



## **ADVISORY NEIGHBORHOOD COMMISSION 3E**

**TENLEYTOWN AMERICAN UNIVERSITY PARK FRIENDSHIP HEIGHTS**  
c/o Lisner-Louise-Dickson-Hurt Home 5425 Western Avenue, NW Washington, DC 20015  
[www.anc3e.org](http://www.anc3e.org)

June 21, 2011

BY E-MAIL

Anthony J. Hood  
Chairperson  
District of Columbia Zoning Commission  
441 4th Street, NW  
Suite 210 South  
Washington, DC 20001

RE: ZC Case No. 11-07 – American University

Dear Chairperson Hood:

On May 12, 2011 ANC 3E passed a resolution asking the Zoning Commission to postpone hearings on the above-referenced application until American University (herein referred to as “the University” or “AU”) submitted its further processing application for relocation of its law school to Tenleytown. The resolution provided that if the Zoning Commission denied this request, ANC 3E opposed AU’s application and might amend and/or supplement the resolution.

At its June 9, 2011 hearing, the Zoning Commission acknowledged that significant gaps existed in AU’s application. Rather than postpone the hearing, the Commission chose to proceed in the hopes that the hearing process itself might coax the missing information from the University. Given the Commission’s decision to proceed, ANC 3E respectfully asks the Commission to permit it to supplement its May 12, 2011 resolution with this letter resolution.

### **GOVERNING PRINCIPLES**

The University and the nearby communities have evolved together over the course of more than 100 years. During that period, AU has contributed to the community and city as a whole and imposed burdens on both. The overarching goal of the campus plan process should be to deepen the partnership between the University and community, enhance the benefits the University delivers to the community and city, and ameliorate the burdens it imposes on them. Additionally, we believe two other broad, interrelated goals should drive campus planning: sustainability and responsibility.

### ***Sustainability***

The neighborhoods surrounding the University, like many neighborhoods, face growing encroachment by automobiles (automobiles from Maryland, Virginia, locally generated traffic, and University associated traffic). This encroachment imposes localized burdens such as threats to pedestrians, quality of life issues, and noise, but also contributes to global threats such as climate change and resource depletion.

The University consistently claims that sustainability is a prime driver of its campus plan. Sustainability concerns also help drive policymaking at DC's Office of Planning (OP). We applaud both AU and OP for their commitment to sustainability. AU has committed to LEED certified buildings in this campus plan and recently completed construction of a new School of International Studies building that is seeking Gold LEED certification. Nevertheless, both AU and DC have taken positions during the campus plan process that are antithetical to sustainability.

The University's campus plan should do as much as possible to promote walkability where possible; mass transit usage where walkability is not possible; amenability to bicycling where walkability or mass transit cannot be obtained or is not preferred; and automobile travel at safe speeds on uncongested arterial routes as a last resort.

### ***Responsibility***

The University has a tremendous impact on surrounding neighborhoods. AU itself points to positive economic benefits occasioned by its thousands of students, faculty, and staff. Yet, not all of the University's impacts are positive. AU must take responsibility to mitigate harmful impacts caused by its thousands of students, faculty, and staff, as well as its substantial building footprint. AU should internalize harmful impacts where possible, and act decisively to reduce impacts that cannot be internalized.

## **RECOMMENDATIONS**

In light of the foregoing, ANC 3E makes the following recommendations:

### ***Tenley Campus***

ANC 3E has been frustrated by slow progress in developing plans for the Tenley Campus. The proposed change in use for that campus is substantial. While ANC 3E is capable of supporting the proposed change in use, the details surrounding a change of this scale matter a great deal. ANC3E and the surrounding community have repeatedly requested that AU remove surface parking and put all parking underground; agree not to build on the western part of the site for a period exceeding the ten year duration of the plan; submit a viable parking plan; produce a traffic plan; design/build in a manner that adheres to good urban design principles, that will maximize Metro connectivity; put the majority of density toward Tenley Circle; provide a

recreational community asset, ; permit any future expansion to be accommodated vertically, and increase tree canopy on the site, among other things.

At the June 9<sup>th</sup> hearing, the Zoning Commission chose to proceed over our request for a delay in part on the grounds that as the case proceeds important details can be filled in. We strongly urge that the Zoning Commission withhold approval of the campus plan as a whole until the University has submitted and the relevant ANCs have had a chance to comment on a further processing application for the Tenley Campus.

### ***Increase Commitment to On-Campus Housing and Eliminate "Dry Campus" Policy***

OP states in its report that AU has not demonstrated a "need" for all the on-campus housing that the University seeks to build. Although we take no position here as to AU's "need" to expand its *student body*, we find it odd that the University should even have to demonstrate a need to increase *on-campus housing* for whatever enrollment it is permitted to maintain. We recommend that the Zoning Commission encourage AU to house as many students as possible on campus (campus defined as the area approximately bounded by Massachusetts, Nebraska, and University Avenues, Rockwood Parkway, including the Nebraska Avenue parking lot, Nebraska Hall, and the site the Katzen Arts center occupies) Doing so will reduce car trips, and may even reduce the number of shuttle trips necessary to serve off-campus students.

Providing more beds on campus would benefit students by allowing them to learn where they live and would internalize some harmful impacts associated with students living off-campus.

The University proposes to reduce the percentage of students it will be required to house on campus to 55%. ANC 3E opposes any such reduction. We note that the University's building plan calls for having beds to serve 68% of undergraduates by the middle of the ten year plan period. If the issue is that the percentage of students in on campus housing may decline during construction, accommodation should be made to allow for University provided housing off campus for the implicated years.

Indeed, we believe the requirement that two-thirds of undergraduates be housed on campus by AU does not go far enough and should be increased (George Washington University houses 73% of all undergraduates, Georgetown houses 76% of all undergraduates (and OP has requested Georgetown provide housing for 100%)).

Furthermore, the Zoning Commission should include an enforcement mechanism to ensure that any minimum requirement is adhered to. And,, ultimately regardless of the cap figures established and the percentage of undergraduates required to live on campus, the result of the campus plan must be to have significantly fewer undergraduates living off campus.

We believe that most AU students living off-campus are good neighbors, but a subset of students has caused significant problems in the community. Alcohol appears to have been

involved in each such case. One can reasonably infer that at least some of the students would live on campus if AU on-campus housing was available and policies regarding drinking on campus were no stricter than those regarding drinking off-campus. Unfortunately, the University maintains a dry campus, forbidding otherwise lawful consumption of alcoholic beverages on campus. Such a policy effectively exports a disciplinary problem caused by the University's students from AU's campus to the neighboring community. We believe this is unacceptable. We recommend that the Zoning Commission approve no campus plan for the University unless AU revokes its dry campus policy.

### ***Create and Promote Use of Bicycle Paths***

ANC 3E believes increased mobility and additional transportation options are critical to lessening the University's impact on traffic congestion in the Nebraska and New Mexico Avenue corridors. To that end we urge AU to construct bike paths on the East Campus lot on both the New Mexico Avenue and Nebraska Avenue sides of the lot parallel to the sidewalk. We also believe AU should construct a similar path along its property on both the east side of Massachusetts Avenue and the north side of Nebraska Avenue. These paths eventually should be part of a continuous bike path connecting Ward Circle to Tenleytown and AU should commit to working with DDOT, the National Park Service and the Department of Homeland Security to make such a route complete. Such paths will encourage more students to go car free and use bicycles and could have the same effect on nearby residents.

AU must also commit to adequate bike parking and sharing stations throughout its campus and its off campus locations.

### ***Commit To Work with the Federal Government to Reconfigure Ward Circle So That It Can Operate Safely***

While the University claims that its contribution to the traffic challenges at Ward Circle do not significantly drive difficulties there, AU has committed to work with stakeholders to develop long-term solutions for this severely problematic intersection. Since AU made that commitment, the federal government has shown an interest in promoting a long-term solution for the Circle. Any solutions at this intersection should include increased pedestrian and bicycle safety. If the federal government takes the lead on this subject, AU should support its efforts. To the extent that results in lifting an obligation from AU, the University should focus on promoting a long-term solution to traffic issues at 40<sup>th</sup> and Fort Drive and Albemarle Street, NW near the Tenley Metro, where its shuttles come and go. It, like Ward Circle, and 42<sup>nd</sup> Street, was highlighted as a site in need of a long term solution in the Rock Creek West II Livability Study.

***Demonstrate Ability to Regulate Harmful Behavior by Students to the Same Extent Off Campus As On***

ANC 3E has received complaints by constituents concerning ongoing, severe problems associated with at least three houses rented by AU students. The first house necessitated repeated visits by Metropolitan Police Department (MPD) officers, without avail. On each occasion when police visited, the students simply refused to answer the door. The ANC invited representatives from AU to attend meetings to try to resolve the situation. We learned from AU that its student conduct code did not reach harmful conduct off-campus at all, except in cases where a criminal conviction was involved. As with AU's dry campus policy, the University had one conduct standard for its students living on campus, and another – more lax – standard for its students living off campus.

At ANC 3E's insistence, AU eventually amended its student conduct code to cover off campus conduct. In the meantime, however, residents endured many months of bedlam associated with the house at issue. Attached to this letter are screen shots from the Facebook page maintained by the group that rented the house, entitled "EI PARTY GROUP -- WE OWN THIS SHIT." The screenshots speak for themselves as to the impact this group caused.

Since the change in the code of conduct, the University appears to have acted promptly to address incipient behavior at a few houses; however, other houses rented by University students in our ANC boundaries have remained problems despite complaints made by the ANC and homeowners to AU. In one instance, an ANC 3E Commissioner asked AU's Vice President for Community Relations to explain how the new conduct system was supposed to function and how it had functioned in that case. AU did not reply. This house has also necessitated MPD responses, including a personal visit from the lieutenant in charge of the applicable patrol service area.

MPD has a light presence in our neighborhood, yet we face significant serious crime. Our neighborhood can ill afford diversion of police resources to pursue chronic student problem houses.

AU has not yet demonstrated that its new policy is sufficiently strong or that it has been sufficiently implemented. The Zoning Commission should insist that AU make such a demonstration before approving its campus plan.

***Enrollment Cap***

ANC 3E strongly supports imposition of an enrollment cap. The University recently endorsed this idea and it should be included in any campus plan approval with individual caps for each of the covered categories of students.

### ***East Campus***

ANC 3E believes that the East Campus site is an appropriate site for development, including student housing on the order AU is proposing. Nearly any use is preferable from the standpoint of sustainability to a surface parking lot. Additionally, as we have said previously in this resolution, students should be living on campus so that the impact on the surrounding residential neighborhood in the form of group houses, vehicular traffic, and parking are minimized.

The East Campus is the largest open contiguous land area available to the University for development purposes—most notably for meeting the goal of a higher percentage of students living on campus. As such OP, the Zoning Commission, AU, and the broader community should all support (as we do) increasing the density that is presently planned for the site. Doing so in a manner that is considerate of the proximate neighbors will have positive impacts for everyone (proximate neighbors included). We note that AU has taken steps to buffer the East Campus from its immediate neighbors by providing both a setback and a landscape buffer that is significantly larger than that provided by the developers of the neighboring property.

We support the idea proposed by the University of retail on New Mexico and Nebraska Avenues as potential vehicles to serve the community and enliven the street and we do not believe that amount of retail should be reduced. In fact we believe that the dearth of good retail options around Ward Circle drives additional traffic and congestion out of the neighborhood as students and long term residents alike leave in search of restaurants and better retail.

We also believe that AU should not segregate the resident halls from Nebraska Avenue with any type of fence or barrier and that all residence halls and buildings should have windows. We also believe that AU should reconsider the location of the roadway on Nebraska Avenue which as currently designed interrupts the urban fabric of that block.

### ***North Hall***

ANC 3E believes that the site behind the President's Office is also an appropriate site for student housing.

### ***Nebraska Hall Addition***

ANC 3E supports the proposed project at Nebraska Hall.

### ***Promote Partnerships with Neighborhood Institutions and to Improve the Neighborhood***

The University appropriately touts contributions it has made to the community and city in its campus plan application. As described above, however, friction with the community is

inevitable. AU should work with the community not only to address those areas of friction but to build on areas of partnership. While those areas of potential partnership might not necessarily fit technically into the campus plan process, the spirit that should imbue them should imbue the campus plan process, and the Zoning Commission should use its role in bringing the University and community together to encourage such partnerships.

In our area, such partnerships might include ongoing support for organizations that serve the community; financial support for efforts to improve Friendship Park, which is located close to the northwestern border of the main campus; receptivity by the University to allow community use, for example for youth soccer, of its fields; making available meeting spaces at no cost to the community; support for efforts to underground utilities on blocks on which there are University or University-owned buildings; support for traffic calming measures in the areas that were recommended in the 2011 Livability study that are adjacent to campus, and support for streetscape improvements generally on such blocks.

AU's negative impacts on the community are often highlighted. It will take work by the University to similarly highlight the ways in which it contributes to the community. Hopefully, in the coming 10 year period, the University can be encouraged to pursue partnerships aggressively with the community to ensure that the next campus plan process involves less rancor than the current one.

## **CONCLUSION**

As noted, ANC3E supports some elements of AU's campus plan. Nonetheless, for the reasons noted above, and particularly because the University's application is materially incomplete with regard to the relocation of its law school to the Tenley Campus, though we would like to support AU's campus plan, we cannot yet do so.

It remains our hope, however, that the University will come forward with an acceptable further processing application for the Tenley Campus and address the other issues raised above and redouble its commitment to partnerships with the community so that we can move from opposition to support of the eventual plan.

Mr. Hood  
6/21/2011  
Page 8 of 8

ANC 3E approved this letter resolution by a 5-0 vote at its regularly scheduled meeting on June 16, 2011, which was properly noticed and at which a quorum was present. Commissioners Jonathan Bender, Matthew Frumin, Tom Quinn, Sam Serebin, and Beverly Sklover were present.

Sincerely,

JONATHAN BENDER  
Chairperson

Enclosure