is it the -- it's not the university's
6 wall.

7 COMMISSIONER TURNBULL: Oh, it's
8 not the university's wall. That's right.
9 Well, what happens then by the parking lot?

10 MS. BUFFINGTON: It's exactly the
11 same. The parking lot's in exactly the same
12 place that it currently is in the one end.
13 We're leaving the existing parking lot in
14 place and we're -- and the existing trees are
15 staying in place. And we're planting more
16 evergreens and more under story trees down in
17 that part of the landscaping as well.

18 COMMISSIONER TURNBULL: Yes, I
19 think you may have heard some of the comments
20 about students gathering there, maybe -- I
21 mean, it's a policing issue for students
22 throwing either beer cans or a pop can or

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1 bottles, you know soda cans into the next door
2 neighbors. How are you going to police that?
3 I mean, is that -- I mean, you're going to
4 have students there. I don't -- I mean, how
5 do you -- how are you going to deal with that?

6 MS. BUFFINGTON: Typically as
7 happens on that campus right now, public
8 safety patrols the exterior of the buildings.
9 The patrol that parking lot as well, so that
10 certainly is something that would continue.
11 Again, we've discussed in earlier hearings the
12 staffing of the buildings. They would be
13 responsible for the interior of the
14 residential communities there. And so between
15 public safety and the staffing, the student
16 and professional staff available on that
17 campus, it would be well monitored as the rest
18 of the campus is.

19 COMMISSIONER TURNBULL: And the
20 distance from the parking lot to the wall is
21 about 20 feet? Thirty feet? Twenty feet?

22 MS. BUFFINGTON: You know, I don't

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1 know. I'm not sure what it is. It is the
2 existing condition. I mean, it varies.

3 COMMISSIONER TURNBULL: Yes, it
4 looks like it's the narrowest point there.

5 Let me ask you: If you're going
6 to make it denser with trees and try to make
7 the landscaping a little bit more dense in
8 that area -- so is there a security issue for
9 students then? Are you going to have the
10 little blue towers around there? What about
11 lighting? And then the question is you've got
12 lighting for security, but then you want
13 lighting that's not going to impose on the
14 neighbors.

15 MS. BUFFINGTON: We actually
16 submitted a lighting plan previously. And all
17 the lighting is directed downward so the
18 lighting is not in people's eyes but is on the
19 ground where it does the most good.

20 COMMISSIONER TURNBULL: What about
21 the security issue?

22 MS. BUFFINGTON: Yes.

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1 COMMISSIONER TURNBULL: What
2 about --

3 MR. ABUD: We don't have to -- we
4 don't plan to light the landscaped area, the
5 landscaped buffer. Our instructions to our
6 students is that, you know, you stay in
7 lighted areas. Areas like this or athletic
8 fields; there are many areas around the campus
9 which are heavily landscaped, and our students
10 are instructed those are closed at night.

11 COMMISSIONER TURNBULL: Yes, but
12 you do have those typical security columns?

13 MR. ABUD: We do have the security
14 -- you know, we really haven't discussed
15 putting one of those back there, but that's
16 certainly an option.

17 COMMISSIONER TURNBULL: I'm just
18 throwing that out. Just curious how you're
19 going to deal with it.

20 Let me go on back to Mr. Miller
21 then with the noise. You've measured -- I
22 looked at the one page. On 23 it shows SL1,

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1 SL2, and then there's a series of red dots
2 which you then talk about -- or you get into
3 the noise model. Noise levels. You talk
4 about the average noise level of Westover
5 property line, and 48-55 dBA. And the noise
6 is coming from just ambient noise from the
7 streets, from --

8 MR. MILLER: Want me to --

9 COMMISSIONER TURNBULL: Yes.

10 MR. MILLER: Okay. During the day
11 time the dominant ambient noise was the
12 streets, without a question. The streets are
13 pretty much pervasive through that, the
14 traffic noise is. And that's why the level
15 drops off as you walk away from the streets so
16 that you can see the levels are lower in the
17 central -- between the streets areas and it
18 rises quickly as you get towards -- closer to
19 the streets.

20 COMMISSIONER TURNBULL: And then
21 these levels were recorded --

22 MR. MILLER: Okay. We measured --

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1 again, we -- this was a relatively recently
2 done study.

3 COMMISSIONER TURNBULL: Right.

4 MR. MILLER: So we have a limited
5 time. But the measurements were conducted
6 both during day time hours and then late
7 evening hours. Now late evening meaning say
8 8:00, 9:00. Not like 3:00 in the morning, but
9 8:00 or 9:00 at night. The average day time
10 hours -- there was not much difference between
11 them by the way. What happened was when you
12 take -- but I want to qualify that to be --
13 you know, to make sure you have the full
14 picture.

15 COMMISSIONER TURNBULL: Yes.

16 MR. MILLER: To give a proper and
17 fair picture. The day time was clearly
18 dominated by the traffic. As you got into the
19 evening hours, it dropped off a little, but
20 very little. It surprised me how little it
21 drops off. And then when you start getting
22 into the later evening, it actually went back

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1 up. It went back up because we started
2 getting impacted by insect noise, which is
3 something we run across all the time as
4 acousticians. It's something you forget about
5 or don't think about, but it's a nightmare to
6 us to some extent when we're trying to do
7 other kinds of measurements, like for example,
8 we're trying to actually measure traffic for
9 a different -- I don't know if you ever heard
10 of LDN and highway noise studies before. But
11 when you're trying to do that and the insect
12 noise is higher than the highway noise, it
13 complicates trying to make a measurement like
14 that. So, yes, the noise level actually went
15 back up after -- I don't remember the exact
16 time, but by the time you got to 9:00, it was
17 back up comparable to the earlier
18 measurements.

19 COMMISSIONER TURNBULL: When you
20 do your modeling --

21 MS. SCHELLIN: Yes.

22 COMMISSIONER TURNBULL: -- and you

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1 look at what's going to be going in there; and
2 you talked about music noise that could be
3 generated, we talk about -- I mean, it was
4 mentioned equipment noise, mechanical
5 equipment noise from rooftop units. That's
6 all taken in?

7 MR. MILLER: For this model, no.
8 Okay. This model was trying to generate what
9 would happen from the activities. Okay. But
10 the equipment noise, the reason why we don't
11 normally take equipment noise into
12 consideration in a model like this; although
13 we will and do for other purposes or other
14 conditions --

15 COMMISSIONER TURNBULL: Yes.

16 MR. MILLER: -- is that -- of
17 course these buildings are way early on, but
18 normally in a project like this we would get
19 involved in -- you were asking some of the
20 projects we do. We also do high-rise
21 condominiums, we do --

22 COMMISSIONER TURNBULL: Yes.

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1 MR. MILLER: Okay. We would
2 normally get involved in a dorm project like
3 this to help like partitions between rooms and
4 mechanical system noise, not only to the
5 building itself, because we care about how
6 much noise levels the students have or in a
7 classroom where you can't have too much noise
8 level in a classroom, but also we have to make
9 sure that we meet the D.C. Noise Code. Okay.
10 That's -- because unfortunately a fair amount
11 of work is what we call corrective, where we
12 get called in because --

13 COMMISSIONER TURNBULL: Right.

14 MR. MILLER: Okay. So the
15 equipment would have to be designed
16 accordingly and properly to make sure it meets
17 the Noise Codes. Therefore, it should not be
18 an issue in its own right because it should be
19 less than the D.C. Noise Code.

20 COMMISSIONER TURNBULL: Yes. In
21 your estimation, I mean, these academic
22 buildings are the "buffer." We talk about the

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1 benefit of them. Is there a percentage, or
2 how do you look at how much those buildings
3 are taking away from the impact? Is there a
4 way to measure that, or --

5 MR. MILLER: No, it's -- the model
6 does that for us. But in the old days before
7 these kind of models existed we had to do it
8 by hand. But basically, yes, there's a
9 methodology and it's fairly -- I'm not -- I'm
10 sure you'd be able to understand it, but most
11 people glaze when you start to try to go over
12 it. But simplistically; and I'm using
13 literary license here because a purist would
14 shoot me for some of this, but -- okay.
15 Simplistically --

16 COMMISSIONER TURNBULL: We won't
17 shoot you. We're not going to -- we just --

18 MR. MILLER: Simplistically --

19 COMMISSIONER TURNBULL: We like
20 simple things, too.

21 MR. MILLER: First of all, a
22 barrier, be it a building or just a physical

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1 barrier, is much more effective than trees,
2 unless you have a forest. When I say a
3 "forest," I mean hundreds and hundreds of
4 feet. But just a row or two of trees is not
5 as effective acoustically as a physical solid
6 barrier. The building acts as a barrier; or
7 i.e., a physical solid entity to break the
8 line of sight. How effective it is depends on
9 what's called the effective height of the
10 barrier. The effective height of the barrier
11 is how much the barrier sticks up above the
12 line between the source and the receiver. So
13 if you draw a line between my ear -- or your
14 ear and my voice, and then you put a barrier
15 up, how much higher than this direct -- the
16 part of the dais below you is not serving
17 anything at all. But if I start going down
18 here, okay, you're starting to get into -- I'm
19 just using that --

20 COMMISSIONER TURNBULL: Yes. No,
21 I understand.

22 MR. MILLER: Okay. You're

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1 starting to -- that's starting to become a
2 barrier. All right. And then the higher the
3 barrier is above that line, the more effective
4 it is. So two things affect a barrier's
5 performance: How high it is above that line
6 and then the angle of incidence. If you have
7 a very gradient angle, the barrier's not as
8 effective as a steep angle.

9 COMMISSIONER TURNBULL: Okay.

10 MR. MILLER: Those two factors.
11 So that's all calculated into the model.

12 COMMISSIONER TURNBULL: Okay.

13 MR. MILLER: So we place sources
14 at different locations. When we did this
15 simulation we placed some sources at high
16 windows, some sources at low windows, some
17 sources in the courtyards. That was our
18 assessment when we tried to create the model.
19 We tried to create a statistical sample of
20 noise scattered throughout the area, all these
21 different sources, and then the barriers given
22 in the model, as put in the model

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1 mathematically as to how high the building is
2 and where it is. Then the model then
3 generates the noise -- anticipated noise
4 levels around. And if you look at the model,
5 you'll see there's a little blurb of noise
6 sticking out between the two buildings. And
7 that might help answer your question about how
8 effective --

9 COMMISSIONER TURNBULL: Okay.

10 MR. MILLER: Because that's where
11 you don't have a barrier. Does that --

12 COMMISSIONER TURNBULL: And that
13 -- yes. No, I think -- no, I understand. And
14 typically you would be involved in the design
15 of the academic building mechanical -- getting
16 involved --

17 MR. MILLER: Typically we would,
18 that is correct. Typically we get -- I
19 mentioned numerous universities in the past.

20 COMMISSIONER TURNBULL: Yes.

21 MR. MILLER: And I said we -- in
22 fact we did the Katzen Art Center. But, yes,

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1 we typically get involved --

2 COMMISSIONER TURNBULL: Okay.

3 MR. MILLER: -- in the design for
4 many reasons, including mechanical noise.

5 COMMISSIONER TURNBULL: Okay.

6 Thank you. Just one more question for Ms.
7 Buffington. When you -- and in the layout of
8 the campus, is the -- we see the different
9 heights or the setback; 55, 60. Is there any
10 -- I'm just wondering. When you -- on the
11 site plan, as far as tweaking the site plan,
12 tightening up the courtyards, the spaces, the
13 quads that are created? Is that your optimal
14 plan right now, or do you still have work to
15 do on this? Or whereabouts are you in the
16 siting of the buildings? Is this pretty much
17 where you're going, or do you see yourself
18 tightening up to try -- is there -- I mean, I
19 guess what I'm looking at is there any other
20 manipulation --

21 MS. BUFFINGTON: Can we make it
22 make farther away from the --

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1 COMMISSIONER TURNBULL: Yes, I'm
2 throwing that out because I'm sure there's
3 people out there thinking the same thing.

4 MS. BUFFINGTON: I know. Yes.
5 And you know, I will say that where we've
6 landed has a lot to do with the number of
7 beds, and it also has to do with sort of the
8 -- I hate to use the word "optimal," but the
9 way a residence hall is designed. You know,
10 I think that people tend to think of residence
11 halls as just, you know, we build the number
12 of beds and we sort of keep students there.
13 But in fact, we work very closely with the
14 residential life people on campus, because in
15 fact we're trying to provide the right kind of
16 environment so that the students do develop --
17 a lot of skills are taught in the residence
18 halls about getting along with other people,
19 about being good neighbors. You know, I can
20 see it's not always obvious to --

21 COMMISSIONER TURNBULL: Yes.

22 MS. BUFFINGTON: But it is

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1 something the university works very hard on.
2 And so, each residence hall floor does have
3 residential life assistants on it and there
4 are optimal sizes for those communities for
5 the ages of students that will be served in
6 these buildings. So that's one thing.

7 And so, as we make those
8 buildings, like buildings 2 and 3 shorter, and
9 shorter because we push the buildings farther
10 away from the houses, the buildings get -- are
11 less desirable. And then we have a problem of
12 when we cut the number of beds back on this
13 campus, you know, where does it squeeze out
14 somewhere else? And we've gone through a
15 number of configurations, and this one works
16 really well and achieves all of the
17 university's goals and we think that the
18 buffer is really -- it's substantial, I mean.

19 And I guess I have to go back to
20 using the siting of Nebraska Hall, you know,
21 as an example of how close those residence
22 halls are to the property line. It has -- it

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1 does have -- there is a tree canopy in there
2 and -- but the rooms actually face the
3 neighbors. And I don't believe that the
4 university has any complaints about that
5 facility. And also, you are seeing the end of
6 the residence halls. The neighbors see the
7 ends of the residence halls. The rooms do not
8 face them. They see a two-story building.
9 And the residence hall, the development of
10 those residential quads is beyond a row of
11 buffer buildings.

12 COMMISSIONER TURNBULL: Okay.
13 Thank you.

14 CHAIRPERSON HOOD: Okay.
15 Commissioner May?

16 COMMISSIONER MAY: Thanks. First
17 let me say that, sir, the overall picture that
18 I'm getting is -- of the plan as it stands
19 right now is that a lot of what you've done is
20 very sensible, but it seems like there's still
21 some room for improvement. And I think one of
22 the areas where there's also room for

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1 improvement is how you're speaking to people,
2 frankly, and I don't mean just the words that
3 you use or whatever. It's sort of the whole
4 impression, because what we're getting is a
5 lot of angst from the community. And some of
6 it seems to be -- you know, sort of flow back
7 to issues of I guess feelings like their views
8 are not being heard and they're not being
9 communicated too well. And I can see bits and
10 pieces of that in what you present to us. And
11 I don't think that this is -- I don't, you
12 know, attribute any malice to anybody on
13 either side of this, but it's just the way
14 people use words.

15 The fact that you came up today
16 and made a point of correcting testimony of
17 someone else. "Correcting" is the wrong word.
18 I mean, if you want to rebut something or
19 respond to something, that's one thing. But,
20 you know, people make their own testimony, and
21 unless you want to go back and correct your
22 own testimony; you can do that, but don't try

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1 to correct their testimony. I think that just
2 sort of sets the wrong tone.

3 I also think that there are some
4 ways in which what you present to people seems
5 a little bit deceptive. And again, I don't
6 think that this is intentional. I don't think
7 it's malicious. But when I look at things
8 like the rendering of the -- you know, toward
9 the end where we see in your most recent
10 presentation, where we show the views of the
11 buildings from the East Campus and then we
12 show the views with the trees. I mean, those
13 are some incredibly dense trees. I mean, I'd
14 like to know where you get those trees,
15 because we could use more of them in the Park
16 Service. I mean, I don't -- you're going to
17 be able to see more of the building through
18 those images. And I know you're trying to do
19 it accurately, but I just don't believe that
20 that's really what you're going to be able to
21 see. I think it's going to be a bit more
22 porous than that. And I think that's kind of

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1 what comes across.

2 It also doesn't help when you
3 show; what is it, slide -- the last one.
4 Fifty? Showing that buffer obliquely like
5 that, of course it's going to look dense. You
6 can't see anything through that when you look
7 at it at an angle like that. And it's not
8 really an honest picture. And again, I don't
9 think any of this is deliberate or malicious.
10 I just think that it creates this impression
11 that you're trying to make things look better
12 than they really or and I just think it sets
13 the wrong tone.

14 But that having been said, when we
15 look at the size of the buffer and we look at
16 the distance between the dormitory rooms and
17 the homes, I don't think it's -- what you're
18 proposing is that far off the mark. I
19 definitely can look -- when I look at that
20 overall campus plan, it seems to me like, yes,
21 you could move things around a little bit.
22 You could make some more space. The buffer

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1 could be a little bit bigger. And I think
2 it's worth it for you to do that, just like
3 you've looked at a lot of your positions.
4 From the time you walked in the door here and
5 started presenting, I think you've made some
6 helpful changes and I think that some helpful
7 -- I mean, some further reexamination would be
8 helpful. That's the end of my lecture portion
9 and I'll go into some questions.

10 The -- oh, I did want to say one
11 other thing, which is that when you refer to
12 the further steps when it comes to, you know,
13 dealing with issues with off-campus housing,
14 where students are in housing off campus and
15 they cause issues and how you enforce some
16 things, that you know, it looks really good
17 what you described in terms of what's
18 happening in 2011, but it looks like it's
19 what's happening in 2011. It's not -- I mean,
20 this is a very short period of time. And
21 those numbers look pretty good, but I'm not
22 sure that -- I don't get the sense that what

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1 you're doing this fall is what you were doing
2 last year or the year before, or two or three
3 years ago. It seems like it's sort of an
4 immediate remedial effort because of the fact
5 that you're before us right now and you're
6 trying to do things the absolute best that you
7 can.

8 Maybe that's not the case. Maybe
9 you can give us some information that
10 indicates that in fact it really has been
11 consistent. I hope that's not the case,
12 frankly, because if, you know, you're making
13 the same effort now that you were making two
14 years ago and you're having good results --
15 you know, these are the results that you're
16 getting now, it's falling short because we
17 have too many people coming here and testified
18 that there are still major problems. I'm
19 hoping that this new effort, that this effort
20 right now is a new effort and that it is more
21 effective and that you can explain to us how
22 much better it's going to be as a result of

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1 these efforts. And that will help address the
2 concerns of the neighbors.

3 If in fact it's exactly what you
4 were doing before and you're just trying to
5 prove to us that it's good enough, it hasn't
6 been proven, is what it boils down to.

7 CHAIRPERSON HOOD: Commissioner
8 May?

9 COMMISSIONER MAY: Yes?

10 CHAIRPERSON HOOD: May I just
11 interrupt you for a moment? I want to get us
12 a status of a time check about how far we're
13 going. Looks like we're going to have to go
14 into Monday, November the 7th at 6:30. And I
15 will tell you that the good part about it is
16 it gives the parties a chance to look at what
17 was presented to you tonight. That's the good
18 part. Bad part about it is you have to come
19 back on Monday. So I think -- and for the
20 sake-ness of us and how much we can retain and
21 tolerate and absorb, I think it'll be better
22 for us to go into cross-examination of all the

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1 parties on Monday.

2 Does anyone have a -- well, let me
3 keep that question to myself. So Monday at
4 6:30.

5 COMMISSIONER MAY: I have no
6 problem with that.

7 CHAIRPERSON HOOD: Monday at 6:30.
8 And, Ms. Schellin, if I am not here, I will
9 read the record. Okay?

10 COMMISSIONER MAY: Okay. I'll try
11 to make the rest of my questions faster.

12 I was a little confused. The
13 retail is now about 12,000 square feet, is
14 that right?

15 MR. ABUD: That's what our
16 proposal is now, yes.

17 COMMISSIONER MAY: And what was it
18 when you walked in the door?

19 MR. ABUD: Seventeen-thousand.

20 COMMISSIONER MAY: Okay.

21 MR. ABUD: Excuse me. Nineteen
22 thousand.

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1 COMMISSIONER MAY: Nineteen
2 thousand? Okay. You know, sometimes it's
3 helpful to know -- you know, for you to repeat
4 some of that stuff that you said before,
5 because then otherwise I have to go fumbling
6 through my giant stack and look things up.

7 Okay. Now I have questions for
8 Mr. Miller. I don't know, did you hear Mr.
9 Brenner's testimony? Did I get that name
10 right? Brenner. Braunner.

11 PARTICIPANT: (Off microphone.)

12 COMMISSIONER MAY: Yes.

13 MR. MILLER: I was here.

14 COMMISSIONER MAY: Okay. So
15 either in his testimony or what we received in
16 the written testimony there was discussion.
17 I think you addressed the time or day issue a
18 little bit. I'm just curious though, how does
19 that translate? Sort of the 9:00 p.m. sound
20 level, how does that translate in numbers? Is
21 that in the 40s or 50s or --

22 MR. MILLER: Well, as I said, it

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1 went back up around 9:00 because of the insect
2 noise.

3 COMMISSIONER MAY: To about what?

4 MR. MILLER: Oh, oh.

5 COMMISSIONER MAY: About what --

6 MR. MILLER: What we were getting
7 before, which was the -- let me find my --
8 typically the background levels were running
9 in the 48 to 55 dBA range, depending on where
10 you were.

11 COMMISSIONER MAY: Okay.

12 MR. MILLER: And it dropped off a
13 little bit, a couple of dB, when you started
14 getting into the 7:00, 8:00 range, but then
15 went back up around 9:00.

16 COMMISSIONER MAY: Okay.

17 MR. MILLER: So there was no sense
18 in trying to get even later, because we were
19 controlled by insects.

20 COMMISSIONER MAY: Fine. So then
21 the next question which was sort of open for
22 me was the issue of where your readings were

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1 taken above ground, because, I mean, you
2 talked about line of sight before. Third
3 floor bedroom, 9:00 or 10:00 at night,
4 somebody's trying to go to sleep, their line
5 of sight to the noise producing source is more
6 direct. The barrier building is probably
7 going to be less effective. Did you do
8 anything to try to measure that or understand
9 what the sound would be at that height?

10 MR. MILLER: Measure, no. Model,
11 yes.

12 COMMISSIONER MAY: So --

13 MR. MILLER: If you look at the
14 report, the model gives you ground level and
15 third-story level.

16 COMMISSIONER MAY: Okay. All
17 right. So I'll look more carefully at the
18 report then.

19 MR. MILLER: And I'll be glad to
20 explain further, but it's there.

21 COMMISSIONER MAY: No that's okay.
22 That's fine.

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1 MR. MILLER: Okay.

2 COMMISSIONER MAY: I need to spend
3 more time with your report.

4 MR. MILLER: It's --

5 COMMISSIONER MAY: Acoustics are
6 not my field, so it takes a little time.

7 So last question I have for you is
8 how loud is 55 dBA? I mean, I remember
9 reading things, learning a certain amount of
10 acoustics --

11 MR. MILLER: Actually an excellent
12 question.

13 COMMISSIONER MAY: -- when I was
14 in school and there were, you know, what
15 things translated to. You know, conversation
16 in a room, a car in a street, a motorcycle
17 going by, an airplane taking off. What's 55?

18 MR. MILLER: Okay. For reference,
19 typical conversation -- of course it'll vary,
20 but typical conversation on average between
21 two people in a room -- I'm not talking in a
22 hearing room with amplified sound, but in a

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1 room three feet apart from each other is
2 around 60 decibels. That would be a good
3 normal average for normal conversation.

4 COMMISSIONER MAY: Okay.

5 MR. MILLER: The noise level in
6 this room -- I didn't -- should have brought
7 a meter, but with everybody stopped talking I
8 hear the HVAC, the heating ventilation and
9 air-conditioning.

10 COMMISSIONER MAY: Yes.

11 MR. MILLER: It's probably -- I'll
12 take a stab and say 40 -- a little over 40
13 dBA.

14 COMMISSIONER MAY: Okay. So at
15 what point -- I mean, I know there's a -- I
16 read somewhere there's a limit, night time
17 limit or something like that, of 55.

18 MR. MILLER: Fifty-five is
19 typically a code.

20 COMMISSIONER MAY: Okay. And but
21 there's also a higher limit for day time, is
22 that right?

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1 MR. MILLER: It depends on the
2 jurisdiction. I believe D.C. is 60.

3 COMMISSIONER MAY: Sixty?

4 MR. MILLER: Yes, I can't keep
5 them all in my head because we work --

6 COMMISSIONER MAY: I understand.
7 I understand. And at 60 what does that sound
8 like?

9 MR. MILLER: Okay. Well, I just
10 mentioned that 60 is --

11 COMMISSIONER MAY: Oh, 60 is
12 normal conversation?

13 MR. MILLER: Normal conversation
14 at --

15 COMMISSIONER MAY: Okay. So but
16 so you can't have anything louder than a
17 normal conversation in the District during the
18 day? I mean, that doesn't seem like it's the
19 right limit.

20 MR. MILLER: Well, first of all,
21 the --

22 COMMISSIONER MAY: I thought it

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1 was more like 80 or 90.

2 MR. MILLER: Typically -- that's
3 construction noise.

4 COMMISSIONER MAY: Oh.

5 MR. MILLER: Typically -- or
6 industrial. Typically the Codes exempt human
7 voice.

8 COMMISSIONER MAY: Right.

9 MR. MILLER: So the Code exempts
10 human voice for just that reason, because
11 otherwise --

12 COMMISSIONER MAY: So I'm playing
13 my stereo in my house. What's the limit on
14 that going to be?

15 MR. MILLER: It would be that --
16 technically it would be the Code and --

17 COMMISSIONER MAY: It would be 60?

18 MR. MILLER: Yes. Now, it's
19 almost never enforced.

20 COMMISSIONER MAY: Right.

21 MR. MILLER: But technically if
22 somebody were to come out and measure and you

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1 were playing it over 60, you would be
2 exceeding the Code.

3 COMMISSIONER MAY: Okay.

4 MR. MILLER: Okay.

5 PARTICIPANT: Want to look at a
6 meter, sir?

7 COMMISSIONER MAY: No, thank you.

8 PARTICIPANT: I'm measuring what's
9 going on right now and it's been --

10 COMMISSIONER MAY: Oh, you can't
11 -- we're doing questions for the Applicant.
12 Thank you.

13 All right. I think that's it for
14 my questions. Thank you.

15 CHAIRPERSON HOOD: Okay. Vice-
16 Chairman Schlater?

17 VICE-CHAIRMAN SCHLATER: Thank
18 you, Mr. Chairman.

19 I just wanted to go through a
20 couple of your responses on the OP conditions,
21 one of which is it is unnecessary to reorient
22 the bleachers in order to mitigate any

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1 potential noise impacts on adjacent
2 properties. What is that based on, that
3 statement that it is unnecessary?

4 MR. TAYLOR: That wasn't part of
5 my testimony, was it?

6 MR. TUMMONDS: I think it was --

7 VICE-CHAIRMAN SCHLATER: It was
8 part of your submission to the Commission.

9 MR. TUMMONDS: We believe that
10 it's -- the fact that it is 450 feet from the
11 proposed new 250 seats to the property line,
12 we think that that distance -- to the nearest
13 house; I'm sorry, is --

14 VICE-CHAIRMAN SCHLATER: Is that
15 based on a sound study?

16 MR. TUMMONDS: I'm sorry, no,
17 that's based on the distance of 450. That's
18 why you read it -- the basis why we thought it
19 was appropriate was the fact that we think
20 that the 450 feet --

21 VICE-CHAIRMAN SCHLATER: And I
22 think to have some evidence backing up that

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1 statement would be helpful, because I'm like
2 Chairman Hood, you know, I don't want to hear
3 about this problem a year -- you know, 10
4 years from now. And I don't think we can just
5 go on the fact that it's 450 feet, so
6 therefore it shouldn't be a problem. I mean,
7 I think it has to have some basis in
8 something, because it is an issue that's been
9 raised by numerous parties in the case and
10 other people submitting testimony. So I think
11 it's something that bears further exploration.

12 All right. OP condition No. 2
13 response: It says, "The university will
14 explore alternative sound systems on Jacobs
15 Field in order to more evenly distribute the
16 sound at ground level." You know, we
17 typically like to hear something a little bit
18 more concrete than exploration and study. You
19 know, we want to hear about actions that
20 you're going to take to mitigate problems. So
21 that's something I'd like to hear more on.

22 The OP condition No. 7, the cap on

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1 law student enrollment at 2,000. There's a
2 small caveat in the statement that was
3 submitted to the Commission and I just want to
4 explore it a little bit. It says, "The
5 university will agree to a cap of 2,000 law
6 students at the Tenley Campus."

7 So the question is, is that a cap
8 on law students, or is that cap on law
9 students at the Tenley Campus?

10 MR. ABUD: Well, the proposal is
11 for the Tenley Campus because we think it's
12 appropriate to have a separate cap because
13 it's a separate facility. The overall cap
14 would cover any law students who might be on
15 the Main Campus, though that certainly
16 wouldn't be our intent, if that's the
17 question.

18 VICE-CHAIRMAN SCHLATER: I guess
19 it doesn't seem definitive to me, so I'm just
20 trying to --

21 MR. TUMMONDS: We will make sure
22 it is definitive --

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1 VICE-CHAIRMAN SCHLATER: Okay.

2 MR. TUMMONDS: -- that the cap is
3 a cap, 2,000.

4 VICE-CHAIRMAN SCHLATER: Okay. I
5 haven't had a chance to read the comprehensive
6 retail plan that you've submitted, but you
7 know, there have been a lot of concerns raised
8 that you'd have a regional retailer come here
9 that would drive traffic, unwanted traffic
10 through the neighborhood, maybe exacerbate
11 parking problems. Is there some way in which
12 this retail plan, which I suspect is going to
13 say we don't want an Apple store in our retail
14 -- how is that going to get implemented in
15 such a way that we can be assured that it will
16 be student-serving, local-serving retail if we
17 do in fact approve retail on the East Campus?

18 MR. TUMMONDS: I think what the
19 retail study is that -- yes, you are in fact
20 correct. It says there will not be an Apple
21 store on the East Campus. I think what the
22 retail study says is based on a Brailsford &

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1 Dunleavy report that there is demand for non-
2 food retail and food retail for the 590 people
3 who are going to be living on the East Campus.
4 As we mentioned before, there is not going to
5 be a central dining facility on this campus,
6 so we think that a significant portion of the
7 12,000 square feet will be food for the
8 residents. The other items, types of
9 retailers were -- I think what they called it
10 -- it was clothing, university branded
11 clothing.

12 MR. ABUD: Yes, insignia wear.

13 MR. TUMMONDS: Insignia wear.
14 That's it. Tutoring services are examples
15 that our consultants said were appropriate for
16 that.

17 VICE-CHAIRMAN SCHLATER: Are there
18 going to be limitations on the type of retail
19 that are going to be -- that you're going to
20 place on yourself as part of the order?

21 MR. TUMMONDS: We can look at that
22 in conditions of approval.

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1 VICE-CHAIRMAN SCHLATER: Okay.
2 Thank you. I was a little concerned about
3 some of the testimony I heard tonight about
4 the parking enforcement, I think, you know,
5 off-campus parking, particularly with what's
6 going over there at DHS. It seems like a bad
7 situation in the neighborhood. Certainly
8 something that AU's trying to respond to with
9 its parking enforcement program. But some of
10 the statistics you put up there. Seventeen
11 percent of all tickets end up getting paid.
12 I mean, you put that in front of the
13 Commission tonight. That to me does not sound
14 like an effective deterrent to off-campus
15 parking. I think we need to figure out a
16 better solution to that. And my hunch is if
17 those were city tickets, the city is pretty
18 good at collecting on parking fines. And so,
19 we may want to look at changing that program.

20 And I would also note that if you
21 look at all of the tickets that were issued in
22 2010, it adds up to about -- it's certainly

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1 less than 10 tickets a day, and my hunch is
2 that there's probably more than 10 cars a day
3 illegally parked around that campus. And I
4 know you can't get to all the parkers, but I'd
5 like to see a more aggressive campaign. It
6 seems like when I think about some of the
7 objectionable conditions that could happen
8 from a growing campus in a residential
9 neighborhood, certainly parking is one that's
10 way up there, particularly when there's not a
11 lot of parking on campus. So I'd like you to
12 take a little bit more of a look at that.

13 I think Council Member Cheh
14 suggested making unauthorized use of a vehicle
15 an honor code violation. This is maybe
16 something that can be done, something to look
17 at. Council Member Cheh also asked that AU
18 vigorously enforce its parking policies at the
19 Tenley Campus, which is something I would
20 certainly endorse.

21 We didn't talk much about the
22 Tenley Campus, and I know we have further

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1 processing here coming up, but I think it's
2 probably more appropriate to talk about the
3 overall campus plan. And just talking about
4 the campus setting there, a big issue is the
5 park-like setting on the -- I think on the
6 western side of the campus. And I really
7 haven't heard much discussion from AU on that
8 particular topic, so I wouldn't mind hearing
9 a little bit more. And you can either do that
10 in writing or you can respond right now. It's
11 up to you.

12 MR. TUMMONDS: We can do that in
13 writing.

14 VICE-CHAIRMAN SCHLATER: Okay. On
15 the East Campus there's been a lot of
16 discussion about the buffer, the landscape
17 buffer, and you know, as of now we have a
18 disagreement. Some people are proposing up to
19 150 feet and, you know, AU's at about 65 feet.
20 One question I have about -- it's going to be
21 a landscape buffer. Some people have
22 suggested it should also be a secure buffer.

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1 Are students going to have access to that
2 buffer area?

3 MR. ABUD: We can certainly fence
4 it off. What we've proposed is that we
5 monitor it the first year it's open. That's
6 what -- the arrangement we had with the back
7 of Katzen. The residents, when we were
8 developing that building, had a similar
9 concern, that the activity and the area that
10 would draw students. And so we monitored it
11 for the first year and promised we'd put a
12 fence up and secure it if requested so by the
13 community. And we have not been asked to do
14 that because they've found that people don't
15 go back there. So we'd like to propose the
16 same type of arrangement for here.

17 VICE-CHAIRMAN SCHLATER: Okay. We
18 did hear some testimony tonight saying that
19 there are students hanging out in that area.
20 So there's no reason to think that it -- it's
21 probably going to become a worse situation
22 when you actually look at dorms over there.

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1 So I think it's something you need to look at.

2 I think that's it for my questions
3 right now. I agree that there's more work to
4 be done yet. I think it's come a long way,
5 even from when we started these hearings; I
6 can't even remember how long ago that was, but
7 I think there's a little bit more work to do
8 here. Thanks.

9 COMMISSIONER TURNBULL: Mr. Chair,
10 I wonder if I could -- I just had two
11 questions which I didn't go -- I wanted to go
12 back over.

13 One of the individuals on one of
14 our panels, I think it was Ms. Spencer -- Ms.
15 Spencer mentioned something about no public
16 safety policy. She mentioned other
17 universities and that AU did not have a public
18 safety policy. I might be misquoting her, but
19 I thought there was some comment like that
20 made. Wonder if you could respond to that?

21 MS. ESPINOSA: Sure, thank you. I
22 believe what she was referring to was that AU

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1 does not have public safety officers patrol
2 the interior of the buildings.

3 COMMISSIONER TURNBULL: Okay.

4 MS. ESPINOSA: As we've discussed
5 before, the residence halls are staffed by
6 resident assistants.

7 COMMISSIONER TURNBULL: The RAs,
8 yes.

9 MS. ESPINOSA: Yes. But public
10 safety can respond. When there is an
11 incident, they often partner with RAs and
12 resident directors to respond to situations of
13 emergency. But they don't regularly patrol
14 the hallways. The resident assistants and
15 others on staff do that. The front desks are
16 staffed 24/7. And so that allows the public
17 safety officers to patrol the exterior, the
18 perimeter of the buildings and the parking
19 lots and such, and the classrooms, classroom
20 buildings.

21 COMMISSIONER TURNBULL: The public
22 safety officers -- there's obviously a contact

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1 RA, so the phone number or cell phone or --

2 MS. ESPINOSA: Correct. There's

3 a --

4 COMMISSIONER TURNBULL: --

5 something at all time, 24/7?

6 MS. ESPINOSA: Sure, there's a
7 duty schedule and there are different levels
8 of staffing at different hours and different
9 weekends and things of that sort. And then as
10 I said, the front desks are staffed 24/7.

11 COMMISSIONER TURNBULL: Okay. My
12 other question is that -- and getting back to
13 OP condition No. 8, which talks about; again
14 getting back to the cap, maintaining the
15 amount of university-provided housing for 67
16 percent of the undergraduates. And I think
17 the question keeps coming up and that -- is
18 that -- that's university-provided, but not
19 necessarily on campus. And I'm not sure
20 whether OP was looking for 67 percent on
21 campus. I mean, I don't recall what the OP
22 report said precisely. And so what is the on-

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1 campus amount you're providing?

2 MR. ABUD: Let me turn to the
3 table for a minute. But we are -- what we are
4 proposing is the university-provided language
5 to give us flexibility if we need to provide
6 some off-campus, and we believe that the
7 Office of Planning's report accommodated that
8 language.

9 COMMISSIONER TURNBULL: I think --
10 because I think the neighbors are expecting a
11 higher amount on campus, trying to get away
12 from the off-campus amount.

13 MR. ABUD: Well, we've heard two
14 different things. There's a desire for the
15 university to have more housing available on
16 campus and there is also a desire not to
17 locate housing near certain parts of the
18 community. And so, we think this is the
19 appropriate balance. This does, for fall of
20 2016, assume that we would continue to provide
21 about 100 beds off campus.

22 MR. TUMMONDS: And quoting page 11

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1 of the OP report it says, "Therefore OP
2 recommends at a minimum maintaining the
3 existing percentage of university-provided
4 student housing at 67 percent of the
5 undergraduate enrollment."

6 COMMISSIONER TURNBULL: Okay.

7 MR. TUMMONDS: So we're using that
8 same language that --

9 COMMISSIONER TURNBULL: So you're
10 on campus undergraduate housing is at -- if
11 you're only talking 100 beds, you've got 65,
12 66 percent?

13 MR. ABUD: That's about right,
14 yes.

15 COMMISSIONER TURNBULL: I mean, I
16 just want to try to get an accurate number
17 there. So you're at about -- I mean, if you
18 could clarify just the on-campus amount, I
19 want to -- well, it would be nice to see it in
20 writing. All right. Thanks.

21 CHAIRPERSON HOOD: Commissioner
22 May?

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1 COMMISSIONER MAY: Yes, I just
2 wanted to mention one thing in the rebuttal
3 package that we had received, I guess tab A.
4 There's the written responses to issues and
5 questions raised, and some of those don't have
6 -- I mean, there are exhibits listed for some
7 of them because they got exhibit numbers or
8 references to testimony. And Exhibit -- I
9 don't keep everything in exhibit order.

10 MR. TUMMONDS: Yes.

11 COMMISSIONER MAY: And not that I
12 really want to have everything a second time,
13 but I think that having a little bit more
14 substantive response may actually be a helpful
15 summary as we try to look at how you have
16 responded to the comments.

17 MR. TUMMONDS: Okay. And I think
18 what -- we were hopeful this would also be a
19 tool by which when the order is written, when
20 the deliberations are made, then -- as you
21 know, the orders have those references to
22 those things. But we can also provide --

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1 COMMISSIONER MAY: Well, and very,
2 very important for that aspect of it, but it's
3 like getting through the decision means being
4 able to --

5 MR. TUMMONDS: I hear you.

6 COMMISSIONER MAY: -- think all
7 that stuff through, and that's a challenge
8 given the volume of stuff we have.

9 MR. TUMMONDS: We notice that
10 every time you guys come walking in, and then
11 there's this much, this much. So, yes.

12 COMMISSIONER MAY: They're going
13 to issue us hand trucks.

14 MR. TUMMONDS: That's right. Yes,
15 we'll provide.

16 CHAIRPERSON HOOD: Okay. Vice-
17 Chairman?

18 VICE-CHAIRMAN SCHLATER: The one
19 other point I wanted to make, and one of the
20 things that I'm frankly grappling with is the
21 retail space on the East Campus. And there's
22 been -- I think in this retail study you

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1 provide you said, you know, the retail needs
2 of the undergraduate community are not being
3 met. It is certainly outside of our purview
4 in the campus plan review how you're dealing
5 with your commercially zoned properties, but
6 it does seem to me that if you own property
7 that could be used for retail in the
8 commercial zones and you turn that into
9 administrative offices, that AU is not
10 utilizing all of its potential resources to
11 fill that retail need for the campus.

12 And it just -- we've heard a lot
13 of complaints about the university's lack of
14 -- you know, basically taking over these
15 commercial spaces that could be used for
16 retail. And it sounds -- you know, just to be
17 a good neighbor it seems like there needs to
18 be an effort to figure out how to bring retail
19 into those spaces and not just use them for
20 university offices or -- you know, just for
21 university uses. I mean, these are resources
22 for the community. There's not a lot of

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1 commercially zoned area at the ground level in
2 this neighborhood and when it gets used for
3 university and administrative uses, you're
4 taking away an amenity for the neighborhood.
5 And then on the other had, you're saying I
6 want to go into a residentially zoned area and
7 provide 20,000 square feet of retail. It
8 doesn't really add up. So I think it really
9 needs to be looked at seriously. And we can't
10 as part of the campus planning process, I
11 don't believe, mandate that. But I think as
12 a good neighbor, I think AU could make
13 commitments to bring those spaces back into
14 retail use.

15 CHAIRPERSON HOOD: And then let me
16 just piggyback on what the Vice-Chairman is
17 saying about the good neighbor. You know, at
18 each one of these hearings I look in the
19 audience and see two people I've worked with
20 for years in community work and who have been
21 very successful. And I would just think that
22 -- I'm not going to call their names, but I

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1 just think that American may need to talk --
2 consult with them. I'm not sure what their
3 capacity is with American at this point, but
4 I've known them for years. One of them used
5 to be a president of an association. One of
6 them used to do certain things for the city.
7 And they know how to work with constituents
8 and make things happen. I think they can
9 really help with striking that balance.

10 So I would implore American
11 officials to -- and I don't know they're
12 capacity. They may be the officials; I don't
13 know. But I would implore you all to tap into
14 those resources that you have. They're two
15 young ladies who have been here at every
16 hearing. I would implore you to do that.
17 They have served this city well and they can
18 strike that balance and know how to make that
19 balance. So I would just say you do that.
20 That's just my opinion. You don't have to,
21 but I think you want to tap into the resources
22 that you have.

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1 Okay. Any other comments?

2 (No audible response.)

3 CHAIRPERSON HOOD: Okay. Ms.

4 Schellin, can you -- do we -- what's today,

5 Thursday? We're back Monday?

6 MS. SCHELLIN: Monday night.

7 CHAIRPERSON HOOD: Monday night.

8 Okay. Monday night at 6:30 we will start with

9 the -- let me just ask this though: No, I'm

10 not going to ask it. I was going to ask how

11 much time each one -- but you know what, we'll

12 deal with that on Monday.

13 So with that, we will start cross-

14 examination on Monday. Thank everyone for

15 their participation tonight. See you Monday

16 at 6:30. Good night.

17 (Whereupon, the meeting was

18 adjourned at 10:32 p.m.)

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