

December 8, 2011

VIA HAND DELIVERY

D.C. Zoning Commission
441 4th Street NW, Suite 210S
Washington, DC 20001

Re: ZC Case No. 11-07B – Further Processing of the American University 2011-2020
Campus Plan for the Tenley Campus – Post-Hearing Submission of American University
("AU" or "Applicant")

Dear Members of the Commission:

This post-hearing submission addresses the requests for additional information and clarification that were raised at the December 1, 2011 public hearing in this case.

Response to Written Report and Testimony of the Tenley Neighbors Association, Inc.

The Applicant has thoroughly reviewed the written submission of the Tenley Neighbors Association, Inc. ("TNA") that was filed with the Zoning Commission on December 1, 2011. The Applicant's response follows the general headings of the TNA submission.

Number of Students and Caps on Enrollment

AU's written submissions and oral testimony in this case comprehensively addressed the appropriateness of its enrollment projections. AU has agreed to cap enrollment at those projected levels, has included a phase-in to the projected enrollment growth, and has agreed to limit outside attendance at events. AU's written submissions and oral testimony clearly demonstrate that the proposed level of enrollment will not have a negative impact on neighboring residents due to traffic, noise or other impacts.

AU developed an estimate of how many people would come to the law school hour-by-hour for each weekday. That estimate is based on real world experience at the current Washington College of Law (WCL) facility and an estimate of how it would change at the new Tenley Campus facility. Those estimates were used to project transportation impacts and parking demand. TNA developed their own estimate of how many people would come to the new law school using assumptions that are not accurate, nor consistent with how the law school actually operates. In developing its assumption, TNA used law school courses listed on its web site for the Spring 2012 semester. This information does not reflect actual course enrollments but shows class size limits. This information is provided to students to

aid in planning their class schedules and cannot be interpreted to have any relationship to actual enrollments when the Spring 2012 semester starts in mid-January.

Building Size and Variance

AU has described WCL's need for additional facilities in detail and thoroughly addressed the issues of building height and setback in its oral testimony and written submissions. The closest residence on Nebraska Avenue to the proposed Nebraska Avenue building is approximately 129 feet away. Despite the claims that residents of these closest homes along Nebraska Avenue could object to the proposed new building, the fact is they have not objected. The closest resident to object is Mr. Modell, who lives at 4225 41st Street. His home is over 220 feet from the proposed building closest to Nebraska Avenue.

Traffic

As noted in written submissions and oral testimony, AU's traffic experts have asserted that peak hour traffic congestion exists today and that relocation of the WCL to the Tenley Campus will not have a significant effect on the overall traffic conditions in the surrounding transportation system. TNA asserts that the only future outcome is that there will be markedly greater traffic with the relocation of the WCL to the Tenley Campus, but presents no factual evidence to support that assertion. In contrast, AU has provided factual evidence of the existing traffic, reasonable projections of future traffic, and estimates of impacts specific to the WCL relocation to the Tenley Campus. TNA also refers to the proximity of the new WCL site to the three nearby elementary schools, but then criticizes AU for 'limiting' its agreement to fund specific traffic-calming measures called for in the Rock Creek West II Livability Study that would likely have a significant impact on vehicular traffic traveling to and from the streets where these schools are located.

Transportation Demand Management Program

AU has proposed to tailor its annual transportation monitoring reports and its off-campus parking enforcement program to the areas and hours indicated by observations made by AU and the community. TNA proposes expanded monitoring and enforcement beyond those currently contemplated, without any factual evidence for the need for such expanded boundaries. Since the WCL will not relocate to the Tenley Campus until 2015 at the earliest, AU proposes to assess these new, expanded areas at that time, particularly east of Tenley Circle. AU has committed to distributing the annual monitoring reports to interested neighbors and organizations, including TNA.

Parking

Based on the Applicant's review of the TNA filing it is not clear what exactly TNA is advocating, but TNA seems to imply that 2,408 cars will need parking spaces at the Tenley Campus. DDOT has advocated that AU provide no more than 250 parking spaces on the Tenley Campus. AU has used existing data and reasonable estimates of future changes to develop a credible estimate of parking

demand for the Tenley Campus. That estimate shows a need for 450 parking spaces, which AU has proposed. AU has also employed standard industry metrics to calculate the 10-minute walkshed referred to in the TNA document. TNA, however, believes that Reno Road should be in that walkshed. Given that Reno Road is nearly one-half mile from the nearest entrance to the proposed WCL facilities, it would not fall within the proposed walkshed. As stated earlier, AU plans to tailor its off-campus parking enforcement program to address real needs and issues as they are identified by neighbors and AU's own patrol units.

Green Space

AU has proposed changes to the Capital Hall front lawn that have been supported by ANC 3E, Ward 3 Vision and the Historic Preservation Review Board. These changes include the steps, designed to be an open, welcoming feature of the proposed new design, to which TNA objects. AU has agreed to work with members of the community on the further refinement of the treatment of the Capital Hall front lawn and the adjacent public realm.

Response to Issues Raised in ANC 3D Letter Dated December 1, 2011

The Zoning Commission also requested that the Applicant address relevant issues that were raised in a letter from ANC 3D that was submitted into the record on December 1, 2011. The Applicant's responses to the pertinent issues raised in that letter are provided below.

Appropriateness of Scope of the Transportation Impact Study Prepared by AU's Traffic Engineer

The scope of the Transportation Impact Study (TIS) that was prepared by Gorove/Slade Associates for the Tenley Campus (dated October 21, 2011) takes into account traffic generated by changes to the network including planned and unbuilt developments using industry standard methodologies. The scope of the TIS was discussed with, and approved by, the District Department of Transportation (DDOT). The study area boundaries were set at the limits where Gorove/Slade and DDOT thought that traffic changes due to the relocation to the WCL could have a noticeable impact. The basis for this was the predicted amount of vehicular traffic generated by the new WCL and the amount of traffic expected in the future (from existing and non-WCL sources in the future). The accepted industry guideline for whether an intersection should be studied is whether the site in question will generate 10% of the vehicular trips traveling through the intersection in the future. The intersections included at the edge of the TIS study area fall well below the 10% threshold.

Validity of the TIS – Use of NAC Transportation Study Data

The ANC 3D letter also questioned the validity of the TIS, because of its inclusion of certain data from a transportation study prepared for the General Services Administration regarding future development of the Department of Homeland Security's Nebraska Avenue Complex ("NAC"). The information used in the TIS from the NAC transportation study was the following: (1) counts of existing traffic, (2) background growth assumptions, and (3) projections of traffic for the future NAC campus.

Gorove/Slade discussed the use of these study inputs with DDOT during the scoping of the TIS, and it was agreed that although DDOT had reservations about the study as a whole, that these inputs were appropriate for use in the TIS.

Review of the Applicability of the Stanford Model (Trip Cap) to this Case

The “Stanford Model” discussed in the ANC 3D letter is in effect a trip cap. Trip caps are generally employed as a way to ensure that a developer or property owner is motivated to implement an aggressive transportation demand management (“TDM”) plan. Vehicular trips generated are measured against the cap and exceeding the cap will trigger additional mitigating actions. The need for such a cap for American University or the WCL is not justified, as the University has demonstrated that it has a very effective TDM plan that has already had a positive impact on the reduction of vehicular trips attributable to AU. This has occurred with no trip cap in place. Overall AU trips have declined at a rate of 3.9% **per year** since the transportation analyses were conducted for the 2001 Campus Plan. In fact, since the prior campus plan, the total amount of peak hour trips removed from the network due to TDM measures at the Main Campus is far more than the number of vehicular trips the new WCL facility is projected to generate.

The trip cap examples cited in the ANC 3D letter need to be considered in context. If Stanford exceeds the trip cap, it will be required to fund certain roadway improvements. It is the Applicant’s understanding that Stanford was seeking to avoid having to provide such funding. Therefore, it agreed to the trip cap. As for the Lab School, the trip cap was instituted to better effectuate conditions included in a previous BZA Order. If the trip cap levels are exceeded for two consecutive reporting periods, additional TDM measures will be triggered for the Lab School. Both of these examples provide very different fact patterns than the situation for AU and the WCL’s relocation to the Tenley Campus. Over the past 10 years, AU has shown that the number of vehicular trips that it contributes to the surrounding transportation network is decreasing. Moreover, the percentage of vehicular trips that AU contributes to the surrounding transportation network is very small. The implementation of a trip cap on AU related vehicular trips will likely have very little discernible impact on the overall levels of vehicular traffic on the surrounding transportation network.

Clarification of Materials Previously Submitted into the Record

During the November 21, 2011 Public Hearing, the Zoning Commission requested that the Applicant submit a plan which shows the footprint of the existing buildings and the proposed buildings on the Tenley Campus. That information was provided to the Zoning Commission on December 1, 2011. At the December 1, 2011 Public Hearing, the Applicant noticed that there was a clerical error in that plan which incorrectly referenced the dimensions of the building setbacks from Yuma Street. Enclosed please find a revised site plan which corrects the clerical error and accurately depicts the Yuma Street building’s proposed setbacks from Yuma Street.

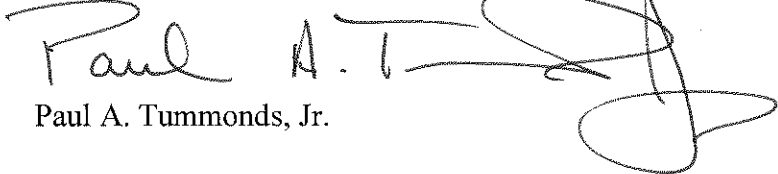
During the December 1, 2011 Public Hearing, counsel for the Applicant noted that the annual transportation demand management monitoring reports would be provided to TNA, as anticipated in

Condition No. 4 of the Applicant's Proposed Conditions of Approval which were submitted to the Zoning Commission on November 21, 2011. When the Applicant files its proposed Findings of Fact and Conclusions of Law in this case, on January 9, 2011, Condition No. 4 will accurately refer to TNA as one of the organizations which will receive copies of the annual reports.

Conclusion

As noted in written submissions and in testimony at the November 21, 2011 and December 1, 2011 Public Hearings, the Applicant has satisfied the special exception requirements of Section 210 of the Zoning Regulations, as well as the variance relief standards of Section 3103.2 regarding the setback requirements of Section 400.9 for the proposed relocation of the WCL facilities to the Tenley Campus. The record in this case is complete and is ready for your decision.

Sincerely


Paul A. Tummonds, Jr.

Enclosure

cc: See attached Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2011, copies of the attached letter and enclosure were delivered via messenger and first class mail to the following:

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Paul Tummonds

* = delivery via messenger



Existing Building Footprint: 62,190 sf
 Proposed Building Footprint: 80,005 sf