

Community Liaison Committee Meeting
Wednesday, September 13, 2017
American University – School of International Service – Abramson Family Founders Room
7:30 p.m.

Introductions & Opening Remarks

The meeting of the Community Liaison Committee (CLC) was opened at 7:35 p.m. by Don Edwards of Justice and Sustainability Associates, LLC, who facilitated the meeting on behalf of American University. He then turned the meeting over to Dr. Fanta Aw, AU Vice President of Campus Life, who chaired the meeting.

Dr. Aw welcomed neighbors, representatives of neighborhood organizations, and local Advisory Neighborhood Commissioners (ANCs).

Standing Reports for September

Preliminary Report on Fall 2017 Enrollment & Student Housing

Linda Argo, AU Assistant Vice President for External Relations & Auxiliary Services, presented the preliminary report on fall 2017 enrollment and student housing, which can be viewed at: <http://www.american.edu/communityrelations/clc/upload/Fall-2017-Enrollment-and-Housing-Report.pdf>. She reminded attendees that this information was circulated via the CLC list serve ahead of the meeting.

Linda Argo reported that AU remains well under the university's enrollment cap and that this information is preliminary and was taken on August 28, the first day of classes. She added that full-time undergraduate enrollment is expected to decrease as the fall semester gets underway. The final report will be presented at the December CLC meeting.

Linda Argo reported that on-campus housing capacity has increased with the opening of East Campus, which includes 590 beds. She continued that AU has the capacity to house 67 percent of its full-time undergraduates on campus and 70 percent with off campus beds.

Jeffrey Kraskin, of the Spring Valley-Wesley Heights Citizens Association, asked if 67 percent is what the university has available, to which Linda Argo responded yes.

Jeffrey Kraskin asked how much AU is utilizing currently, to which Linda Argo responded she was not sure.

Jeffrey Kraskin asked if the 70 percent includes off-campus beds, to which Linda Argo responded yes.

Jeffrey Kraskin asked why the report separates out the 200 beds at the Berkshire Apartments.

Linda Argo replied that the report has always been presented this way, showing the beds available under a lease arrangement with the Berkshire.

Tom Smith of the Spring Valley-Wesley Heights Citizens Association/Neighbors for a Livable Community, asked if AU needs the beds at the Berkshire to meet zoning requirements.

Linda Argo replied that the university needs a cushion and that using triples is not always ideal in every situation.

Tom Smith said that when AU went to the Zoning Commission in 2011, the university stated that the undergraduate population was 6,300 and would increase by 100 in order to focus on graduate programs.

Linda Argo stated that this was the university's projection at that time.

Tom Smith asked if there will be any point between now and end of the 2011 campus plan that the university will be back to that enrollment number.

Linda Argo replied that the campus plan shows a projection of flat growth in the undergraduate population, based on information and forecasts at that time. Those trends and projections did not materialize and, in fact, went in the opposite direction. This has affected the overall enrollment picture.

Tom Smith said that the Zoning Commission made its decision not to cap total enrollment based on the university's commitment.

Linda Argo replied that they also made their decision on the basis that undergraduate enrollment is linked inextricably to housing. If AU is providing housing and meeting this requirement, it is a key factor in managing undergraduate enrollment.

Tom Smith asked if undergraduate enrollment data can be broken down by class, to which Linda Argo replied yes.

Alma Gates, of Advisory Neighborhood Commission 3D, asked if the data includes only full-time students.

Linda Argo replied that part-time students are included in the 10,232 figure.

Claire Craik, of Westover Place Homeowners Corporation, said she appreciates the information and is aware that enrollment is not an exact science. She added that it is important to keep undergraduate enrollment increases in mind as the next campus plan is developed.

Linda Argo agreed and stated that this issue has been discussed in the Neighborhood Collaborative and a working group as part of the Collaborative will focus specifically on data and metrics.

Jessica Herzstein, a neighbor, asked if the 10,232 figure is more than undergrads, to which Linda Argo replied it includes both undergraduate and graduate students.

Chuck Elkins, of Advisory Neighborhood Commission 3D, asked for examples of why neighbors should be concerned about enrollment other than the possibility that an increase in enrollment could lead to additional construction on campus or more students living in the neighborhood.

Tom Smith replied that the bottom line is that the zoning standards are specific as to why AU is allowed to operate in a residential area and one of those has to do with the number of students it enrolls.

Chuck Elkins asked if there were any others.

Hisham Khalid, AU General Counsel, stated that one cannot divorce the number of students from the concept of objectionable impact. He asked what the actual issues are that neighbors might be seeing as a result of increased enrollment?

Tom Smith replied additional pedestrian and vehicular traffic.

Hisham Khalid added that AU is still well below its overall enrollment cap.

2016-2017 Annual Report on Traffic & Parking Performance

Dan Nichols, Assistant Vice President of Risk, Safety, and Transportation Programs, presented the 2016-2017 off-campus parking report, which can be viewed at <http://www.american.edu/communityrelations/clc/upload/Off-Campus-Parking-Report-09-13-17.pdf>. He reported that the program collected \$43,000 and waived approximately \$43,000 in tickets as well and that the parking enforcement program now has a larger enforcement staff and new software. He reiterated that the goal of the program is compliance.

Alma Gates asked what happens when a faculty, staff, or student receives a parking ticket and does not pay.

Dan Nichols replied that administrative action can be taken, but that this is rarely necessary. AU also reserves the right to refer any uncollected fines to a collection agency.

Tom Smith asked how enforcement is handled at the Spring Valley building (4801 Massachusetts Avenue, NW) since the Washington College of Law (WCL) relocated to Tenley.

Dan Nichols responded that WCL ran their own operation when at this location but now it is a part of his team's responsibility.

Tom Smith asked if the report shows only the streets that are monitored, to which Dan Nichols replied no, only the streets where tickets were issued.

Tom Smith stated that the 4700 block of Rodman Street, NW is not shown and asked for a list of all streets/blocks being monitored for parking violations.

Dan Nichols replied that this information was sent out in the past and he would send it once again.

Jeffery Keller, of Westover Place Homeowners Corporation, asked if the data could be broken down by month.

Dan Nichols replied that he would try, but it would be difficult. He added that during the academic year when the campus is most active is when the majority of tickets are issued, but that the Good Neighbor policy is enforced year round.

Jeffrey Kraskin asked if the Spring Valley building information includes participants in the Osher Lifelong Learning Institute (OLLI).

Dan Nichols replied yes and that by contract OLLI is required to abide by the Good Neighbor policy.

Shelly Repp, a neighbor, stated that OLLI participants do not like to be told where to park.

Chuck Elkins said he is interested in how many complaints AU receives versus how many tickets are issued.

Dan Nichols replied that very few complaints are reported due to the proactive nature of AU's enforcement efforts.

Jane Waldmann, of the Tenleytown Historical Society, asked how vehicles are identified as being affiliated with AU.

Dan Nichols replied that it is more of an art than a science and that parking staff look for out-of-state license plates, AU stickers or visible textbooks, as well as check a database of past offenders. He added that parking staff also will watch from which direction students walk to campus and then investigate streets in that area.

Kathy Silva, of McLean Gardens Condominiums, asked if all students who live on campus are allowed to have cars.

Dan Nichols replied that first-year students cannot have cars.

Kathy Silva asked about students residing off campus.

Dan Nichols responded that if they reside in the neighborhood, students can park near their residence as long as they comply with all District parking regulations. They cannot however drive their vehicle to AU and park it in the neighborhood to attend classes.

Tom Smith reported that last year there was an issue with parking on Rockwood Parkway, NW related to basketball.

David Taylor, Chief of Staff to the AU President, responded that this was related to a Catholic school basketball tournament that was hosted on campus.

Dan Nichols said he would take a look and ensure a proactive approach should the event occur on campus again.

Tom Smith asked about a recent traffic report memo sent to Anna Chamberlin at the District Department of Transportation (DDOT).

Dan Nichols replied that the letter included information related to both the main campus and WCL.

Tom Smith stated that the letter was missing items which are required to be reported.

Dan Nichols replied that some conditions in the zoning order require reporting while others require action only.

Tom Smith referenced pages 59 or 60 of the zoning order.

Dan Nichols stated that anyone who read the letter to DDOT knows that AU leads the way in traffic management programs among DC colleges and universities. He added that the popular U*Pass program, which provides for unlimited bus and train rides has resulted in a 10 percent increase in Red Line ridership in the last year, with one percent of all rail users being AU students. Additionally, more than one million bus and train rides have been taken as a result of the U*Pass offering. He said that he looks forward to sharing this information with the DC Zoning Commission.

Tom Smith said he is interested in the outcomes of the Transportation Demand Management (TDM) program.

Dan Nichols replied that during the campus planning process some pushed for a trip count cap, but this was not included in the final order. The goal of the TDM program is to reduce the number of single occupancy vehicles coming to campus, also a goal of AU's sustainability efforts and carbon free pledge.

Dennis Paul, of Neighbors for a Livable Community, asked about the rate for student parking, to which Dan Nichols replied \$506/semester.

Chuck Elkins asked about issues related to Uber and Lyft.

Dan Nichols replied that AU is looking into a partnership with these ride share companies, which would decrease the demand for parking spaces, as well as take some vehicles off of the road due to the "pool" option available.

Alma Gates stated that an Uber is still a vehicle coming and going from campus, which does not necessarily decrease the number of vehicle trips.

Jeffery Kraskin asked if AU still has a corporate contract with Zipcar and where these vehicles will go once dedicated spaces are displaced by the Hall of Science construction.

Dan Nichols replied that they will be moved to the top of Sports Center garage and beside Letts Hall.

Student Conduct Off Campus

Andrew Huff, AU Director of Community Relations reported for Michelle Espinosa on complaints regarding off-campus student behavior since May 15, 2017. He reported that the university received six complaints containing reports of disruptive behavior (compared to 11 reports during the same timeframe last year). One report was filed during the summer and five since the beginning of the semester on August 28. Four of these complaints came from single-family homes, one from Cathedral Towers, and one from the public area at Embassy Park.

Andrew Huff also reported on the recent off-campus living orientation that took place the week before. Students who reside off campus receive tips and information related to their rights and responsibilities are neighbors. The orientation also was attended by the Metropolitan and Montgomery County Police Departments.

Chuck Elkins asked how we might get more students to attend and suggested that all who live off campus should be required to do so.

Andrew Huff replied that he would like to work to increase participation in the orientation.

Jonathan McHugh, of Advisory Neighborhood Commission 3E, asked who the best person is to contact at AU regarding quality of life issues with students residing off campus.

Andrew Huff replied that he is the best person to contact (202-885-2167; ahuff@american.edu).

Chuck Elkins reminded attendees that AU Police recommend calling 911 in the case of a neighborhood disturbance.

Kathy Silva added that sometimes MPD will not respond and that late night noise is often an issue at McLean Gardens. She stated that she has provided AU with the rules and regulations of McLean Gardens and that others should also consider doing so.

AU Updates

Construction Update

David Dower, AU Assistant Vice President for Planning and Project Management, reported on capital projects on campus. His presentation can be viewed at <http://www.american.edu/communityrelations/clc/upload/Capital-Projects-Update-09-13-17.pdf>.

David Dower reported that East Campus is fully operational with all students, faculty, and staff moved into the space. The retail space on Nebraska Avenue, a “grab and go” concept operated by AU dining contractor Aramark, will open in the next couple of weeks.

David Dower reported that AU was at ANC 3D for a second time on September 6 related to the proposed Hall of Science building, where the Commission voted 5-3 in support of the project. He added that several other community meetings were held where AU received helpful feedback from neighbors. AU will have a hearing at the DC Zoning Commission on November 20. Supplemental information related to the project also will be filed with the Zoning Commission soon.

Tom Smith asked when the supplemental information would be filed.

Linda Argo replied most likely three weeks before the hearing, to include things like the results of the balloon test.

Tom Smith stated that at the August 14 community meeting, several concerns were raised and asked how AU plans to address them.

David Dower replied with the following information related to these concerns:

LEED Certification: the university is confident it can achieve Gold status, but is working towards achieving Platinum.

Noise: the building’s mechanical systems are at the rear of the building and the only equipment outside are the two cooling towers and fume hood exhaust. Everything else is contained with the penthouse, therefore there are no concerns about noise.

Light: occupancy sensors will be installed throughout the building and timed shades will lower at night on the neighborhood facing façade. If light becomes an issue in the stairwell area, timed shades will be installed there as well.

Height: only the top portion of the building will be visible. A balloon test will be performed on three portions of the building at neighbors’ request.

Emissions: AU is undertaking a sophisticated analysis via what is known as a wind-wake model.

Tom Smith mentioned landscaping as well, to which David Dower agreed and stated this issue will be addressed in the supplemental information filed with the Zoning Commission.

Jeffrey Kraskin asked if AU would provide vantage photos after all of the leaves have fallen off of the trees.

David Dower responded that the balloon test will tell us a lot and that the landscape buffer will also help.

Tom Smith stated that the zoning application shows the building at 76 feet and asked if this includes the penthouse.

David Dower replied that it is 76 feet to the top of the parapet and that there is also another building directly in front.

Tom Smith asked how high the penthouse is.

David Dower responded 15 or 18 feet, but also set back 15 feet, which will make it look shorter.

Judy Chesser, of the Tenleytown Neighborhood Association, asked if the building will have to pass any federal inspections related to emissions and materials.

David Dower replied yes, that both the Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA) have controls on this and that the project also will go through an Environmental Impact Screening Form (EISF) process. He added that there are resident halls directly adjacent to the proposed Hall of Science, so AU's interest is also in the safety and well-being of those nearby.

9/12 Restoration Advisory Board (RAB) Meeting

Linda Argo updated the CLC on information presented by the U.S. Army Corps of Engineers at a recent meeting of the Restoration Advisory Board (RAB).

Linda Argo stated that there was a recent incident on the vacant lot at 4825 Glenbrook Road, NW, which sent several workers to the hospital with symptoms consistent with exposure to a chemical agent. All work has been stopped at this location while an investigation takes place.

The Army Corps also now plans to investigate underneath the AU-owned property adjacent to the lot at 4835 Glenbrook Road, NW, which recently housed the AU President. Meanwhile, AU President Burwell resides on Rockwood Parkway with her family.

Troy Kravitz, of Advisory Neighborhood Commission 3D, asked if there are any plans to raze the AU-owned house.

Linda Argo replied that the Army Corps first will have to investigate under the foundation of the house before any decision is made about the future of the property.

Tom Smith stated that years ago the Army Corps dug several test pits there and found nothing.

Troy Kravitz asked if there is any information on the recently demolished AU Public Safety building.

Linda Argo replied that there were other items on the agenda the CLC needed to address and asked if this topic could be discussed at a later time.

CLC Operations & the AU Neighborhood Collaborative

Linda Argo outlined to the CLC the roles of the Community Liaison Committee, Neighborhood Collaborative, and the Neighborhood Forum. She referred attendees to several documents sent out ahead of the meeting on this topic, which can be found at <http://www.american.edu/communityrelations/clc/upload/SV-WHCA-Grievance-09-13-17.pdf>.

A chart depicting the relationship of these groups can also be found at <http://www.american.edu/communityrelations/clc/upload/Organizational-Chart-09-13-17-2.pdf>.

Linda Argo explained that pursuant to Zoning Commission direction, AU engaged ANC 3D and the Spring Valley-Wesley Heights Citizens Association for several months on issues related to housing, enrollment, and ways to address issues that impact adjacent neighbors. One thing that came out of this was the concept of the Neighborhood Collaborative. Despite the fact that the Zoning Commission, while supportive of the idea, has yet to issue their order, AU began organizing the Collaborative shortly after the first of the year.

Claire Craik said she has been attending the Collaborative and Forum meetings and has been impressed by the free-flowing discussion and the opportunity to meet neighbors from other communities. She added that it already has proven useful in reducing information silos, as well as subject matter silos. She continued that the proposed working groups are beginning to organize as well, all leading into the next campus plan.

Judy Chesser asked of the co-chairs have been chosen, to which Linda Argo replied no.

Jonathan McHugh said the Collaborative is a great idea for digging into some of the issues, which cannot be accomplished at quarterly CLC meetings.

Troy Kravitz added that the Forum is helpful for building capacity and knowledge on these many issues and encouraged all to attend.

New Business & Neighborhood Issues – Open Discussion

Grievance Filed by Spring Valley-Wesley Heights Citizens Association

Linda Argo referred attendees to their meeting packets to learn more about the grievance filed by the Spring Valley-Wesley Heights Citizens Association. These documents can be found at <http://www.american.edu/communityrelations/clc/upload/SV-WHCA-Grievance-09-13-17.pdf>.

Jeffrey Kraskin stated that the grievants did not ask for the issue to be placed on the agenda and that the grievance was filed based on the CLC mediation guidelines.

Hisham Khalid stated that the mediation request involves all members of the CLC and that it would not be productive to mediate offline without the CLC involved. AU's actions require a "sense of the body" and going to mediation without the CLC on board would be a waste of time and money.

William Clarkson of the Spring Valley Neighborhood Association stated that the Collaborative is a place to find common ground and solutions to issues that affect adjacent neighbors. He added that Jeffrey Kraskin and Tom Smith have an issue with his group being a part of the Collaborative and that this is confusing because it is another group of concerned citizens wanting to participate.

Chuck Elkins said that while mediation is built into the CLC, this issue involves everyone so any mediation should include all members of the CLC. If a decision is made regarding the future of the Collaborative, all members should be there. He continued that he supports the idea of co-chairs, that the agreement explicitly allows for newly constituted groups to join, and that the Collaborative framework should be a flexible.

John Wheeler stated that taking this matter to mediation violates the rules the CLC members agreed to because the parties had not made "every effort" to resolve the matter. He concurred with Chuck Elkins that members of the CLC would also want to participate in that process.

Jeffrey Kraskin stated that what has been created is not what was discussed and agreed upon. He added that there is not a desire for consensus decision making, for the current Collaborative structure, or for a third-party facilitator. He continued that the Spring Valley Neighborhood Association should not attend CLC meetings because the group never applied for membership via the CLC operating guidelines. Until the Spring Valley-Wesley Heights Citizens Association feels their agreement was met, they will continue with their grievance. The organization, by legal opinion, was advised not to participate in the Collaborative.

Claire Craik said the original agreement was negotiated by a small number of people and that the matter needs to be open to the broader group of participants. She asked if consensus decision making is not used, then what? Dictatorship? Anarchy? She added that if the current Collaborative structure and processes are not acceptable, then representatives from the Spring Valley-Wesley Heights Citizens Association should attend and meeting and discuss the matter.

Tom Smith stated that his role in the process was as Chair of ANC 3D and that there was lots of consultation with other ANC 3D members at that time. He concurred with Claire Craik that it was a mistake to move forward without CLC input and participation and that he was responding to AU's timeline and Zoning Commission direction.

Jonathan McHugh said that ANC 3E was never invited to participate.

Tom Smith replied that it was AU's responsibility to bring in others. He stated that his issues with the Collaborative are the ground rules, the role of ANCs, and a process that is not transparent.

Don Edwards recommended to the meeting Chair that a special CLC meeting be held on this matter due to the fact that it was already 9:30 p.m.

Hisham Khalid asked the CLC to consider if every effort has been made to resolve the issues brought forward in the grievance. He added that everyone needs to come together to discuss these issues.

Fanta Aw concurred with Don Edwards' recommendation that another meeting be held to discuss this matter.

Reminder: CLC meeting dates for 2017-2018 are:

December 5

January 4 – President's Town Hall & Reception

March 5

Attendees

Community:

Judy Chesser, Tenley Neighbors Association

Claire Craik, Westover Place Homeowners Association

Chuck Elkins, Advisory Neighborhood Commission 3D

Alma Gates, Advisory Neighborhood Commission 3D

Jessica Herzstein, Neighbor

Jeffrey Kraskin, Spring Valley-Wesley Heights Citizens Association

Jeffrey Keller, Westover Place Homeowners Association

Jonathan McHugh, Advisory Neighborhood Commission 3E

Dennis Paul, Neighbors for a Livable Community

Shelly Repp, Neighbor

Barbara Repp, Neighbor

Kathy Silva, McLean Gardens Condominiums

Tom Smith, Spring Valley-Wesley Heights Citizens Association/Neighbors for a Livable Community

Anne Sullivan, Fort Gaines Citizens Association

Ben Tessler, Westover Place Homeowners Association
Jane Waldman, Tenleytown Historical Society
John Wheeler, Ward 3 Vision

American University Staff:

Linda Argo, Assistant Vice President for External Relations & Auxiliary Services
Fanta Aw, Vice President of Campus Life
David Dower, Assistant Vice President for Planning and Project Management
Hisham Khalid, Associate General Counsel
Dan Nichols, Assistant Vice President of Risk, Safety, and Transportation Programs
David Taylor, Chief of Staff to the President

Other:

Don Edwards, Justice & Sustainability Associates
Donzell Robinson, Justice & Sustainability Associates