

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
: :
American University - : Case No.
Amendment to the 2011-2012 : 11-07G
Campus Plan and Further :
Processing of the Campus :
Plan @ Square 1600, Lot 1 :
-----:

Monday,
November 20, 2017

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

The Public Hearing of Case No. 11-07G 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, Chairperson
ROBERT MILLER, Vice Chairperson
PETER G. MAY, Commissioner (NPS)
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
STEVEN COCHRAN

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

CHRISTOPHER COHEN, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

AARON ZIMMERMAN

The transcript constitutes the minutes from the
Public Hearing held on November 20, 2017.

AGENDA

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

6:33 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen.

This is a public hearing of the Zoning Commission for the District of Columbia. Today's date is November 20, 2017, and it's approximately 6:34 p.m. My name is Anthony Hood. Joining me is Vice Chair Miller, Commissioner Shapiro and Commissioner May. We're located at Jerrily R. Kress Memorial Hearing Room.

We're also joined by Office of Zoning staff Ms. Sharon Schellin, as well as the Office of Attorney General Mr. Cohen as well as Office of Planning, Ms. Steingasser and Mr. Cochran, District Department of Transportation Mr. Zimmerman.

This proceeding is being recorded by a court reporter. It is also webcast live. Accordingly, we must ask you to refrain from any disrupting noise or actions in the hearing room, including display of any signs or objects. Notice of today's hearing was published in the DC Register. Copies of that announcement are available to my left on the wall near the door.

The hearing will be conducted in the course from provisions of 11 DCMR, Chapter 4, as follows:

The hearing will be conducted in accordance with provisions of 11Z DCMR, Chapter 4 as follows: preliminary

1 matters, applicant's case, report of the Office of Planning,
2 report of other government agencies, report of the Advisory
3 Neighborhood Commission, in this case I think we have two,
4 organizations and persons in support, organizations and
5 persons in opposition, rebuttal and closing by the applicant.

6 The following time constraints will be
7 maintained in this meeting. The applicant has up to 60
8 minutes, but I think we do waive him. We have fully reviewed
9 the record, I think we can do it all in 15 minutes. We'll hit
10 the highlights and hit the concerns and issues that are
11 proposed in this hearing tonight. Organizations, five
12 minutes. Individuals, three
13 minutes.

14 All persons wishing to testify please before the
15 commission this evening, this hearing, are asked to register
16 at the witness kiosk to my left and fill out two witness
17 cards. These cards are located to my left on the table near
18 the door. Upon coming forward to speak to the Commission,
19 please give both cards to the reporter sitting to my right
20 before taking a seat at the table.

21 When presenting information to the Commission,
22 please turn on and speak into the microphone, first with your
23 name and home address. When you are finished speaking, please
24 turn your microphone off so your microphone is no longer
25 picking up sound or background noise.

1 Please turn off all electronic devices at this
2 time so not to disrupt these proceedings. Would all
3 individuals wishing to testify please rise and take the oath?
4 Ms. Schellin, would you please administer the oath.

5 MS. SCHELLIN: Please raise your right hand. Do you
6 solemnly swear or affirm the testimony you will give this
7 evening will be the truth, the whole truth and nothing but
8 the truth? Thank you.

9 CHAIRMAN HOOD: Okay. At this time the commission
10 will be settling any preliminary matters. Does the staff have
11 any preliminary matters?

12 MS. SCHELLIN: Yes, sir. We have five party status
13 requests to go through. Do you want to go through the ones
14 in support first?

15 CHAIRMAN HOOD: Yes, let's do those first.

16 MS. SCHELLIN: And the Applicant's response to all
17 of them is at Exhibit 31. The first one is at Exhibit 25, in
18 support, from Westover Place. Their representative is Claire
19 Kraik, is she here? Yes, she is present.

20 CHAIRMAN HOOD: Westover Place, which exhibit is
21 that, Ms. Schellin?

22 MS. SCHELLIN: 25.

23 CHAIRMAN HOOD: Okay, Commissioners, I think we
24 have a letter submitting no objections from the Applicant to
25 Westover Place. Any objections here? This is a party in

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1 support. Any objections?

2 COMMISSIONER MAY: In this circumstance, I don't
3 know that the Westover group is particularly connected, that
4 is, given where they are physically located but given that
5 there are broader campus plan issues here I guess I should
6 go along with it. They were previously a party in original
7 case. But in terms of the actual effects of this action, if
8 it was just further processing I might say it's not worth
9 doing party status but I guess I have no objection, given
10 that we have an amendment.

11 CHAIRMAN HOOD: Okay. I think that's important, an
12 amendment and also things that have gone on previously and
13 actually obviously it's not recommending that we further
14 engage and not give them party status, so we will --

15 COMMISSIONER MAY: Do we need to make a motion?

16 CHAIRMAN HOOD: Okay, I move that we give Westover
17 Place Homes Corp. party status in support of this
18 application, and ask for a second.

19 COMMISSIONER SHAPIRO: Second.

20 CHAIRMAN HOOD: It's been moved and properly
21 seconded. Any further discussion? All in favor?

22 (Chorus of ayes)

23 CHAIRMAN HOOD: Any opposition? Not hearing any,
24 Ms. Schellin, would you record the vote?

25 MS. SCHELLIN: Staff records the vote four to zero

1 to grant party status to Westover Place in support.
2 Commissioner Hood moving, Commissioner Shapiro seconding,
3 Commissioners May and Miller in support, Commissioner
4 Turnbull not present, not voting.

5 CHAIRMAN HOOD: Thank you, Ms. Schellin. Next?

6 MS. SCHELLIN: Yes. The next one in support is Troy
7 Kravitz at Exhibit 27. Is Mr. Kravitz --

8 CHAIRMAN HOOD: Mr. Kravitz has raised his hand,
9 so we see Mr. Kravitz is here. In the interest of time, if
10 we need you we'll call you up, so we're good. Oh, unless you
11 want to withdraw your party status?

12 MR. KRAVITZ: Yes. In the interest of time.

13 CHAIRMAN HOOD: Oh. So have a seat.

14 (Laughter.)

15 CHAIRMAN HOOD: Go right ahead. Makes this job
16 easier.

17 MR. KRAVITZ: In the interest of time, I'd like to
18 withdraw my party status request.

19 CHAIRMAN HOOD: Okay. Thank you, Mr. Kravitz, we
20 appreciate you coming forward. Let's move to the next one.
21 And you're in support, okay.

22 MS. SCHELLIN: Yes. The last one in support is the
23 Spring Valley Neighbors Association at Exhibit 30, and the
24 representative
25 is William Clarkson. Is he here? Yes, he is here.

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1 CHAIRMAN HOOD: Spring Valley. Is this --

2 MS. SCHELLIN: It's different from Spring Valley --

3 CHAIRMAN HOOD: Because I know two of them were
4 combining. So this is different from Spring Valley Wesley
5 Heights.

6 MS. SCHELLIN: Yes, that's different.

7 CHAIRMAN HOOD: Which exhibit, 30?

8 MS. SCHELLIN: Exhibit 30.

9 CHAIRMAN HOOD: All right. Commissioners, any
10 objection? Okay, no objection. They are a party in support,
11 I believe, correct?

12 MS. SCHELLIN: Yes.

13 CHAIRMAN HOOD: Having a few technical problems
14 here. All right, so we will grant them party status in
15 support, Spring Valley. Okay, Ms. Schellin.

16 MS. SCHELLIN: You want to make a motion?

17 CHAIRMAN HOOD: Oh. Somebody can make a motion.

18 COMMISSIONER MAY: I move that we approve the party
19 status application for Spring Valley Neighbors Association
20 in support.

21 CHAIRMAN HOOD: I'll second that. It's been moved
22 and properly seconded. Any further discussion?

23 COMMISSIONER SHAPIRO: Just to be clear on the
24 name, I'm not sure. They describe themselves as Spring Valley
25 Neighborhood Association.

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1 CHAIRMAN HOOD: To the issue, Michael?

2 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes,
3 Spring Valley Neighborhood Association.

4 COMMISSIONER SHAPIRO: My apologies, I just thought
5 --

6 VICE CHAIR MILLER: No, it's all right.

7 CHAIRMAN HOOD: Okay. So, correction to Spring
8 Valley Neighborhood Association with a William Clarkson, who
9 I guess is seated in care of. Anyway, it's been moved and
10 properly seconded with that clarification. Any further
11 discussion? All those in favor?

12 (Chorus of ayes.)

13 CHAIRMAN HOOD: Any opposition? Not hearing, Ms.
14 Schellin, please record the vote.

15 MS. SCHELLIN: Staff records the vote four to zero
16 to one to grant party status in support to Spring Valley
17 Neighborhood Association. Commissioner May moving,
18 Commissioner Hood seconding, Commissioners Miller and Shapiro
19 in support, Commissioner Turnbull not present, not voting.

20 So the two in opposition, the first one would be
21 Ellen Siegler at Exhibits 26 and 35. The Applicant has in
22 their submission at Exhibit 31 stated its objection as our
23 new process is all in writing, so their objection is at
24 Exhibit 31, the submission is at Exhibits 26 and 35.

25 CHAIRMAN HOOD: Okay, Commissioners, we have Ms.

1 Ellen Siegler here?

2 MS. SCHELLIN: Yes.

3 CHAIRMAN HOOD: Okay. She has applied for party
4 status. I don't think this rises to the threshold of party
5 status and plus I'm looking at some of the issues. I think
6 that what we can do in this case unless I hear otherwise is
7 that we can hear her testimony and we can work from there.
8 Because when I read her parking issues and concerns and
9 what's going on, I think that's more testimony and I'm not
10 sure she's any more uniquely affected or any different than
11 anyone else in that area. So that's just my say-so on that.
12 Let's hear others. Commissioner Shapiro?

13 COMMISSIONER SHAPIRO: I would concur, Mr. Chair.

14 CHAIRMAN HOOD: Commissioner?

15 VICE CHAIR MILLER: Thank you, Mr. Chairman. I also
16 would concur and saw that there was another statement, at
17 least one other statement in the record that was similar, and
18 I'm sympathetic to the testimony but I think it can be
19 handled through that means.

20 CHAIRMAN HOOD: Commissioner May, did you want to
21 add something? Okay, so we hear that testimony. I move that
22 we deny Ms. Siegler's party status, but we'll give her an
23 opportunity, as everyone else opportunity, to give testimony.
24 If we have questions from her testimony then we'll ask them.
25 That's my motion. Any second?

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1 VICE CHAIR MILLER: Second.

2 CHAIRMAN HOOD: It's been moved and properly
3 seconded. Any further discussion? All those in favor?

4 (Chorus of ayes.)

5 CHAIRMAN HOOD: All opposed. None. And also the
6 Applicant has some concerns as well about party status.

7 MS. SCHELLIN: Staff records the vote four to zero
8 to one to deny party status to Ellen Siegler. Commissioner
9 Hood moving, Commissioner Miller seconding, Commissioners May
10 and Shapiro in support of denial. Commissioner Turnbull not
11 present, not voting. The last one is party status request in
12 opposition from the Spring Valley Wesley Heights Citizens
13 Association, and their submissions are at Exhibits 29 and
14 29A, 33 and 39.

15 CHAIRMAN HOOD: I believe that Spring Valley Wesley
16 Heights as well as Neighbors for a livable community have
17 agreed to combine.

18 MS. SCHELLIN: Yes, I'm sorry. I left that out.

19 CHAIRMAN HOOD: I want to thank them for doing
20 that. We appreciate that. I don't see any problem with
21 granting them party status. Let me open up for any comments.
22 Any objections? So we'll grant them as a group combined. I'm
23 not sure what the name's going to be called, but the
24 Spring Valley Neighbors for a Livable Community group, so we
25 would move -- You have a question? I kind of remember who

1 they are. I think they are all tenants, correct? So, yes. So
2 we don't have any problems with this, so I would move that
3 we grant them combined party status, Spring Valley Wesley
4 Heights Neighbors for a Sustainable Community, party status
5 as one group.

6 VICE CHAIR MILLER: Second.

7 CHAIRMAN HOOD: It's been moved and properly
8 seconded. And further discussion? Mr. Shapiro?

9 COMMISSIONER SHAPIRO: Mr. Chair, just to be
10 perfectly correct, it's Neighbors for a Livable Community.

11 CHAIRMAN HOOD: Whatever Commissioner Shapiro said.
12 I have my notes here, but whatever it says in the record,
13 that's what I meant.

14 VICE CHAIR MILLER: There may be some individual
15 adjacent neighbors who are in opposition who are part of the
16 sub-party.

17 CHAIRMAN HOOD: Okay. But they all have formed as
18 one group, and we encourage that for the future. So hopefully
19 somebody's listening. For the future, we encourage that.
20 Okay. Moved and properly seconded. Any further discussion?
21 All in favor?

22 (Chorus of ayes.)

23 CHAIRMAN HOOD: Any opposition? Not hearing any,
24 Ms. Schellin, please record the vote.

25 MS. SCHELLIN: Staff records the vote four to zero

1 to one to grant party status in opposition jointly to the
2 Spring Valley Wesley Heights Citizens Association and
3 Neighbors for a Livable Community. Commissioner Hood moving,
4 Commissioner Miller seconding, Commissioners Shapiro and May
5 in support, Commissioner Turnbull not present, not voting.

6 CHAIRMAN HOOD: Now we have two ANCs in this case,
7 3D and 3E. Okay. Do we have anything else, Ms. Schellin?

8 MS. SCHELLIN: Proffer to expert witnesses. We have
9 one that has not, that I didn't have a record of him
10 previously being here. Steven Bartlett?

11 MR. TUMMONDS: That's correct. Mr. Bartlett has not
12 been previously admitted as an expert.

13 MS. SCHELLIN: Okay. If the commission would please
14 consider him, and then Ian Banks, from Nelson/Nygaard, he's
15 previously been accepted when he was with OR George. If the
16 commission would just accept him in this case also.

17 CHAIRMAN HOOD: Okay. I think we can deal with Mr.
18 Nygaard. I know he's changed place of employment, but I think
19 that we can continue to give him expert status in this case.
20 What about Mr. Bartlett, Exhibit 23F? Expert in architecture.
21 Okay, so we will add him to the list and we will give him
22 expert status in architecture. Ms. Schellin, anything else?

23 MS. SCHELLIN: No, sir.

24 CHAIRMAN HOOD: No more preliminary? I have a
25 preliminary matter, colleagues, and my preliminary matter is

1 I've been here for a while, and I'm looking at some of the
2 same issues I saw when we started at American University's
3 campus plan.

4 The problem I'm having is, we're still talking
5 about the same things, Jacobs Field, still talking about, you
6 know, it seems like it's getting worse. So my proposal
7 tonight, and I'm coming with this proposal after reading some
8 of the same issues that we've been having for years that
9 should have been resolved and taken care of.

10 So my issue this evening, I want to throw this at
11 my colleagues and see, do we need to postpone this hearing
12 and let them finally work on the things that we've asked them
13 to work on for years, for years. Because they're still here.
14 I have a problem with that, because when we did this, and
15 Hill I think was the chair then, when we did this we had many
16 late nights of trying to work things out and get things
17 going.

18 I'm reading letters that talks about the Community
19 Liaison Group and how that's working, and how, no, excuse me,
20 how it's not working, Jacobs Field we've been talking, Mr.
21 Herzstein has passed and then it's passed on to his family
22 and we're still having the same issues. I take exception to
23 it, I have a problem with it, and we're talking about
24 parking. I don't know how we get to 2200 spaces, when it was
25 2500.

1 I know they want to present something. They plan
2 on presenting something tonight to tell me how we got to 2200
3 but our conditions say it's 2500. That's a heavy lift for me.
4 It's just a lot of stuff here that seems to me that's not
5 getting done, and to come down here and continue to pull the
6 wool over my eyes, I have a problem with it. I have a serious
7 problem with it.

8 That field should have been taken care of and
9 dealt with a long time ago, and here we are still talking
10 about the same warmed over soup, and it's going to get worse.
11 I won't be here in ten years, but I can guarantee you it'll
12 come back down here worse than what it is now. I don't know,
13 I'm prepared to go home and have a good Thanksgiving and come
14 back next year. But let me open it up to my colleagues for
15 any comments or questions on it.

16 COMMISSIONER MAY: Mr. Chairman, my history with
17 the AU campus plan not go back as far as yours, so I can't
18 say that I have had the same repeated experience. But I was
19 here for the last campus plan, and it seemed to me that while
20 there were some serious issues that the university had to
21 address more carefully and more deliberately than they had
22 been doing, I felt like we did make progress in the course
23 of that hearing and in the course of subsequent hearings, and
24 I think we still have issues with disagreement with some
25 portions of the neighborhood. But unlike some of the past

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1 actions, the plan itself, this actually has support from the
2 ANC and even the minority report from the ANC is sympathetic
3 to the action that's being undertaken.

4 That's not to say that the conditions that needed
5 to be addressed by this time still need to be addressed
6 fully. We need to hear from the Applicant on the outstanding
7 problems that have been raised by the party in opposition.
8 I feel like some of that actually has been addressed in the
9 submissions, some of it not as well. But I think that, I for
10 one am prepared to go ahead tonight and hear what the
11 university has to say and not just base our decision on
12 whether we're for it in what we've seen in the record.

13 I'm often one who advocates for postponing
14 hearings when I think they are not ready, but in this
15 circumstance I think it's ready to be heard. Now that's not
16 to say that it's ready to be decided. We could well find out
17 information over the course of the evening that gives us
18 great discomfort about moving forward, but I would be okay
19 with going forward tonight.

20 CHAIRMAN HOOD: Okay. Vice Chair Miller, you want
21 to add, anybody want to add anything else?

22 VICE CHAIR MILLER: Yes. Thank you, Mr. Chairman.
23 I would agree with Commissioner May that -- Well, let me say
24 first, Mr. Chairman, that I sympathize with your frustration
25 that some of the long-standing issues haven't yet been

1 completely or successfully addressed, but I think we should
2 go forward.

3 There are a lot of people here tonight, I know
4 some of the adjacent neighbors couldn't be here tonight
5 because it is Thanksgiving week. Certainly what's in the
6 record before us, we are not, unless we get a lot on
7 information, addressing those issues that are outstanding.

8 There's no way, I don't think, we can make a
9 decision tonight, so I think we're going to have to leave the
10 record open for further submissions. But I'm ready to hear
11 from the Applicant and the community this evening.

12 CHAIRMAN HOOD: Okay. Mr. Shapiro?

13 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. I
14 would agree with Vice Chair Miller and Commissioner May. I'm
15 quite, I hear you loud and clear, I don't have the history
16 that you have on this. I'm prepared to listen to both sides,
17 and to Vice Chair Miller's point, we'll see what we need in
18 terms of more information. We'll see if it's adequate. But
19 I appreciate you bringing your concerns to us. But I suggest
20 we move forward.

21 CHAIRMAN HOOD: All right. I can count. But I will
22 say this, you've been around a while and you think things are
23 getting done, it's supposed to be coming together, and the
24 same issues keep rising back. It makes all those meetings
25 that we have and all of the work that this zoning commission

1 members at that time put into it, and I feel like if anybody
2 needs to hold up the banner I need to, because I was here.

3 I was here when this stuff, and when I saw Mr.,
4 I read the letter where it said that we really didn't push
5 a lot on Jacobs Field. I know for a fact if you look in the
6 transcript, I had the same concern the last time. I said the
7 same thing last time I'm saying pretty much here tonight. So
8 ten years from now, whoever's still here is probably going
9 to remember this, because if not, I'm going to come down and
10 testify.

11 I take this seriously. We come in here and we work
12 hard. We work hard up here and our staffs work hard. The
13 advice we give works hard. The community works hard. And to
14 come in with the same issues every year and want to explain
15 to me how they can get the parking space from 25 -- As I was
16 reading this today -- Anyway. All right. Let's go ahead and
17 get started. Mr. Tummonds.

18 MR. TUMMONDS: Good evening Mr. Chair, members of
19 the Board. I'm Paul Tummonds, law firm of Goulston & Storrs.
20 We are pleased to present to you this evening the application
21 for the development of the new Hall of Science Building on
22 AU's main campus. As noted in our written application
23 materials, the impetus behind the need for this new building
24 is the large growth of student interest in the STEM fields
25 as well as the aging science facilities that currently exist

1 on the AU campus.

2 This project will not result in an increase in the
3 number of students, faculty or staff. We believe that the
4 support for this project has received from ANC 3D, Westover
5 Place Homes Corporation and the Spring Valley Neighborhood
6 Association is a direct result of the extensive dialog
7 process that was undertaken with the community over the
8 summer. The siting, massing, height and operations of the
9 proposed building have all been created and modified to
10 mitigate any adverse impacts on adjacent property owners and
11 to respond to comments that were received during this summer
12 and from the surrounding community.

13 Given the relevant issues that have been raised
14 in this case and the support this applications received from
15 OP and DDOT, we're only going to have one witness, Mr.
16 Bartlett, who will walk us through the project and will
17 address the steps that have been taken to mitigate any
18 impacts on the surrounding community.

19 These include the siting of the building in a
20 manner which limits the visibility of the building from the
21 residences along University Avenue, as well as the
22 enhancements that have been made to the landscape offer along
23 University Avenue and will be made along University Avenue
24 and the project site.

25 I would like to address two issues that were

1 raised in the prehearing submissions of Spring Valley
2 Westlake Citizens Association/NLC. First, we believe it is
3 entirely appropriate for the zoning commission to take on the
4 simultaneous processing of a campus plan amendment and a
5 further processing.

6 In this case, the campus plan amendment is part
7 and parcel with this further processing. All parties agree
8 that the need for the campus plan amendment was because the
9 previous science building was attached to Beeghly. We're
10 moving that building, I say we're not having an addition
11 build to Beeghly, we're moving that building 90 feet further
12 away from the surrounding community.

13 The relevant standards are not that there is a
14 need to do so, but rather that it is necessary. We think that
15 it is entirely appropriate to have this hearing tonight. As
16 you've mentioned, all parties are here. We can address all
17 of the concerns that were raised.

18 Second, to address Commissioner Hood's concern
19 about the number of parking spaces. We've scoured the record,
20 and at some point it just comes down to what is easier to
21 believe. Is it a typo from 2200 to 2500? Or was there a lack
22 of evidence in the record to show to discuss how the zoning
23 commission decided, agreed with everything in the record that
24 said, the university is going to reduce number of parking
25 spaces down to approximately 2200. OP agreed, DDOT agreed.

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1 The document I've submitted shows the testimony
2 of Commissioner May, Commissioner Slater at the time to talk
3 about, we agree with a reduction in the number of parking
4 spaces. There is simply no evidence in the record that there
5 was any discussion about 2500 parking spaces. We believe that
6 it is appropriate to have a technical correction to really
7 address what was in the record before.

8 AU said, we are going to reduce the number of
9 onsite parking spaces to 2200, there was discussion about the
10 appropriateness of it, and then the only place you see 2500
11 is in condition of the campus plan order. I don't think it
12 is, it strains kind of the bonds of incredulity to think that
13 a typo to go from 2200 to 2500 was the basis for that. The
14 information, the specific cites of the record have been
15 presented to you. I now want to have Mr. Bartlett walk you
16 through the plans.

17 MR. BARTLETT: Thank you, Mr. Tummonds. Let me see
18 if I can do this. This is the project for the new Hall of
19 Science at American University. This is an aerial view. We
20 have Reeves Field over here and University Avenue beyond.

21 This is the Beeghly Building, the existing
22 chemistry building and environmental science building, and
23 what you can see is that we are proposing to, and the master
24 plan called for an addition to the Beeghly Building in this
25 area, and rather than advance on that plan, we've developed

1 with American University the idea that we could build a new
2 building closer towards the center of campus and largely
3 behind the Beeghly Building as a better siting for the
4 project. The project will be built to a LEED gold standard
5 as the request of American University.

6 Here we have a site plan showing the site of the
7 Hall of Science. It is largely surface parking today. This
8 is the Beeghly Building up here. We have Reeves Field up
9 along the side. You can see University Avenue is towards the
10 top, so this is where you can see that most of the site is
11 buffered by the mass of the Beeghly Building from the
12 neighboring sites.

13 Here we have it in context of the entire American University
14 plan.

15 So, here is a model, a photograph of a model, this
16 is looking essentially from above the main quad of American
17 University and the site is right here with the surface
18 parking shown, and in this you can see the mass of the
19 building in lieu of what was surface parking and some grassy
20 areas adjacent to it. University Avenue and Reeves Field are
21 up at the top of the image in this slide.

22 Here is a site plan, and we've rotated it so that
23 University Avenue is to the side in this view, and here we
24 have a sliver of the Beeghly Building which is actually a bit
25 bigger over here. It's one of the reasons the site was chosen

1 was because it is between Beeghly and Asbury Hall, so it
2 consolidates the sciences at American University in this
3 location. Those other two buildings have been used for
4 science traditionally. It also pulls the building back in
5 towards the center of campus to sort of densify the academic
6 core of the campus.

7 So we know that one point that has been a point
8 of some contention with the neighbors is this facade of the
9 building that does face out towards University Avenue. It's
10 a little less than 50 feet wide. We'll show an elevation of
11 it in just a moment. There is a window at the corner and
12 there is also the ability from the University Avenue area to
13 see between these two buildings through this gap. Based on
14 comments and feedback, we revised the landscape plan to
15 include three large trees. The largest of them is going to
16 be a magnolia. It's an evergreen magnolia, it grows up to
17 about 40 feet high. Bracken Brown, I think, is the species
18 and it's a dense magnolia that doesn't lose its leaves.

19 The smaller two are a variety of southern magnolia
20 that are considered to be semi-deciduous. They only lose
21 their leaves in very cold spells, and they have a slightly
22 thinner canopy. The idea was that we would provide some
23 larger plantings in this gap to help address concerns from
24 the neighbors.

25 If we look at tree protection and removal plan,

1 we do have a series of trees that will be removed from the
2 center of the plan. Some of the larger trees will be
3 retained. We are taking standard steps to protect the whole
4 area of the canopy of trees when we're doing the construction
5 to make sure that they will survive in place with the
6 construction going on around them.

7 Here we have an aerial photo, and you can see the
8 site here. This was taken, this is University Avenue on this
9 side and Quebec Street coming here and Reeves Field, and so
10 you can see how the proposed site is actually behind the
11 Beeghly Building, or most of it is.

12 This is an elevation taken across Reeves Field
13 from University Avenue side and this is the piece of the
14 facade, outlined here, that is most visible to the
15 neighboring areas. It's just a little less than 50 feet wide.
16 It's essentially at the same height as the Beeghly Building.
17 We're thinking it's within about a foot of that height.

18 It does have a large window on this side, and in
19 response to requests and as a gesture towards the
20 neighborhood, American University has said they are willing
21 to install motorized shades that will come down on these
22 windows at night so that it will block any light from being
23 visible on this piece of the facade that's most directly
24 visible from the neighborhood.

25 Here we have a photo montage of the mass of the

1 new building. The mass of the new building is in red here,
2 and you can see where we are. We're down on Quebec Street,
3 we'll looking up the street, and because the building, this
4 is the edge of the Beeghly Building, because the building is
5 the same height as the Beeghly Building, the building itself,
6 not it's penthouse, it's the same height as the Beeghly
7 Building but it's set further back. It appears just a little
8 bit lower, and you can see a little bit of it here, we sort
9 of zoomed in, we sort of walked up the hill towards
10 University Avenue to see. This is the mass of the new
11 building, we've sort of dotted it in here because most of it
12 is behind the buffer strip.

13 I will speak in just a moment, there is an issue
14 with the buffer strip where there's a gap here. This is, this
15 area directly at the end of Quebec Street is going to be the
16 only areas where you have a direct view without a taller tree
17 canopy back towards the campus, and this has been expressed
18 as a concern of neighbors. I understand that American
19 University is moving forward with plans to fill that gap.
20 We'll show you in just a minute.

21 As we move forward again, you can see the building
22 actually doesn't appear bigger when you move forward because
23 the lower, under-story layer of the buffer, the planted
24 buffer, masks more of the building.

25 Here we have a series of photos, 1, 2, 3, and 4,

1 that show this planted strip, the buffer strip, and you can
2 see here in photo 2 you get a good sense of this gap where
3 there's a tall canopy to one side and then to the other but
4 just at the end of Quebec Street there isn't. American
5 University has undertaken to plant seven large evergreen
6 trees, Cryptomeria japonica and Cedrus deodara in this gap
7 so that they can mature up to fill in the rest of this gap.

8 We did a balloon test where we floated three
9 balloons up to the height, one up to the height of the
10 penthouse and two to the height of the parapet of the
11 building. The popular parapet at the back corner of the
12 building is over here, the penthouse is over here. You can
13 see the Beeghly Building. It really validated the computer
14 images that we'd done earlier. They were done digitally in
15 our office based on photos.

16 When we took a view of the balloons with them
17 flying from back the other side, we actually could not see
18 the balloons because they were behind the Beeghly Building.
19 From this location over here, the only view of the building
20 would be between the Anderson dorm and the Beeghly Building.
21 There's a little gap there. And that is essentially right
22 here, that's this little gap. But it's quite heavily planted
23 so it's really screened a good bit.

24 We took another view from just along University
25 Avenue where we had the balloons. There is a balloon right

1 in this area, and that is the highest balloon at the top of
2 the penthouse. Then we took a view, because we didn't really
3 see the balloon and we wanted to make sure we showed you
4 where the balloons were, we had these three red balloons and
5 we took this from the top of the parking garage at American
6 University just as a confirmation of where they are.

7 The building itself is L-shaped, it has a lecture
8 hall, it has some classrooms, the thin side looks back
9 towards the university. It goes up, it has research
10 buildings, research areas and teaching labs. Up again, more
11 research labs. We got some comments about crosswalk locations
12 and bike racks, and we have tried to respond to those, and
13 loading docks, by having loading docks and a service vehicle
14 space and a series of crosswalks available.

15 This is a view of the front of the building as it
16 faces the American University campus where it will be very
17 glassy and have landscaping in front. This is a view of the
18 back, formed in front of the Beeghly Building where you're
19 looking at a rear section of the building that will also have
20 research labs behind glass. And that's our presentation.
21 Thank you.

22 MR. TUMMONDS: Thank you very much, Mr. Bartlett.
23 I will now have Linda Argo on behalf of AU. She will discuss
24 the dialog that has occurred since the last time we were here
25 with regards to the use of Jacobs Field.

1 MS. ARGO: Good evening, Commissioners. I need to
2 say very bluntly that I was, I and others who had been
3 working with Jessica Herzstein, the daughter of Bob
4 Herzstein, and her husband Elliot Gerson. I was surprised to
5 see the letter that was entered into the record, given where
6 we left things the last time we talked to them which was just
7 about a week ago.

8 I want to be clear that I think the impression,
9 at least it's left on you, Mr. Chairman, that not much has
10 happened, that the needle hasn't moved in terms of the number
11 of conditions that were included in our last campus plan
12 order to be, I'll keep this brief, but we've had a, we did
13 a tremendous amount of work with Mr. Herzstein while he was
14 still living, in meeting the terms and conditions of the
15 order in reducing the sound, particularly amplified sound,
16 on Jacobs Field.

17 Since we started working with Ms. Herzstein and
18 Mr. Gerson, and that's been, I think that we met with them
19 a number of times over the last several years, they only
20 recently moved into the house but they had been to the
21 property on enough occasions to be able to give us feedback
22 on their concerns.

23 I'm going to address just two things. One is that,
24 and I think there was something in the testimony also
25 submitted by the parties in opposition, of increased use on

1 the field, and we actually went back and looked very
2 carefully at the data and we could submit that for the
3 record, that shows an actual decrease in the use of the field
4 since the campus plan order.

5 The second thing is we got to a point with the
6 Herzstein persons in the last, I would say probably three
7 months, there's a specific condition in the order that says
8 if all of the things that is written in the order have not
9 gotten to a level of satisfaction with the owners of the home
10 at 4710 Woodway Lane, then the university shall work with the
11 owners to consider other measures such as a sound curtain.

12 That is exactly what we have been doing. For
13 several months we engaged our sound engineers to take sound
14 measurements during some of the Patriot Leagues games, and
15 we have engaged a structural engineer and a design engineer
16 and we've had several meetings with them in the last two
17 months to talk about what would be necessary, the size, the
18 scope, the length, the materials to reduce sound levels from
19 eight to ten decibels from certain levels of their home.

20 I'll leave it at that. We have, those discussions
21 were less than a month ago and we were at a place where we
22 were in agreement that we would proceed and look at the costs
23 involved as well as all the materials and other information
24 we would need to construct, potentially construct a sound
25 curtain that would reduce the sound levels to an acceptable

1 level for the occupants of the home and at the same time we
2 would have a discussion, in fact they were in agreement with
3 this, about the necessity of some of the other conditions of
4 the order once such a sound curtain were constructed.

5 MR. TUMMONDS: Thank you, Ms. Argo. That concludes
6 our presentation. We're available to answer any questions
7 that you may have.

8 CHAIRMAN HOOD: Okay. Commissioners, any questions
9 up here? Comments, questions? I think I better go last. I
10 might spoil the party. Okay, Commissioner May.

11 COMMISSIONER MAY: The, one of the concerns is the
12 amount of light that will be visible from the neighborhood,
13 and I can see how you have made some gestures in that
14 direction. There's 17 feet of width of glass, but it is floor
15 to ceiling glass, right?

16 MR. BARTLETT: Yes, it is.

17 COMMISSIONER MAY: Whereas on the other, some of
18 the other facades you have a punch window which is
19 significantly less glass.

20 MR. BARTLETT: The punch window is actually about
21 the same height. It goes from about one foot above the floor
22 --

23 MR. BARTLETT: Yes, but the proportion of glass is
24 significantly more when you have floor to ceiling glass, even
25 if it's for 17 feet. I mean, if you were to do just punch

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1 windows on that side, would it be the same amount of glass
2 if you used the same pattern that's on the north side?

3 MR. BARTLETT: It would be less glass. The head and
4 sill are the same, at the same height in both the curtain
5 wall areas and the punch windows, but obviously the width
6 would be reduced in punch windows.

7 COMMISSIONER MAY: Right. So there would be less
8 glass if you had them punched.

9 MR. BARTLETT: Yes.

10 COMMISSIONER MAY: It's quite a distance away and
11 I know that it's all interior lighting and you don't really
12 want to be bleeding a lot of light out of the building
13 because you really want to just light what's in the building,
14 that's the most efficient thing. You don't want to be
15 spreading a lot of light outside the building. But, have you
16 actually measured how bright the light will be, or be
17 perceived, from the neighborhood? Have you studied what the
18 candle levels are as you get away from the building?

19 MR. BARTLETT: No, I have not.

20 COMMISSIONER MAY: Is that something the university
21 is willing to do?

22 MR. TUMMONDS: I think so. I think, truthfully, the
23 discussion talks about the light mitigation with the steps
24 we've taken. One, the siting of the building 500 feet from
25 University Avenue, just as you say, Commissioner May, with

1 the short end of the building facing that. The labs of this
2 northwest corner building, they're going to have the vacancy
3 sensors and they're going to have the automated shades to
4 block the light coming down from that.

5 COMMISSIONER MAY: So whenever the room is
6 unoccupied, late into the night the shades will go up and the
7 lights will go off.

8 MR. BARTLETT: No, the idea of the automated shades
9 is that they would go down every night whether the room is
10 occupied or not.

11 COMMISSIONER MAY: Got it. Okay.

12 MR. BARTLETT: But the lights would go off if the
13 room is unoccupied.

14 COMMISSIONER MAY: Right. Do we know what the hours
15 are going to be of the shades will be down?

16 MR. BARTLETT: It would essentially be sundown to
17 sunrise.

18 COMMISSIONER MAY: You would set a time.

19 MR. TUMMONDS: Exactly.

20 COMMISSIONER MAY: And of course there's no
21 lighting in the penthouse level or anything like that. The
22 penthouse is going to be a --

23 MR. BARTLETT: No, there's no lighting at the top.

24 COMMISSIONER MAY: Right. What's the color of the
25 penthouse, anyway?

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1 MR. BARTLETT: It will be a gray painted metal
2 siding.

3 COMMISSIONER MAY: We encourage dark colors. Just
4 generally, we encourage dark colors all the time for all the
5 penthouses just because they, contrary to what you might
6 expect, when they're up against the bright sky it does
7 receive more even when it's black. It receives more when it's
8 dark than when it's light.

9 I don't think I really have any other questions.
10 I mean, you've addressed, you have an explanation for the
11 parking, I think we'll hear from the opposition about what
12 they think of the parking situation, and Jacobs Field, it's
13 good to have that additional information. Reeves Field,
14 sorry, is that what it is?

15 MR. TUMMONDS: It's Jacobs Field.

16 COMMISSIONER MAY: Sorry, have to get my fields
17 straight. Thank you.

18 CHAIRMAN HOOD: Commissioner Shapiro?

19 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Can
20 you go back just a few slides? I think it was 21 or 22. One
21 more. I'm just trying to make sense, this may not matter but
22 is this reversed? I thought the glass was on the left side.
23 Oh, there it is. I see.

24 (Simultaneous speaking.)

25 MR. BARTLETT: On the front of the building, the

1 glass on the front of the building is right there.

2 COMMISSIONER SHAPIRO: Thank you. I missed, I saw
3 that the wrong way. So when you were going, and this was back
4 a few slides with the balloon tests, there were no views from
5 the lower part further down University Avenue. I don't know
6 the topography that well. I'm just assuming that's, it goes
7 downhill and so you didn't even bother because there's no
8 real view from that lower part of that neighborhood? If
9 you'll go back, I can show you what I mean.

10 That's fine, right where you are. And what is
11 essentially going up University Terrace -- University
12 Avenue, I'm sorry.

13 MR. TUMMONDS: Right.

14 COMMISSIONER SHAPIRO: So folks who are up in that
15 area are going to have less, the topography is such or the
16 shading is such, they would have more of a direct view of the
17 building.

18 MR. TUMMONDS: They would have a direct view of the
19 building. What we saw when we took a picture from that area
20 was that we actually didn't see anything from ground level
21 because the berm is a bit higher and the understory plantings
22 are higher. This is from that area of University Avenue --

23 (Simultaneous speaking.)

24 COMMISSIONER SHAPIRO: A slightly different
25 question. If you literally take your little hand and move it

1 straight up, keep going, up, up, up, up, up, up, up. Right.
2 Anywhere in that area you're getting a more direct view of
3 the building and of that lit corner.

4 MR. BARTLETT: Yes, you would. You would.

5 MR. TUMMONDS: I mean, you would, but I think the
6 question is, do you think, Mr. Bartlett, is the image that
7 we're showing appreciatively different through the buffer,
8 through the topography of both the University Avenue house
9 there and the berm on the other side of University Avenue?

10 COMMISSIONER SHAPIRO: Because of the topography,
11 it may be completely irrelevant. I just don't know.

12 MR. BARTLETT: To my understanding University
13 Avenue is relatively flat, and the berm is relatively
14 constant. The buffer strip of planting actually gets a little
15 wider as we move up here, so we didn't think we would have
16 any view at all to present to you of the balloons from that
17 area.

18 COMMISSIONER SHAPIRO: All right. The only other
19 issue I have was related to the motorized shades. The
20 intention is to keep light from bleeding out into the
21 community. Are there any safety issues related to that? Am
22 I correct, this, that piece is essentially, it looks to me
23 like it's in the stairwell? What is that?

24 MR. BARTLETT: No, the room on the corner is a
25 teaching lab on several floors and it's a research lab on one

1 of the other floors. There's no safety issues with having
2 shades that come down for those rooms.

3 COMMISSIONER SHAPIRO: And then the only other
4 light issue is, if you could go forward a few slides, I think
5 it was 23 or 24, the one we were looking at. Keep going one
6 more. So, what kind of exterior lighting are you planning?
7 There will be some kind of exterior lighting, because
8 pedestrian walkways and --

9 MR. BARTLETT: Yes. There will be some low-level
10 sort of bollard lighting down in this area, and there would
11 probably be some smaller light poles with zero cutoff that
12 put light down on the landscape down in this area, just to
13 ensure campus safety at nighttime areas. And there'll be some
14 low-level lighting on the terrace that's on top of this
15 lecture hall piece of that, at that level as well.

16 COMMISSIONER SHAPIRO: All right. Thank you. That's
17 all I have, Mr. Chair.

18 CHAIRMAN HOOD: Thank you. Vice Chair Miller?

19 VICE CHAIR MILLER: Thank you, Mr. Chairman, and
20 thank you for your presentation. So it is Jacobs Field. It
21 used to be Reeves, Reeves Field? Or are they two different
22 fields?

23 MR. TUMMONDS: Two different fields.

24 VICE CHAIR MILLER: That was confusing. Different
25 reports mentioned different names. Where is, if you can go

1 back to 17, where we were just on, can you just show me where
2 Woodway Lane is, where the Herzstein, where they live? Where
3 the hand is?

4 MR. TUMMONDS: So in effect I'm saying, this view
5 is essentially the view of the building from Woodway Lane,
6 if you were going to get up there.

7 VICE CHAIR MILLER: You may have answered this in
8 response to Commissioner May or Commissioner Shapiro's
9 question and I might have just tuned out a second, but is
10 there a reason why there isn't going to be the automatic
11 shades for the rest of the glass that faces University
12 Avenue, or is there any reason why there can't be?

13 MR. TUMMONDS: We looked at that, and that was
14 obviously an issue that was raised by Spring Valley Wesley
15 Heights. At some point we just felt that it was not
16 necessary, I think for twofold.

17 One, that is, the broad part of that building is
18 only blocked by the Beeghly Building. So there is, in fact,
19 the views of whatever light is emitted almost becomes a slot
20 coming through. I believe we thought to a certain degree that
21 is a lot of shades to come down, we think is would detract
22 a little bit from the appearance of the building.

23 VICE CHAIR MILLER: Is that mostly stairwell or
24 classrooms, what are those windows adjacent to?

25 MR. BARTLETT: It's a hallway, actually. It's a

1 hallway that leads between classrooms and a stairwell.

2 VICE CHAIR MILLER: And does that go off at sunset
3 as well, or does it not go off at sunset?

4 MR. BARTLETT: The lights would typically have
5 occupancy sensors or vacancy sensors throughout the whole
6 building so that they will go off when people leave the
7 building.

8 VICE CHAIR MILLER: Okay.

9 MR. TUMMONDS: And so the document that Mr.
10 Bartlett has put up and that we're hitting on now is, this
11 is the distance from that inner courtyard facade, so I think
12 there's a couple things again. Two, the fact that Beeghly
13 Building blocks it, but that is also so much further removed
14 from the property line because again, that is set further
15 back into the campus. And so the numbers here, and what I
16 would say, here that 750 foot number, that is to, not just
17 to the University Avenue property line, that is on the other
18 side of University Avenue. And similarly, that 1000', that
19 is to the home on Woodway Lane.

20 VICE CHAIR MILLER: What is the status of the wind
21 tunnel study that was going to look at the lab fumes and what
22 they're emitting to the neighborhood?

23 MR. TUMMONDS: Right. Consistent with the ANC's
24 report, we conducted that prior to the issuance of the
25 building permit. Once we know, once we get approval from the

1 zoning commission, then we go to the next level of
2 construction documents, and it is through the construction
3 document process that we'll be able to take the windway
4 analysis and provide that information to ANC 3D as they
5 requested as a condition of approval of this.

6 VICE CHAIR MILLER: So it will be a condition of
7 the zoning order in this case.

8 MR. TUMMONDS: Yes. We agreed to that.

9 VICE CHAIR MILLER: Prior to the building permit.
10 And is the lighting, you're also providing that the lighting
11 that you're proposing in terms of shutting off and the shades
12 would also be a condition of the zoning order?

13 MR. TUMMONDS: Absolutely.

14 VICE CHAIR MILLER: The 78 parking spaces that are
15 on the surface lot now, I think I read in your submission or
16 in somebody's submission that they can be accommodated in
17 spaces that the Bender Arena parking, do we have something
18 that demonstrates that there is that level of vacant spaces?
19 How many spaces are at Bender Arena Parking? Approximately.

20 MR. WEIHULS: Good afternoon, I'm Dan Weihuls, I'm
21 assistant vice president for risk, safety and transportation
22 programs, and parking is actually in my portfolio. I don't
23 have the number off the top of my head, it's probably about
24 250 that are in this sports center garage. The entire
25 inventory for American University is 2,393. That includes the

1 78 that you're talking about currently.

2 Our utilization rate is about 80 percent across
3 campus, so we feel with the removal of these spaces we can
4 easily absorb the 78 we plan on losing, spread across the
5 university in its entirety.

6 VICE CHAIR MILLER: So not all of them would be
7 able to be accommodated at Bender, they just --

8 MR. WEIHULS: No, they'd be displaced all over the
9 place.

10 VICE CHAIR MILLER: Okay. And you're not
11 anticipating any greater usage of, what is going to be the
12 use of Beeghly? Administrative offices, I think I read in one
13 place it's going to be torn down, it apparently wasn't in
14 good enough shape to renovate, falling apart.

15 MR. TUMMONDS: At this time, the reason why we
16 needed the campus plan amendment was the initial campus
17 anticipated that, okay, we could renovate Beeghly and then
18 add the building next to it. After further review, they said
19 it's a 1950's era building that was for the sciences, you
20 can't renovate it. You can't make it work for the sciences.
21 That's why we now had this case.

22 I think the good thing about not having to gut
23 that building and add to it is that we don't have to find
24 flex space for the sciences while the renovation is
25 occurring. Obviously while this new Hall of Science building

1 is being built sciences will continue to occur at Beeghly.
2 In the future, right now we anticipate that it will stay
3 academic/administrative. It's not going to change to housing,
4 it's not going to change to anything other than what, we
5 don't think the sciences will go there but maybe some of the
6 office space can be there. It will remain
7 academic/administrative.

8 VICE CHAIR MILLER: So between Beeghly and the new
9 Hall of Science, there will be increased usage of that total
10 footprint because you'll have --

11 MR. TUMMONDS: Sure. But will that existing 60,000
12 sq. ft. building, will we use all 60,000 square feet? I don't
13 think so.

14 VICE CHAIR MILLER: How many faculty and staff are
15 in Beeghly now? Was it, I see a 300 and something number? Or
16 is that the number of occupants of the building, maybe that
17 was the total occupancy. I'm just trying to get a sense of
18 the increased usage of that area and what relationship we're
19 going to have increase parking or whether the parking can
20 stay the same at 78. Sounds like there might be more need for
21 parking because of the Hall of Science and the continued use
22 of Beeghly for something.

23 MR. TUMMONDS: I think what we can do, we will
24 submit information that talks about where we expect those 75
25 spaces, 78 spaces, to go, and I think to address your concern

1 about, you know, will they be driving around to find a new
2 place, what is the utilization of those 75 spaces now, to
3 give you a true sense of the impacts.

4 VICE CHAIR MILLER: Okay. I look forward to getting
5 that information, then. I guess my last question then is, no,
6 no, not my last question, my next to last question, Mr.
7 Chairman. When will we see the results of this sound study,
8 and whether the university is going to commit to a sound
9 curtain along --

10 MS. ARGO: We're waiting for, we have consultants
11 from Miller Beam and Paganelli that are, they've actually
12 done a couple of studies already and then they went back and
13 did, and they worked with Ms. Herzstein and Mr. Gerson during
14 the actions so we could get some definite sound levels from
15 a well-attended league game that was on the field.

16 That was just, that was early in the fall, I think
17 that was October, so from that last study and combining it
18 with what we already know, we're waiting for the final report
19 from Miller Beam. We should have it, I would imagine we'll
20 have it this week. Hopefully before the holiday, maybe not,
21 but it's imminent.

22 We will have that, and that plus, once we have
23 that and we have the engineering firm engaged, and I believe
24 we've reached out to Wiley Wilson to assist us with
25 determining the, what we would need to reach a specific

1 decibel reduction at a specific height and width of the
2 property in consultation with Ms. Herzstein and Mr. Gerson.
3 And that's what we've committed to, and we were in agreement
4 with that, all of us, at the last meeting that we had in
5 October.

6 VICE CHAIR MILLER: So we can expect to receive
7 then the report that you're going to get after you get the
8 report from the sound engineers, and with whatever commitment
9 you're going to make in terms of the sound curtain or sound
10 wall or sound fence or sound something, and that could be a
11 condition of the order as well, I assume.

12 MS. ARGO: It could be. I mean, if that's, you're
13 looking for that so I'm looking for guidance from our
14 counsel, that's fine.

15 VICE CHAIR MILLER: Okay.

16 MS. ARGO: We would certainly agree to that.

17 VICE CHAIR MILLER: Okay. I think that would be
18 helpful. What would be, are there different materials that
19 are being considered?

20 MS. ARGO: Yes. I mean, part of it is the --

21 VICE CHAIR MILLER: It's not what we see along I-
22 66, is it?

23 MS. ARGO: That would be correct.

24 VICE CHAIR MILLER: I don't think we really want
25 to see that.

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1 MS. ARGO: No one is looking for a 30' high
2 concrete wall. Part of that is the discussions that we need
3 to have with the neighbors about material length, and they
4 are also very concerned about any tree removal that could be
5 necessary for the construction of that wall and they want to
6 have that discussion with us as well. It is heavily wooded,
7 that's that big part of the buffer area along University
8 Avenue that extends over to Woodway Lane, and we're trying
9 to figure out what makes sense from a material standpoint.

10 My understanding, I'm not an engineer, but the
11 higher the sound curtain would go, obviously the deeper the
12 anchors have to be in the property, and the more potential
13 intrusion to the woodland buffer there we would have to have.
14 So that's all part of what we've agreed to talk with them
15 about as we move through the process.

16 VICE CHAIR MILLER: We'll look forward to getting
17 more information from you as you get more information from
18 your sound engineers.

19 MS. ARGO: Absolutely.

20 VICE CHAIR MILLER: So, you're putting in seven,
21 was it seven trees into that gap area, Cryptomeria and other
22 evergreens, I had some Cryptomeria that acts as a landscaping
23 buffer at the back of my yard where there's a field with
24 Little League regularly playing there. I don't mind them
25 playing there.

1 Anyway, do you have a reaction to the landscaping
2 plan that was submitted by the party in opposition, or do you
3 want to wait to hear that and do that on rebuttal?

4 MS. ARGO: Mm-hmm. And the landscaping plan, we
5 did a walkthrough with the neighbors and we had several ANC
6 commissioners that were with us on that walkthrough, and I
7 think that they were, we were focused in our discussion. In
8 fact, much of the discussion had to do with broader
9 landscaping issues and concerns about the maintenance and
10 continued upkeep of the buffer. We had agreed to come back
11 to that at some point in time.

12 I think they were looking for us to do something,
13 they submitted a five-year plan which we are happy to
14 continue to talk to them about but we weren't prepared to
15 deal with that as part of the submission that we making for
16 the Hall of Science. We'd been working with the neighbors for
17 over 20 years about that buffer and the continued maintenance
18 of the buffer, and we have information that we can also
19 submit at some point if you would like, showing that we had
20 a new landscape and maintenance plan prepared back in 2014
21 but we didn't get a response from any of the several
22 community members that we had talked to about it so we had
23 not moved ahead with that but we're certainly prepared to do
24 so.

25 (Simultaneous speaking.)

1 VICE CHAIR MILLER: It might be as well to submit
2 that for the record, just so we can compare that with what
3 the party in opposition has.

4 MS. ARGO: We'll be happy to do that.

5 VICE CHAIR MILLER: And we'll ask them about that
6 as well.

7 MS. ARGO: We just did.

8 VICE CHAIR MILLER: Okay. Last question. How many
9 trees will have to be removed, if any, for the construction
10 of the Hall of Science?

11 MR. BARTLETT: I have not counted them, I think
12 it's 19.

13 MR. TUMMONDS: On our --

14 VICE CHAIR MILLER: Do we have something in the
15 record already that addresses that?

16 MR. TUMMONDS: The tree protection removal plan
17 that we submitted this evening, at the schedule.

18 MR. BARTLETT: Yes. It's very small. It's up here.
19 The civil engineer did that for me. I hadn't counted them
20 personally. My apologies.

21 VICE CHAIR MILLER: I can't read that right now,
22 and I didn't read it, I guess I missed that.

23 MR. TUMMONDS: And I know it refers to up to Tree
24 19, but some of them are --

25 VICE CHAIR MILLER: Are they all being replaced?

1 MR. TUMMONDS: No. Not on the site but I think that
2 Chairman Hood would be the proper person to talk about the
3 official designation as an arboretum. Is that you?

4 MS. ARGO: Yes. I think that, and you may know
5 because we may have brought it up before, that we are
6 officially designated arboretum. We have our own
7 institutionalized tree care and tree protection plans. We have
8 large trees all over the campus, and have limited areas in
9 which we can expand in the future, I expect that we'll run
10 into this if we have other projects as well.

11 We're looking at, we have our folks looking at
12 this right now. We know we have a couple of large trees on
13 the lot and we're getting the civil engineers the dimensions
14 of those trees that will enable us then to enact whatever
15 plan we have in compliance with the existing legislation on
16 tree protection.

17 VICE CHAIR MILLER: Thank you. Very responsive.
18 Thank you, Mr. Chair.

19 MR. WEIHULS: Mr. Miller, just to clarify, we have
20 463 spaces in the sports center garage.

21 VICE CHAIR MILLER: Okay. And there are vacancies
22 sometimes when the field is being used?

23 MR. WEIHULS: Most of the time the two top levels
24 are open, so it's not utilized to its fullest.

25 VICE CHAIR MILLER: How many levels is it?

1 MR. WEIHULS: Six levels.

2 VICE CHAIR MILLER: I've been there, but it's a
3 very long time ago. Okay. Thank you very much.

4 MR. WEIHULS: Thank you.

5 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just
6 a quick question about, I'm sure we heard a little bit more
7 from the parties in opposition, but if you can provide a
8 brief summary of the community engagement. But if you can
9 provide a brief summary of the community engagement process,
10 specifically around this building. And do you have, what do
11 you have in writing for us that could help? Maybe there's an
12 exhibit that I didn't see specifically, or a piece of an
13 exhibit.

14 MS. ARGO: I don't think we have anything in
15 writing. We can certainly submit something for the record.
16 We had, I can actually summarize for you if you'll give me
17 just a second, and I can pull it up because I have a
18 schedule. We had at least two if not three, they can help me,
19 presentations to the ANC to 3D.

20 We presented information on the Hall of Science
21 building to our community liaison committee at least twice
22 in this current year, and we had three separate meetings that
23 were called by the neighborhood collaborative and the CLC
24 jointly, open to all neighbors, specifically on the Hall of
25 Science. I'm trying to think of the dates.

1 We had one in April or May and two in August of
2 this year, so it was extensive. Again, those invitations were
3 open to all the active members of our community groups and
4 then to the broader public through further information
5 provided by those community groups to their neighbors.

6 MR. TUMMONDS: And Mr. Shapiro, we will submit for
7 the record a --

8 MS. ARGO: Chronology, essentially.

9 COMMISSIONER SHAPIRO: And with approximations of
10 how many people were touched through that process and the
11 whole thing. We'd like to see it.

12 MR. TUMMONDS: Sure.

13 COMMISSIONER SHAPIRO: Thank you. Thank you, Mr.
14 Chair.

15 CHAIRMAN HOOD: Ok, I don't have a lot of questions
16 on the further process. My question is more what we have not
17 done, as I stated earlier. I know it was mentioned that all
18 parties were here in the room. I've heard that tonight.
19 They've been here in the room since 2000 when we first
20 started back doing campus plans. So I don't buy that
21 argument.

22 The other issue, and let me preface this. Mr.
23 Tummonds, I think a lot of you, I think you're a great
24 counselor, I've seen you argue a lot for your clients. I
25 always had to preface, but I'm going to lower the boom a

1 little bit but I think you're great.

2 Ms. Argo, I've watched you in the DCRA, you got
3 things done. So no discredit to you all's capabilities,
4 because I know you can do it. I know some of you might not
5 have been around when some of these promises were made and
6 the promises weren't kept, which is my frustration and my
7 problem. I'm sitting here looking at some of the same stuff
8 I saw in 2000. That was 17 years ago. I guess a lot of people
9 thought I'd be gone by now, but I got news for you, I may be
10 here 17 years later if my health holds out.

11 So the other thing, Mr. Tummonds, this argument
12 about the 2500, I see the discussion that was had with
13 Commissioner May and Commissioner Slater at the time. But our
14 condition says 2500, and the narrative usually supersedes.
15 Help me to understand how we got there, because I looked at
16 it and I can see how we can come up today and say it's a
17 typo, but I don't believe it's a typo.

18 MR. TUMMONDS: Well, Mr. Hood, I think every time
19 that we do this, we have the findings of fact have to flow
20 rationally to the conditions of the order. So we have, what
21 I tried to do in this document is to say, here are all the
22 places in the record of the 2011 campus plan where we talked
23 about the reduction in parking. There are numerous places
24 where we talked, we're going to get down to 2200 spaces.
25 We're going to get down to 2200 spaces.

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1 Then in the finding of fact number, then also
2 going to the testimony of Mr. Smith, asking questions of Jorg
3 Abud. Mr. Smith asking questions of DDOT, and it was all
4 about going down, going down. And we agreed.

5 And then Commissioner May and Commissioner Slater
6 said, we support this going down to 2200. Then we go to the
7 order, finding of fact number 67, which says in the 2011
8 campus plan, the university will reduce the number of on-
9 campus parking spaces by 429 to approximately 2,200 spaces.
10 So the order itself, the finding of fact that I talked about,
11 where we get to the condition that referred to 2,200.

12 CHAIRMAN HOOD: What does Condition 14 say?

13 MR. TUMMONDS: Condition 14 says 2,500, but there
14 is nothing in the -- I guess what I'm saying is at what point
15 do we say, all right, if I'm going to look at, we think
16 there's a mistake here. That's what we've been, there's a
17 mistake because there's nothing in the record where any of
18 the zoning commissioners said, I know that AU has said they
19 want to reduce it to 2200. I know that OP and DDOT agreed
20 with --

21 CHAIRMAN HOOD: Let me, help me get there, because
22 actually I asked my council earlier today about this whole
23 issue, and it came back with Condition 14. If you can
24 convince them and convince them, then maybe I'll be convinced
25 but right now I'm not.

1 MR. TUMMONDS: Okay. What I was trying to do, I was
2 trying to point into the record where there was all the
3 places where there was a reference to the number of on-campus
4 parking spaces being reduced to 2,200. At no instance in the
5 record did someone say, I know that AU wanted to reduce to
6 2,200 and I know that DDOT agreed with that reduction. And
7 Commissioner May said, I agree with that reduction. And
8 Commissioner Slater said, I agree with that reduction. At no
9 point did anyone say you know, I don't think 2,200 is right.
10 It should in fact probably be 2,500. I would have thought
11 that if that was the case, if there was a concerted effort
12 by the zoning commission to say, we don't want to go down
13 that much, there would be something in the record to say, we
14 know that you wanted it at 2200, we're not going to let you
15 go to 2200, we're going to go to 2500. There's nothing in the
16 record that shows that.

17 CHAIRMAN HOOD: Besides the condition.

18 MR. TUMMONDS: Besides the condition. So then at
19 what point do you say, we're talking about one digit. Right?
20 I mean, it's just like -- but again, I don't think it's that
21 crazy to think that that is a typo versus all the other
22 language that says, this is what we intended to do, this is
23 what we wanted to do. Because the flip side then is there's
24 a typo, how do we reconcile the finding of fact Number 67,
25 which says it should be 2200. Then we have a condition which

1 says 25. Our conditions are supposed to flow rationally from
2 the findings of fact.

3 CHAIRMAN HOOD: And the zoning commission, which
4 one is the law? Is the findings of facts, or is it the
5 conditions?

6 (Simultaneous speaking.)

7 MR. TUMMONDS: It is absolutely the conditions, and
8 that's why we're here to fix it.

9 CHAIRMAN HOOD: The rules of law or the conditions?
10 Which one is the law.

11 MR. TUMMONDS: Absolutely. We are supposed to, the
12 conditions --

13 CHAIRMAN HOOD: The findings of fact are just what
14 they are. Findings and discussion points, but the
15 conclusions, the law, and the conditions are the law,
16 correct?

17 MR. TUMMONDS: Right.

18 CHAIRMAN HOOD: Okay. So we said 2500.
19 That's a heavy lift for me, I got to say. Help me get there.
20 You may have your opinion, you may not. But I'm going to
21 argue against that right now. I don't see it, and we've had
22 other cases where the narrative and what the plans look like,
23 and so we go through that.

24 MR. TUMMONDS: Right.

25 CHAIRMAN HOOD: I'm not saying you're trying to

1 pull one, you're an honest guy, I can say that about you. But
2 I'm just trying to figure out how we get there.

3 MR. TUMMONDS: And I've tried to do that with
4 written information we submitted earlier this evening.

5 CHAIRMAN HOOD: So far I haven't trusted what I got
6 here tonight.

7 MR. TUMMONDS: Okay.

8 CHAIRMAN HOOD: Commissioner May, well, I won't say
9 anything about that. Let me go to the photos. The photos of
10 the balloon test, I notice we conveniently use growing
11 season. The leaves are all, not that it's going to make a
12 major impact, but I didn't see any, unless somebody can
13 direct me, I didn't see any in there with, when it wasn't
14 growing season when the leaves are under the branches and
15 everything, and that helps cover it up and hide it, I didn't
16 see anything without that.

17 MR. TUMMONDS: I'm sorry.

18 CHAIRMAN HOOD: We're going to be raking leaves
19 soon, or probably doing it now.

20 MR. TUMMONDS: I agree. We don't dispute that the
21 balloon test was taken on October 5th.

22 CHAIRMAN HOOD: Okay. So it's going to be a lot
23 more visible without the, when it's not growing season.

24 MR. TUMMONDS: Yeah, I would say to a degree. I
25 think what we tried to show is, and what Mr. Bartlett had

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1 raised, is that we initially did the outline of the building,
2 right, and they can do that with plugging in the building to
3 show that. We then did, and we've presented to that, that's
4 what the outline of the balloon's going to look like,
5 superimposed over the leaves that exist.

6 We then did a balloon study, really to kind of
7 doublecheck fact check, were we accurate in drawing that
8 outline, and as Mr. Bartlett said, one of the results that
9 we think of the balloon test is yes, we were. We think, then,
10 the outline of the building is an accurate reflection of how
11 visible that would be. To answer your question, Mr. Hood,
12 we'd have to do another balloon test at a time when there
13 were no leaves, later in the year.

14 CHAIRMAN HOOD: I'm not going to go that far, but
15 I know that it's not going to be, it's well hidden now but
16 I know it's going be more visible.

17 COMMISSIONER MAY: Maybe we can get a photograph
18 now. I mean, trees are mostly lost their leaves right now.
19 I wouldn't necessarily run the balloon up, but you could take
20 a shot from the same viewpoint and get something that shows
21 how different it is.

22 MR. TUMMONDS: Absolutely.

23 CHAIRMAN HOOD: Okay. All right. My other, let me
24 see. Exhibit 37, which is a letter from Ms. Herzstein's
25 daughter and the husband. This issue has been going, and I

1 said this earlier, this is what really has me bothered with
2 I read it. I say in, and I was reading it today, and I said,
3 I read this some years ago a couple of times. And then
4 seeing, and one of the submissions from one of the
5 commissioners, that we basically are not doing anything about
6 it, or we have not stressed about it or pressed American
7 University, and we have.

8 We've asked you over and over and over to work,
9 and I'm hearing, or I think I heard, something similar last
10 time. We're working with them and we're close to doing this,
11 and -- But the letter does not reflect anything that you
12 said, Ms. Argo. This letter reflects something totally
13 different. I don't know if you all didn't meet with each
14 other, or what, but this letter says basically, it's a
15 blatant disregard the way I read the letter.

16 So, I mean, all this -- before I take a vote on
17 this, I'd like to see, and I know they're out of the country,
18 I don't know how long they'll be gone, but I'd like to see
19 what progress has been made and I'd like for this person to
20 validate what you said. I need it from both sides. You're
21 saying one thing, they're saying something totally different.

22 MS. ARGO: May I respond?

23 CHAIRMAN HOOD: Sure.

24 MS. ARGO: I'm looking at my notes here. The last
25 meeting that we had with them, on my notes, October 17th of

1 this year, so just a little less than a month ago. We were
2 in touch with them, we had a meeting with them on, at our
3 offices, and at that meeting we agreed for the last that we
4 would do one more sound test at the last regular season game
5 of the Patriot League.

6 We knew that it was going to be alumni weekend,
7 All-American weekend, we call it, so we knew it would be
8 heavily attended and that we would have a good representation
9 of crowd as well as field noise.

10 We did that, I don't have the date in front of me
11 but it was after this meeting. We had engineers, sound
12 engineers from Miller Beam up on the Herzstein property,
13 working with them, and this was all in the understanding,
14 with the understanding that we were looking for some final
15 information to help make determinations on a sound curtain
16 and that we would get back together again after we had
17 engaged the engineer, which we had done. We don't have the
18 final sound results yet, but to talk with them about what we
19 were actually looking at then. Were we looking at a 10, 15
20 feet, 30 to what, 50 to 60 feet in length and what kind of
21 material. I have the notes from the meeting, I have their
22 comments --

23 CHAIRMAN HOOD: Okay. Let me just cut you off on
24 that. I appreciate all that, but when I look at this letter,
25 it doesn't even talk about a meeting. It talks about, and

1 this is what it says to me. So we entered this proceeding to
2 note as fact at this time at least, AU is not remotely in
3 compliance with the zoning order regarding the appropriate
4 uses of Jacobs Field. That's what was written to me.

5 MS. ARGO: I understand.

6 CHAIRMAN HOOD: And before that, it says, we are
7 not arguing that there can be no noise, I understand that,
8 or no use of the field, but only that the use be limited and
9 noise mitigated consistent with the requirements outlined in
10 Zoning Commission Order 11-07. Condition Number 25 defines
11 the use of Jacobs Field that are permissible, other than
12 carefully delineated in Section 17. That's what we put
13 together, that's what we approved.

14 MS. ARGO: I understand.

15 CHAIRMAN HOOD: And to come back and tell me that
16 none of this is being done, I have problems with that. So
17 before I move forward, I need to hear from, I need to, first
18 of all I need to see that you all are all going to the same
19 meeting. Because the meeting you went to is different from
20 the meeting they apparently went to, or there were
21 misunderstandings happening at that meeting. Did you meet
22 with both, with Jessica Herzstein and Elliot Gerson?

23 MS. ARGO: Yes. They were there.

24 CHAIRMAN HOOD: Okay.

25 MS. ARGO: We had moved, I guess the point I'm

1 making, sir, is that we had agreed that there was, there
2 appears to be, and this is consistent with the order, as the
3 order moves down through all the sound mitigation that the
4 university was required to make in the reduction of amplified
5 sound. We got new equipment, we eliminated some of the, I
6 think it was the buzzers, down to the level that we could get
7 away with Patriot League rules, we did all of those things.

8 They were still, they and I think Mr. Herzstein
9 as well, still did not believe that we had, and we went back
10 and forth with Mr. Gerson and Ms. Herzstein for a number of
11 meetings over the last, I guess it was, it's really been two
12 years since they became engaged with us where we finally got
13 to a point this summer where we said we think we need to move
14 to a discussion about a sound curtain --

15 (Simultaneous speaking.)

16 CHAIRMAN HOOD: How long have you been working on
17 this issue with them?

18 MS. ARGO: Since we completed the last order, 1107.

19 CHAIRMAN HOOD: So what year is that?

20 MS. ARGO: For the two of them, it's been two
21 years. But --

22 CHAIRMAN HOOD: So prior to that. When did you go
23 to American University? 2000 and when?

24 MS. ARGO: When did I come to D.C., all right?

25 CHAIRMAN HOOD: 2010 or '11, somewhere around

1 there. So you've been working on this since then, so you have
2 at least six years of working on this issue.

3 MS. ARGO: Correct.

4 CHAIRMAN HOOD: All right. Explain to me how the
5 community liaison committee's working? I didn't see enough
6 in there. I just saw a reference, but I didn't see enough in
7 there. How's that working? Who are the members now?

8 MS. ARGO: I don't have the list of the members,
9 but the members have not changed since our last hearing when
10 we talked about the community liaison committee.

11 CHAIRMAN HOOD: Is that functioning well? Is that
12 going well? Is that functioning well?

13 MS. ARGO: We think it's going well but I think but
14 I think what's more, we think it's going well, we've had,
15 we're going to change our, we have a new chairman coming on
16 for the next meeting, which is scheduled for December 5th,
17 but we've had, we think it's going well. The parties in
18 opposition, at least one of the parties in opposition filed
19 a grievance with the, according to the standing rules of the
20 CLC with concerns that they have about the CLC, and I can,
21 you can ask them about that, but --

22 CHAIRMAN HOOD: I want to know how it's going.

23 MS. ARGO: But I think --

24 CHAIRMAN HOOD: Let me just ask this, because I'm
25 going to cut that off too. Because here's the thing. I want

1 to know how it's going because, you know, those things that
2 this zoning commission put in place for a reason, those
3 things need to be working, and I would like to get a report
4 on that prior to me taking a vote on this case. I'd like to
5 get a report on that, because I think, and I need to ask the
6 Office of Planning, as least that was our intent and we may
7 need to revisit it.

8 Before we move on to further processing, we had
9 to be in compliance with things that were going on in our
10 wards. I'm not even sure we're there yet.

11 MR. TUMMONDS: Got you. And I think you will
12 absolutely hear testimony this evening, not just from AU, not
13 just from the parties in opposition, but parties in support
14 and from ANC 3D who will give you a sense of what you think,
15 or how they think this CLC is working.

16 CHAIRMAN HOOD: Is there anyone here from ANC 3D?
17 Is the chairperson here? Okay, good. I have some questions
18 for you. Okay, great. All right, that's all I have right now.
19 Anything else up here? I'll probably have some more,
20 actually, but that's all I'm going to do right now because
21 I do want to hear from the ANC 3D.

22 Okay, let's go to cross-examination. ANC 3D, you
23 have any cross? Mr. Gardner, I guess you're the chairperson?
24 Gardner, you have any cross-examination of this panel? Okay.
25 Westover, Ms. Kraik, you have any cross? Spring Valley, Mr.

1 Clarkson. Party in opposition, Spring Valley, now who's going
2 to be speaking? Mr. Kraskin or Mr. Paul? Who's going to be
3 speaking for -- Mr. Smith is going to do the cross-
4 examination. Okay. All right. That's fine. Because I know he
5 was very involved. Were you at the meetings that they talked
6 about earlier? Come forward. I just want to ask you, I'm just
7 curious. Hold on. Is 3E here?

8 Okay, because we didn't have anything in the record from 3E.

9 Okay. So you all are not going to cross-examine, you all
10 don't have an official letter or anything, either. Okay. So
11 you're single, your capacity. All right. Thank you. Mr.
12 Smith, were you at those meetings that everybody was talking
13 about when all the parties were here?

14 MR. SMITH: Which, I've been to so many meetings
15 that they've been talking about. What I do know is that the
16 neighbors made seven requests that the neighbors that would
17 be specifically impacted by this proposal made seven
18 requests of AU for a separate meeting to talk about their
19 general concerns, with a goal of trying to solve it.

20 (Simultaneous speaking.)

21 CHAIRMAN HOOD: I shouldn't have asked that
22 question. I was trying to prove another point, but you're
23 going somewhere else with me, so I'm going to turn it over
24 to you and let you present your cross-examination.

25 MR. SMITH: Sorry about that. I just want to double

1 check on some things with respect to the parking and the 78
2 parking spaces that are in the Asbury parking lot, and how
3 many of those spaces are actually dedicated right now to
4 Zipcars and AU's own maintenance vehicles?

5 MR. WEIHULS: American University has a Zipcar
6 program that we instituted as far as our transportation
7 management plan. We have a contract with Zipcar to place
8 their vehicles on our campus for use of our students and
9 faculty and staff for official business. We do that so that
10 they don't have to drive their personal vehicles to campus
11 and can use Zipcars instead. There's no mass transit to come
12 to campus. In that particular area we have, in the Asbury lot
13 we have approximately five Zipcar spaces.

14 MR. SMITH: Where are the Zipcars and the
15 maintenance vehicles going to be assigned to park?

16 MR. WEIHULS: The Zipcars will be replaced up to
17 the top of the sports center garage, and the maintenance
18 vehicles they can fit will go there as well. The other ones
19 will be displaced near the Osborn building.

20 MR. SMITH: With respect to the campus plan
21 proceedings five years ago, why has it taken five years now
22 to come forward to deal with this technical correction with
23 respect to parking?

24 MR. TUMMONDS: I think we first recognized the
25 error, which we thought when we submitted the parking

1 utilization report on September 1, 2016, to DDOT and to AMC
2 3D, when you were the chair, we noted that, that's when we
3 noted this issue. We said that we will bring it up when we
4 were dealing with the East Campus extension at which time
5 these changes will come about. I think as we, then we said
6 that this is the appropriate time, we knew that the Hall of
7 Science building was coming forward, we thought this was the
8 appropriate time to raise it.

9 Again, we think the record is quite clear that
10 this is in fact the number of parking spaces that AU is
11 providing is consistent with what was intended in 2001.

12 MR. SMITH: So why didn't you file those reports
13 prior to 2016?

14 MR. TUMMONDS: I think it was admitted that yes,
15 they should have been filing them in 2013, 2014, 2015, and
16 so they recognized that they had not done that and now they
17 have been in 2016 and 2017.

18 MR. SMITH: During the 2011/2012 campus plan
19 hearings, was there any neighborhood opposition to the
20 reduction that you were proposing in parking? Was there any
21 testimony indicating the neighbors were opposed to the
22 reduction in parking?

23 MR. TUMMONDS: Yes.

24 MR. SMITH: So there's something in the record then
25 about neighbors being opposed to the reduction in parking?

1 MR. TUMMONDS: There's nothing in the record that
2 talked about 2,500 parking spaces.

3 MR. SMITH: Isn't there something in the record
4 which references the fact that neighbors wanted AU to
5 maintain the existing number of parking spaces, which at that
6 time and which is also listed as a finding of fact, is 2700
7 and some spaces?

8 MR. TUMMONDS: That's correct.

9 MR. SMITH: All right. Thank you. Asking about
10 Jacobs Field. Did AU_ even resolve the disagreement that AU
11 brought forward to you all in 2015 concerning the
12 interpretation of the language in the zoning commission order
13 with respect to the number of events and the type of events
14 that were held on Jacobs Field? Did you ever resolve that
15 issue with Mr. Herzstein or subsequently with Ms. Herzstein
16 and Mr. Gerson?

17 MR. TUMMONDS: I don't believe we did.

18 MR. SMITH: Do you recall what that disagreement
19 was about?

20 MR. TUMMONDS: Yes. I think it was an
21 interpretation of what is a special event or not, and I think
22 we believe that our analysis of what is required of AU when
23 there is a special event and the notices that are to be
24 provided to the surrounding community, we believe that we
25 have been in compliance with all those requirements and with

1 the number of events that are allowed to have amplified
2 sound.

3 MR. SMITH: And Mr. Herzstein had a different view
4 about that?

5 MR. TUMMONDS: Yes.

6 MR. SMITH: Didn't you propose a 30 feet wall to
7 Ms. Herzstein and Mr. Gerson? A 30 feet sound wall to build
8 on their property?

9 MS. ARGO: I'm sorry, we didn't propose that, the
10 initial letter that I sent to them because we had done some
11 initial forays into looking, we had contacted a specific
12 company asking if we were to get to a specific level of
13 decibel reduction that they had indicated that they wanted,
14 we would be looking at a 30 foot wall. And that's backed up
15 by the information from Miller Beam.

16 MR. SMITH: Are there some suggestions that you've
17 made, oh, I'm sorry, are there some suggestions and
18 recommendations that the Herzsteins have made to you with
19 respect to mitigating the issues at Jacobs Field that were
20 rejected by your athletic department?

21 MS. ARGO: They were not rejected by the athletic
22 department. It was determined also by our sound engineers
23 that they would not be significant in reducing the level of
24 noise from the field.

25 MR. SMITH: Are you, didn't Jessica Herzstein and

1 Mr. Gerson indicate to you that there were some specific
2 issues that they wanted to be addressed but that you
3 acknowledged to them that they could not be addressed because
4 of issues with respect to the athletic department's input?

5 MS. ARGO: I don't think so. Does this have to do
6 with the bench?

7 MR. SMITH: Yeah. I don't want to give testimony
8 here, so I'm trying to be very careful.

9 MS. ARGO: I'm a little concerned too. Are you
10 representing them?

11 MR. SMITH: No, I'm asking questions based on the
12 knowledge of the community with respect to the concerns about
13 Jacobs Field.

14 MS. ARGO: Mm-hmm. Okay.

15 MR. SMITH: Okay. And is it also not true that you
16 have asked them to, if you move forward with building a sound
17 wall, that you expect them to agree to relaxing certain uses
18 of the field, to allow for greater use of the fields? Is that
19 something that you've had some discussions with them about?

20 MS. ARGO: Yes, we have.

21 MR. SMITH: Okay.

22 MS. ARGO: And they had indicated their willingness
23 to discuss that.

24 MR. SMITH: One other question about Jacobs Field.
25 Did you advise the Herzsteins either sometime this summer or

1 spring that any kind of resolution would have to wait for a
2 year because of some additional work that you were doing on
3 Jacobs Field?

4 MS. ARGO: Yes. We thought that that was going to
5 be an issue because we are having safety issues right now on
6 Jacobs Field because of the condition of the turf, and there
7 are concerns from the Patriot League about that. We know we
8 need to returf the field and we were concerned about the
9 ability to do the construction work that might be needed for
10 the installation of a sound wall at the same time or
11 preceding the turf replacement on the field. We said that we
12 might issues in trying to coordinate those two things. We
13 don't know that that means at this point that that would be
14 postponed into late summer. I think the last conversation
15 that we had with them, we said that we weren't sure about the
16 timing on that, we would know more when we had reports from
17 engineers.

18 MR. SMITH: You mentioned about meeting with them
19 in mid-October. What was the meeting prior to that? When did
20 you meet with them just prior to that?

21 MS. ARGO: I don't have that here. We had two
22 meetings in the fall, and I don't remember the date of the
23 other one.

24 MR. SMITH: With respect to, okay, I think I have
25 only one more question, Mr. Chairman. Is there a lighting

1 plan for this proposal?

2 MR. TUMMONDS: We think the lighting plan is what
3 we put in the record, which is the vacancy sensors, which is
4 the automated shades coming down, and truthfully the lighting
5 plan is the location of this building over 500 feet from
6 University Avenue, having the siting of the building such
7 that the skinniest, if you will, portion of the building is
8 what faces University Avenue.

9 MR. SMITH: What about the lighting plan for the
10 external portion of the building that you talked about
11 earlier? Is there a lighting plan for the external portion
12 of the building?

13 MR. TUMMONDS: I think Mr. Bartlett addressed the
14 questions that were raised by Mr. Shapiro about what the
15 exterior lighting would be at that ground level, the bollard
16 lighting.

17 MR. SMITH: But there's nothing in the plan itself,
18 is that right?

19 MR. TUMMONDS: Not at this time.

20 MR. SMITH: Are you planning on adding a lighting
21 plan as part of the record here, for external lighting?

22 MR. TUMMONDS: Sure.

23 MR. SMITH: And then just one question, one last
24 question. It really has to do with page 17 of your
25 presentation, with the foliage. I know this has been asked

1 by the Chairman but I'd like to ask a bit more precisely.
2 When were these photos taken? The photos on page 17, for
3 example, that show the foliage? When were those pictures
4 taken? And also, on page 11, 12.

5 MR. TUMMONDS: All of the pictures that have the
6 balloon in them, those were all taken on October 5th, 2017.

7 MR. SMITH: What about the pictures that don't have
8 the balloon and show the foliage?

9 MR. TUMMONDS: The other pictures, I believe, were
10 taken in late April.

11 MR. SMITH: Late April of last year?

12 MR. TUMMONDS: Of this year, I'm sorry. 2017.

13 MR. SMITH: Mr. Chairman, I have no other
14 questions.

15 CHAIRMAN HOOD: All right. I guess now we go to
16 Office of Planning, District Department of Transportation.

17 MR. COCHRAN: Thank you, Mr. Chair. The Applicant
18 has supplied the information that OP requested in its report,
19 so we stand on the record.

20 CHAIRMAN HOOD: Mr. Zimmerman?

21 MR. ZIMMERMAN: For the record, my name is Aaron
22 Zimmerman with the District Department of Transportation.
23 DDOT stands on the record, we have no objection to the
24 approval of this campus master plan amendment.

25 CHAIRMAN HOOD: All right. Thank you. Any questions

1 or comments, either from the Office of Planning or DDOT? I
2 don't see any, thank you both, we appreciate your reports.
3 Let's go to, does the Applicant have any?

4 MR. TUMMONDS: No cross.

5 CHAIRMAN HOOD: Okay. Chairman Gardner, do you have
6 any cross? Okay. Ms. Kraik? Am I pronouncing your name right?
7 Okay. Mr. Clarkson? Okay. I don't know who to call over here,
8 whether I call Mr. Smith, Mr. Kraskin, Mr. Paul, who do I?
9 Okay. So I'll start saying us.

10 (Laughter.)

11 MR. KRASKIN: I'm Dr. Kraskin, Jeffrey Kraskin,
12 president of Spring Valley Wesley Heights Association. Quick
13 question for the Office of Planning. In your filing, you
14 refer within the filing about saying no impacts on the
15 community of American University Park, which is over a third
16 of a mile away. I'm really curious why you cared about
17 American University Park compared to Spring Valley within the
18 residents on University Avenue?

19 MR. COCHRAN: Because although I'm a fifth
20 generation native, I made a mistake.

21 MR. KRASKIN: Thank you. Just to make the record
22 clear, you meant Spring Valley, then.

23 MR. COCHRAN: Correct.

24 MR. KRASKIN: Thank you.

25 CHAIRMAN HOOD: You know what, Mr. Cochran, I want

1 to commend you. You don't hear a lot of that. People don't
2 admit to the mistakes they make, and I appreciate that. I
3 make them too. I admit to mine, some people don't do that.
4 That's a lesson learned for tonight. Just if you made a
5 mistake, just admit it. Okay. Every time I do that, I forget
6 where I am. Let's go to ANC 3D, Chairman Gardner? And again,
7 from what I understand, we don't have anything formal from
8 ANC 3 East, so we'll just have a report from Chairman
9 Gardner.

10 It sure is a good thing my former colleague Marcie
11 Cohen isn't here. She would have had a field day with you
12 all. One slide? But anyway, go right ahead.

13 MR. GARDNER: You'll note that the PowerPoint is
14 two-sided.

15 CHAIRMAN HOOD: Okay.

16 MR. COCHRAN: Good evening, Mr. Chairman, I'm Steve
17 Gardner, I'm Chair of ANC 3D. It's a pleasure to be here to
18 present ANC 3D's report to you this evening. I'm accompanied
19 by two of my fellow commissioners who are particularly
20 involved in AU activities. To my far left is Commissioner
21 Chuck Elkins and immediate left is Commissioner Troy Kravitz.
22 We're pleased to be here on behalf of ANC 3D.

23 Our testimony tonight is going to have really
24 three parts to it, with your permission. I'll make some
25 introductory remarks and then my two fellow commissioners

1 will testify on the rationale of the requested conditions we
2 have, and then the community engagement process we've been
3 involved in.

4 My introductory remarks are going to focus on
5 three areas. The ANC 3D report, ANC 3D's deliberative
6 process, and some general responses to opposition statements.

7 The ANC 3D report. On September 6, 2017, ANC 3D
8 voted five to three to zero to support American University's
9 application. It was a regularly scheduled meeting, five
10 members of the commission constituted a quorum, we had a
11 quorum present at all time, and our resolution in the form
12 of a letter dated September 6, signed by myself as chair, was
13 send duly conveyed to the zoning commission. It's in the
14 record in this case, and it's incorporated in our written
15 testimony as well.

16 The ANC 3D resolution set forth a number of items.
17 First, our official vote, as required, on September 6. We
18 outlined the six-month deliberative process that we've been
19 involved with with American University. We listed the primary
20 issues of concern that were raised by the community and the
21 ANC with respect to the science building. We discussed in
22 detail those issues of concern and the process by which AU
23 addressed and resolved those issues prior to our September
24 6 meeting, as well as issues that were addressed during our
25 meeting.

1 We asked the zoning commission to incorporate
2 these three conditions in its order approving the
3 application, and as you've heard this evening each of those
4 orders have been accepted by American University and
5 incorporated in their testimony. We're very pleased by that.
6 We of course ask the commission to afford great weight to the
7 ANC 3D report.

8 I'm going to skip over or just briefly discuss,
9 I was going to read those conditions but since American
10 University has accepted those conditions, there's really not
11 a need to go through them. Suffice to say that they are the
12 conditions that we asked as a commission to be incorporated
13 in the order had to do with installing those vacancy sensors
14 and had to do with the automatic light-filtering shades.
15 That's very important, the condition, and we're very pleased
16 it was accepted by American University.

17 For light that was emitted from the rest of the
18 building, I think you heard from American University and from
19 you as commissioners, there was some concern about those
20 areas that didn't have shades. Our condition is if that
21 becomes an objectable condition in the future, then we think
22 it ought to be addressed. And that's our second condition.

23 In our third condition, and I think you mentioned
24 that as well, has to do with emissions. We ask that American
25 University not receive a building permit until it has

1 conducted a wake modeling and ensure the community on the
2 basis of those results that there are no adverse effects
3 likely to occur from emissions from the laboratory. So those
4 are the three conditions that we asked that were incorporated
5 in our report.

6 I'd like to touch on our deliberative process. We
7 arrived, we ANC 3D arrived at that decision regarding this
8 application after a six-month period of public discussion and
9 active participation with the university, involving neighbors
10 and commissioners. And, Chairman Hood, you asked how that
11 process is working and you're going to hear far more about
12 it than I'm mentioning in this introduction. That process,
13 we believe, is working very well.

14 The process the ANC 3D went through was extensive,
15 was publicly advertised and publicly conducted, of course.
16 AU confirmed that they made two presentations to our
17 commission, one in May and one in September, and ANC 3D
18 commissioners as you'll hear more about as well, attended
19 three AU neighborhood meetings on the science building. ANC
20 3D specifically addressed landscaping concerns during our
21 September meeting. That came up, and American University
22 agreed to address it, and you heard today their testimony how
23 they're addressing landscaping.

24 We also reserved the right at our meeting to
25 revisit any issues. If there are any material changes in AU's

1 application, we specifically at our meeting reserved the
2 right to come back and make modifications to our vote. If
3 there weren't any material issues, no need for us to go
4 again.

5 However, since some of the neighbors have
6 questioned the thoroughness of this process, we put a very
7 detailed description of the consultive process. We put those
8 in Attachment 1 and Attachment 7 of our testimony. We
9 probably didn't need to dwell at this time, but they are
10 there for your review.

11 So ANC 3D really prides itself and has in its
12 record of its due diligence, its thoroughness, its community
13 involvement. I think a review of our attachments will very
14 clearly demonstrate that our more than six months of
15 engagement on the AU science building, our extensive
16 participation in community activities and discussions, will
17 show our active engagement in resolving numerous issues that
18 arose prior to our vote.

19 I want to just comment briefly, if I may, on some
20 of the opposing comments that are in the record. Some
21 opponents have asked the zoning commission not give great
22 weight to ANC 3D's resolution supporting the application.
23 They are opponents, they probably do not want us to have
24 great weight but we are entitled to great weight, we've
25 certainly satisfied the statutory requirements, I cite them

1 in our presentation, no need to say them again, but I believe
2 we're in compliance with the code with respect to great
3 weight. Our report and our recommendation was in writing, our
4 letter fully articulated the basis for our decision.

5 I want to comment on another point. We have
6 Commissioner Alma Gates has submitted an ANC 3D minority
7 report. I want to point out that our by-laws have no such
8 thing as a minority report. Our by-laws do say that
9 individual commissioners shall not make any public policy
10 statements on behalf of our commission. Our by-laws further
11 state that commissioners of course may communicate his or her
12 own views, provided such commissioner, and I'll quote from
13 our by-laws, indicates in such communication that he or she
14 is speaking as an individual commissioner and not for the
15 commission itself.

16 So to the extent that Commissioner Gate's
17 submission might be misunderstood as speaking on behalf of
18 the commission or a minority of commissioners, to clarify,
19 ANC 3D does not issue minority reports and Commissioner Gates
20 is speaking solely on her own behalf and not on behalf of ANC
21 3D or as a record indicates, speaking on behalf of any other
22 commissioners.

23 A couple of other quick points, if I may. What
24 we've done instead of taking a lot of time this evening is
25 we've provided responses to many of the comments made by

1 those in opposition to AU's application and attachments to
2 our written testimony. We tried to address all the matters
3 that have been in opposition, but just a couple of quick
4 examples for you.

5 Our attachments address such matters as the bright
6 LED lights on University Avenue and their impact on existing
7 lighting conditions. They have some of the brightest lights
8 in the city on that street. There's also a submission of a
9 photograph of Leonard Hall, purporting to show the impact of
10 building lights on the neighborhood on University Avenue,
11 except that that building is actually 1,000 feet away from
12 University Avenue. Then our attachment does address, as
13 American University does, the technical correction regarding
14 parking.

15 For the sake of brevity, I certainly won't go
16 through those comments in this presentation, but we feel most
17 are not really relevant to the consideration of the science
18 building application. With those introductory remarks, let
19 me turn this presentation over to Chuck Elkins to talk about
20 our justification and rationale.

21 MR. ELKINS: Commissioners. The first two
22 conditions deal with lighting, and I'm not going to dwell
23 very much on the first one because it's fairly
24 straightforward. It's the automatic shades. Early on, in
25 discussions with the community, AU mentioned they might be

1 willing to put in automatic shades and we suggested that they
2 put that in as a commitment, and they did so in their
3 application. We are asking that you include that as a
4 condition.

5 The second lighting condition is a little bit more
6 complicated. As you've heard, the neighbors living along
7 University Avenue are concerned about the lights from the
8 common area, the area that's further back. We concluded that
9 this lighting was not likely to be objectionable because of
10 a number of factors. One of them is a significant distance.
11 Secondly, the existing and proposed landscaping. Thirdly, the
12 partial blocking of the light from the nearby Beeghly
13 Building, and then the exceptionally bright streetlight
14 lighting on University Avenue which is likely to dull the
15 perception of the lighting from the building for anyone who
16 lives on that street.

17 However, as additional assurance we are asking
18 that you put a condition into the order that provides for
19 remediation if it does prove to be necessary. Specifically,
20 we're asking that once the building is occupied and we see
21 what that lighting situation is that ANC would be in a
22 position to undertake an initial assessment. If the lighting
23 is judged to be objectionable and AU does not take remedial
24 action, then we could come back to the zoning commission and
25 alert you that we have concluded, now that we see it in

1 actuality as opposed to just hypothetically, that in fact it
2 is objectionable and that AU should be required to take
3 remedial action. That is the second condition that we're
4 suggesting as a way of dealing with this lighting issue that
5 the neighbors have raised.

6 Let me address the landscaping issue. We chose,
7 as did ANC, not to make landscaping a condition in our letter
8 to you. Instead, at that meeting in September we turned to
9 AU, having heard the concerns of the neighbors, we turned to
10 AU and asked them whether they would negotiate with the
11 neighbors regarding the landscaping as it relates to this
12 lighting situation. AU agreed to do so.

13 Then we told the neighbors that they should return
14 to the ANC's October or November meeting if you did not
15 negotiate in good faith about that landscaping. AU did, we
16 did have a meeting with the neighbors, a couple of us
17 commissioners attended to monitor that and participate.

18 They did propose a landscaping plan which is part
19 of their exhibits, which we conclude does mitigate any
20 possible objectionable impact from that lighting, and
21 importantly in our October and November meetings no one
22 returned to essentially say that they thought the
23 negotiations were not done in good faith. So that deals with
24 that landscaping issue from the point of view of the ANC.

25 Finally, I want to turn to what has the potential

1 to turn out to be a much more serious issue than the
2 lighting, and that is namely the exposure of students and
3 neighbors to toxic fumes from this laboratory. The brunt of
4 this problem in terms of neighborhood exposure would be felt
5 by the Wesley Heights neighborhood, which I represent on the
6 ANC.

7 You would be justified in thinking that the only
8 impact of this building is on the people who live in Spring
9 Valley, but that's not the case in this situation. The impact
10 would be primarily on the Wesley Heights because of the
11 prevailing winds over that building.

12 As you can see from this picture that I have on
13 this slide, the layman's view is that smokestacks work so
14 that fumes come out of the stack and go straight up. That's
15 true in most cases, of course. But there are lots of factors
16 that can prevent that from happening. In particular, what's
17 called building downwash.

18 The fact that all of the surrounding buildings are
19 at the same height may be good from an architectural point
20 of view but from a toxic point of view, that is not
21 desirable. The plume can be forced by the resulting wind
22 currents that are created by those buildings to bend over and
23 enter the air intake vents or the open windows in the nearby
24 buildings in some cases, and in other scenarios, and this is
25 what the people in Wesley Heights would be concerned about

1 even more so, we're concerned about the students too, it
2 would skip over the nearby buildings and then the plume would
3 come down into the neighborhood.

4 We brought this to AU's attention and we consulted
5 with the expert at the Federal Environmental Protection
6 Agency who oversees the design of all their laboratories,
7 they have many similar laboratories, and he suggested that
8 AU would be wise to follow the best practices recommended by
9 the International Institute of Sustainable Laboratories,
10 which in turn recommends that a wind wake analysis be
11 performed in situations like this in order to determine
12 what's the appropriate stack height, what's the velocity of
13 the discharge, what should be the dilution of the waste
14 stream, etc.

15 These are parameters that need to be determined,
16 obviously, before the design of the building is put in final
17 set. AU has agreed to do this wind wake analysis and to share
18 the results with the community, and we're asking the zoning
19 commission include a condition that AU not get a building
20 permit until it has done this analysis, shared the results
21 with the community, and assured us that the building's
22 parameters have been set to safeguard both the students and
23 the neighborhood and that no tradeoffs, one way or the other,
24 disadvantage one of those two groups. That's the end of my --

25 CHAIRMAN HOOD: Mr. Kravitz.

1 MR. KRAVITZ: Commissioners, staff, fellow party
2 participants, I'm Troy Kravitz, ANC commissioner of 3D02. I
3 live in Spring Valley, I represent Spring Valley, the
4 individuals up here, Jeff, Tom, Dennis, Jessica, are my
5 constituents.

6 Thank you for providing me an opportunity to share
7 exciting and perhaps surprising news what we up in Ward 3
8 have been endeavoring to create and what we've succeeded in
9 building so far.

10 I want to start by committing the cardinal sin of
11 my professional life, in my professional life. I work in
12 financial regulation, my PhD is in economics. As we all
13 learned during the financial crisis the one phrase you never
14 wanted to hear, let alone say is, this time it's different.

15 But here, this time is different, and all of us
16 seated at these tables and countless others sitting at home
17 watching the Sixers win another game, know this. Westover
18 Place Homes Corporation is here in support of this
19 application. Ward 3 Vision is here in support of this
20 application. The Fort Gaines Citizens Association is here in
21 support of this application. A robust, growing and active
22 association of Spring Valley residents, the Spring Valley
23 Neighborhood Association, is here in support of this
24 application. ANC 3D is here in support of this application.

25 None of this is because the stars aligned

1 magically. No. It is because these organizations and others
2 not here tonight have built something that works right
3 alongside of AU. We all jointly looked at what's been done
4 in the past and what's failed in the past, and those are
5 mostly the same things as this commission is all too aware.
6 But we looked at that and we said, throw it all away. Let's
7 start something new. What do we want this relationship to
8 look like? How do we want it to work? How can we use this
9 science building application to build familiarity, to build
10 comfort, to build trust?

11 We devised a process with fulsome community
12 engagement. Frankly, it was overkill as my constituents are
13 tired of reading invitations to attend AU discussions. But
14 it was worth it. We're here tonight as testament to that.
15 This time was different, and even those in opposition said
16 so.

17 Jessica Herzstein wrote to me in April during one
18 of several lengthy exchanges we had during the spring about
19 the proposed science building, the AU is taking a different
20 approach than in the past. This is the first time in many
21 years, she wrote.

22 Tom Smith repeatedly laments the fact that AU
23 rebuffed his group's demands to host private, closed
24 negotiations with just his organizations, the Spring Valley
25 Wesley Heights Citizens Association and Neighbors for a

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1 Livable Community. And the meeting that they do claim credit
2 for on August 14 was open to the public at the insistence of
3 AU. This time was different.

4 Given the repeated condemnations of past processes
5 that have been hurled before this commission, I'm more than
6 a bit surprised to hear them so committed to the past
7 approaches and structures like the CLC, but I guess old
8 habits die hard.

9 Progress hasn't always been linear. As you can
10 see, not everyone is on board. And there will remain fits and
11 starts, but this is what a functional and respectful
12 town/gown relationship looks like. Let me describe it for
13 you.

14 Even though talk about the science building has
15 been taking place for years and in addition to Beeghly was
16 included in the approved 2011 campus plan, and Tom Smith
17 wrote to me that he expected Au to file a year ago, the new
18 process began in April when AU alerted the community that
19 they were planning a new science building. I'll note for the
20 record here that the proposed building was discussed at the
21 March meeting of the CLC a month and a half prior but the CLC
22 is almost completely unrelated to the community in my
23 experience.

24 It began with a community meeting and slide show
25 presentation of the preliminary plans in April. The community

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1 was invited, but attendance was scant. AU then made a more
2 involved presentation before the ANC in May. Public
3 attendance was much fuller, as was the discussion. AU fielded
4 questions from the commissioners and heard a lot of feedback
5 from the audience.

6 By this point already, it was becoming clear what
7 the sticking points were. To us, the most significant
8 takeaway from the May ANC meeting is that the community and
9 AU delineated a path, a path forward, and established key
10 mileposts along the way for the evolution of the science
11 building proposal and for the continuing engagement of the
12 community throughout the ensuing six months. The process was
13 laid out and it was made clear what was expected of AU and
14 how the community, the public and the ANC, would remain
15 active participants as the plans developed.

16 Discussions for those interested continued as did
17 overtures to those who had thus far elected to remain on the
18 sidelines. While we continually invited, pleaded even, for
19 these recalcitrant neighbors to join the public process, it
20 was never forced. Jessica Herzstein sent me comments
21 following my personal outreach to her about the preliminary
22 proposal. I shared those comments with AU anonymously, just
23 as I told her I would.

24 Jeff Kraskin and Dennis Paul wrote comments to the
25 ANC before our main meeting. I share them anonymously with

1 with AU, just as I told them we would, and we asked AU to
2 include preliminary responses to the comments in their
3 discussion before the ANC, which they did. Even the very
4 detailed comments from Spring Valley Wesley Heights Citizens
5 Association and Neighbors for a Livable Community, in
6 September came after personal solicitation from me, including
7 a lengthy telephone conversation with Dennis Paul between the
8 final community engagement meeting and the September ANC
9 meeting.

10 The ANC distributed the commentary to AU and then
11 asked AU to address each comment, point by point, during the
12 public ANC meeting in September, which they did.

13 But that's all on the side. The point is,
14 discussions continued about the science building and about
15 AU in general. Instead of going through all these meetings
16 here, I'll simply refer you to Attachments 1 and 7 in ANC
17 3D's submitted testimony.

18 The public discussions wound down in late August,
19 following two public community meetings that included a
20 walkthrough of the proposed site and the ANC meeting in
21 September that included another presentation by AU, extensive
22 public discussion and adoption of the ANC 3D report in
23 support of application 1107G.

24 But as you've already heard, they didn't quite end
25 there. AU continued to work with neighbors on landscaping

1 concerns and the ANC continued to remain active participants
2 throughout all of these discussions. And of course, the email
3 discussions with the community continued, correspondence with
4 those in opposition continued. Boy, did it ever.

5 At this point, I'd like to take a few minutes to
6 broaden the horizon beyond the science building and speak
7 about the newly formed Neighborhood Collaborative. As you
8 well know, the Neighborhood Collaborative has been long in
9 the making, at least since July of 2016 when you heard
10 testimony from Jeff Kraskin and Tom Smith in 1107F about the
11 failures of the CLC and the need for a new process for
12 dealing with AU.

13 Those parties, Tom Smith on behalf of the ANC 3D
14 and Jeff Kraskin on behalf of the Spring Valley Wesley
15 Heights Citizens Association, worked with AU to clearly and
16 thoroughly detail the framework of a new group, the
17 Neighborhood Collaborative. The original agreement was
18 discussed during the 2016 CLC meeting and key changes were
19 made.

20 Those same parties, ANC 3D and SVWHCA and AU then
21 signed a revised agreement creating the Neighborhood
22 Collaborative. This agreement was approved by ANC 3D during
23 its December 2016 meeting and was included in the ANC 3D,
24 Spring Valley Wesley Heights Citizens Association and AU
25 submissions asking that it be formally included in campus

1 plan 1107.

2 MR. KRAVITZ: At this point Ward 3 Vision voiced
3 well reasoned objection to the agreement. Namely that it had
4 been negotiated between just a few parties instead of
5 discussed more fully before the CLC. The Zoning Commission
6 then opted to not include it in its final order of 1107-F and
7 sent the Neighborhood Collaborative back the larger community
8 for further discussion.

9 The Neighborhood Collaborative has been discussed
10 during the last four meetings of the CLC. AU and the named
11 organizations, not just the signatory parties, have since
12 gotten together many times to get the Neighborhood
13 Collaborative off the ground. Modeled loosely on the
14 Georgetown Community Partnership, but build firmly in the GCP
15 successes, the Neighborhood Collaborative has five working
16 groups populated with senior AU officials, community leaders
17 and roughly a dozen neighbors unaffiliated with any group or
18 organization, but interested in working constructively
19 alongside AU to improve our community together.

20 The work of the Neighborhood Collaborative is
21 buttressed by another new AU-related organization, the
22 Neighborhood Forum. The Neighborhood Forum led -- led
23 expertly by Don Edwards and Justice and Sustainability
24 associates host monthly workshops aimed at building capacity
25 among the neighbors so that they can enter into campus plan

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1 negotiations informed and empowered. Recent topics have
2 included outside lectures on the District city planning
3 paradigm, enrollment caps from the perspective of the
4 university and from the perspective of the community,
5 facilities master planning and the university as a business.

6 The Neighborhood Forum is really about the
7 neighbors and the neighbors alone. The neighbors decide the
8 topics, and Don finds the speakers. AU is not permitted to
9 attend. Neighborhood Forum meetings have been resounding
10 successes, often drawing a broad mix of a couple dozen
11 neighbors. Neighborhood Forum meetings are widely advertised
12 to the community, including in a recent view point article
13 in the Northwest Current.

14 Momentum is building and first-time participants
15 almost always come back again and again for subsequent
16 meetings. For an ideal lacking deliverables and objective
17 measures, I cannot think of a better marker of success. So
18 what you see here and what we are also excited about is
19 probably less about the science building and more about the
20 proof of concept that has been achieved in terms of building
21 a publically advertised, publically conducted, inclusive,
22 open, transparent and honest process for dealing with AU.
23 This time was different.

24 With the next campus plan looming just over the
25 horizon, the community needed to devise a structure for

1 successfully engaging with AU. We did and it worked. This
2 time was different. And that's why we are all here,
3 practically singing Kumbaya compared to what you've seen in
4 the past. Thank you.

5 CHAIRMAN HOOD: Okay. I don't know where to
6 start. Mr. Kravitz, I mean, I appreciate all the work that
7 you all have done. Mr. Kravitz, I think you spoke last,
8 right? So most of the groups that have formed are your --
9 in your single member district? Most of this -- let me back
10 up.

11 Most of this -- the campus, is it in your single
12 member district?

13 MR. KRAVITZ: The campus abuts my single member
14 district, yes. And I include it in my constituency, some
15 students of AU.

16 CHAIRMAN HOOD: Okay. I heard you say about the
17 Neighborhood Collaborative and what the Zoning Commission did
18 last time with the CLC. One of the -- one of -- and it
19 reminded me of when I was the president of the Woodridge
20 Civic Association for 20 years. And there was a new group.
21 And they were fast out the gate. They didn't get to the
22 finish line.

23 So what I would -- what I would suggest is, I
24 mean, it's not within the name. But if you think the
25 Neighborhood Collaborative, maybe -- maybe we need to

1 formalize that. And give it some of the same criteria.
2 Because what works for Georgetown -- and we had a little
3 something to do -- this commission had a little something to
4 do with Georgetown as well. What works with Georgetown might
5 not work for American. What works for American might not
6 work for Howard. What works for Howard might not work for
7 Catholic.

8 So I don't know how much you tailored it after
9 what went on in Georgetown, but Georgetown has some other
10 issues as well just like American has some separate issues.
11 So you might want to -- you all -- I don't know, if you want
12 to -- I just -- I just don't -- in my experience, my
13 community experience -- and that's how I got on the Zoning
14 Commission, being a part of the community. But I can just
15 tell you that sometimes you have so many different groups,
16 what you wind up getting is nothing.

17 So I am not saying that is the case here. Because
18 I -- I really appreciate -- appreciate your enthusiasm. I
19 really like your report, even though Marcie Cohen wouldn't
20 like it not being one-sided. So we -- but we will work on
21 that. And I appreciate the time that you all put into this.
22 This obviously looks like it is a lot of time. And I know --
23 I don't know if you all -- are you first-time commissioners?
24 Or second? How many -- how many years have you?

25 MR. KRAVITZ: Chuck and I are first time

1 commissioners.

2 CHAIRMAN HOOD: First time.

3 MR. KRAVITZ: And our districts are the ones that
4 abut AU.

5 CHAIRMAN HOOD: Okay, okay. So -- so -- it's --
6 you know, it's something we need to figure out how to
7 formalize so it -- so it -- make sure it has some teeth. I
8 mean, I don't know that much about the Neighborhood
9 Collaborative, but if you want to change the name -- if the
10 community wants to do that. I just need to put the same
11 teeth that's in the CLC. I don't know, I'm -- maybe I am
12 overstepping my bounds, but on down the line, in some years
13 you may appreciate what I am saying to you now.

14 MR. KRAVITZ: If I may, first you're guidance is
15 wise and sound. It's a -- it's a marathon, not a sprint.
16 And we recognize that. We're cognizant of that. We have
17 been working to build something with more than just any
18 individual person, and I think that is -- some of the
19 intention there is that it makes it more robust. Westover
20 Place is an active member. The Spring Valley Neighborhood
21 Association is an active member. Ward 3 Vision, ANCs 3E, 3D
22 -- I could go on. Fourteen Citizens Association.

23 There is a lot of lifting. A lot of people
24 willing to go around and do the lifting to make sure that
25 this works because what's -- what in the past hasn't worked.

1 You asked about formalizing the collaborative. The opinion
2 of ANC 3D is wholly in support of that. We voted seven to
3 nothing in December of 2016 in favor of the agreement -- in
4 favor of the agreement structuring and creating the
5 Neighborhood Collaborative, and asking that it be
6 incorporated into Campus Plan 1107. Our opinion -

7 CHAIRMAN HOOD: Along with the CLC?

8 MR. KRAVITZ: It would not replace the CLC.
9 That's correct.

10 CHAIRMAN HOOD: But what I am saying is, that's
11 a whole lot.

12 MR. KRAVITZ: Death by meeting is a real problem.

13 CHAIRMAN HOOD: Huh?

14 MR. KRAVITZ: Death by meeting is a real problem.

15 CHAIRMAN HOOD: Yes, because here is what happens.
16 We meet to meet to meet.

17 MR. KRAVITZ: So the collaborative thus far has --
18 is populated with people that really want to work
19 instructively and actively to fix things and less interested
20 in the meet to meet to meet. That may change, of course.
21 But -- but right now I like the trajectory. It's steep. And
22 I like the -- the -- the momentum that we have already.

23 CHAIRMAN HOOD: So -- so -- and I'm -- the reason
24 why I am spending on this is I think this is very important.
25 And I know I was one who really advocated for different

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1 colleges to have, like, the CLC or the neighborhood groups.
2 And I think this is very important. I just don't want to see
3 us duplicate -- doing duplicated efforts. I don't want to
4 see one run the race and not finish the race. And what's in
5 a name?

6 That's kind of where I am. So -- so we -- I
7 mean, you know, the stuff -- hey, I live across time. But
8 it's up to you all. I really want to make whatever happens
9 work. If the Neighborhood Collaborative can come up with the
10 same meat and that way we can maybe put another -- I don't
11 know, I have to talk it over with my colleagues. And I am
12 just throwing this out here because I have heard your
13 discussion.

14 But we need to figure out a way to -- and I know
15 you have to go back and talk to your community. Those
16 opposed and those proponents, regardless. Need to go back
17 and figure out a way to make this work something like the
18 CLC. That's just my suggestion. I haven't heard from the
19 university. I am not sure where the university is on this.
20 But I do know of another college that another university in
21 the city -- where it came forward kind of like what you're
22 coming forward to now. Everybody may not always agree, but
23 at some point in time at least we are having a discussion.

24 The other thing is, Chairman Gardner, I think you
25 mentioned about Ms. Gates. Ms. Gates has been coming down

1 here in front of us a long time. And she's -- she -- I want
2 to say her and a few others in that area has helped us
3 rewrite the zoning codes. So I am not going to take all the
4 credit -- because we are not going to take all the credit,
5 but their input was very valuable to us as far as writing the
6 code.

7 But the issue about the minority report. That
8 happens quite a bit. A single member district commissioner,
9 and I don't know what your rules may say, but I know what
10 happens with us. A commission may vote and give great
11 weight, but the single member district commission may come
12 in also and offer some concerns so -- or comments. That's
13 not nothing unusual that goes on down here.

14 So I think it's important, though -- like I say
15 up here. You know, sometime we all disagree. But what's
16 important is everybody's input makes for -- and I say this
17 a lot -- makes a better project, I think, for the city. We
18 may not agree, but when we come together -- we get something
19 together -- it makes it a better project. So I want you to
20 know, that's nothing new. I don't know what your bylaws say
21 --

22 MR. GARDNER: Mr. Chairman, we totally agree with
23 what you're saying. And we absolutely encourage -- and our
24 bylaws encourage any commissioner to -- to advocate his or
25 her own position. The only point I was really trying to make

1 is that we -- our bylaws really say if you are going to do
2 that, just say I am speaking as an individual commissioner.
3 That's all.

4 CHAIRMAN HOOD: Well, most of the time down here,
5 we under -- that's understood.

6 MR. GARDNER: Yes.

7 CHAIRMAN HOOD: Yes. That's understood, that she
8 was speaking as a -- just like that gentleman over here. He
9 made it a point to make sure that I knew that he knew he
10 didn't have anything in the file. But I know, obviously --
11 when I -- when I looked at her letter and I look at what the
12 vote was and I looked at three people who were in opposition.
13 I knew she may have been one of those as well. But she has
14 a right to --

15 MR. GARDNER: Right. She was one of them, and
16 then --

17 CHAIRMAN HOOD: So give her single district --
18 (Simultaneous speaking.)

19 MR. GARDNER: Always happy to have any
20 commissioner make any statement --

21 CHAIRMAN HOOD: Yes, but I just wanted you to know
22 that's not -- that's not an unknown process to have.

23 MR. GARDNER: Okay, thank you.

24 CHAIRMAN HOOD: Other than that, I want you all
25 to really consider my comments about this Neighborhood

1 Collaborative and the CLC. We've got to figure out which
2 one. Because here's the thing, we're going to have so many,
3 nothing is going to get done. Eventually. I understand the
4 enthusiasm, but we want to put some teeth behind whatever you
5 do. Okay? For now, that's all I have Because I -- because
6 I've really -- I am really concerned about having all those
7 different groups. But anyway, let's open up. Any questions
8 or comments? Anybody? Vice chair?

9 VICE CHAIR MILLER: No, thank you Mr. Chairman.
10 No, I just wanted to thank the commissioners for all your
11 efforts. And all of the community groups' efforts on this
12 project and all the projects that affect your neighborhood.
13 I -- you know, clearly -- clearly there's been a lot of work
14 done and a lot of meetings have occurred and a lot of
15 outreach has taken place, although some may disagree with
16 that. And we will probably hear from them soon.

17 But even the minority reports by Ms. Gates, it's
18 right in the headline -- conditional support. So it makes
19 those -- sounds those conditions go beyond your conditions,
20 but some overlap, actually. That's my reading of it. But
21 I think that is -- that is progress. And I applaud your
22 efforts and your leadership on that point.

23 CHAIRMAN HOOD: Any other comments or questions?
24 But I -- But I have really appreciate -- and I hate to keep
25 saying this, because it is important. I can tell in this

1 submission there was a lot of work that went into that. So
2 my hat is off to you -- especially the two commissioners who
3 are -- now, how long have you been up, commissioner?

4 MR. GARDNER: I am in my second term.

5 CHAIRMAN HOOD: Okay. Well you all put a lot of
6 work into this. And this -- it doesn't go unnoticed. Next
7 time just -- we are going to work on the two sided, though.
8 Okay, let's see if we have any cross examination. Mr.
9 Tummonds, you have any cross?

10 (No audible response.)

11 CHAIRMAN HOOD: Ms. Kraik, you have any cross?

12 (No audible response.)

13 CHAIRMAN HOOD: Mr. Clarkson, you have any cross?

14 (No audible response.)

15 CHAIRMAN HOOD: Okay, miss -- us, do you all have
16 any cross?

17 (No audible response.)

18 CHAIRMAN HOOD: Okay, thank you very much. We
19 appreciate it and keep up the good work. Thank you.

20 Okay, do we have a -- a list of -- off the email.
21 Parties in support? How much time?

22 PARTICIPANT: Parties in support first.

23 CHAIRMAN HOOD: So, we have two parties in
24 support. And they had fifteen minutes. So I don't know if
25 you all -

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1 PARTICIPANT: Do they get to share the Applicant's
2 time?

3 CHAIRMAN HOOD: The Applicant only have --
4 (Simultaneous speaking.)

5 CHAIRMAN HOOD: How much time does the Applicant
6 have?

7 MS. SCHELLIN: The parties in support share the 60
8 minutes with the Applicant.

9 CHAIRMAN HOOD: Sixty minutes?

10 MS. SCHELLIN: They get a total of 60 minutes for
11 the Applicant. So --

12 (Simultaneous speaking.)

13 CHAIRMAN HOOD: Hold on, they only used 15.

14 MS. SCHELLIN: So, the Applicant and the -- I
15 know, but the applicant and the parties in support --

16 (Simultaneous speaking.)

17 CHAIRMAN HOOD: Anyway, come forward. You all
18 don't need sixty minutes.

19 MS. SCHELLIN: Get 60 minutes to share.

20 CHAIRMAN HOOD: If you all need 60 minutes, we'll
21 -- we'll --

22 MS. SCHELLIN: Right.

23 CHAIRMAN HOOD: We will come back and see you all.
24 (Laughter.)

25 MS. SCHELLIN: Whatever their combined time is

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1 with the Applicant's time, to parties in opposition.

2 CHAIRMAN HOOD: Oh, I got you -

3 (Simultaneous speaking.)

4 MS. SCHELLIN: Get to share that time. Do you see
5 what I am saying?

6 CHAIRMAN HOOD: I got you. I got you. Okay, yes.

7 MS. SCHELLIN: We don't usually have parties in
8 support.

9 CHAIRMAN HOOD: Well that is true. Maybe that is
10 why I am mixed up.

11 MS. SCHELLIN: That is why you are mixed up, yes.
12 How much time do you guys need?

13 (No audible response.)

14 CHAIRMAN HOOD: So they both need ten minutes.
15 So the party in opposition will have 25 minutes.

16 MS. SCHELLIN: Right, to split.

17 CHAIRMAN HOOD: Okay, okay.

18 (Simultaneous speaking.)

19 CHAIRMAN HOOD: To split. It's two part -- well,
20 they're one now. No, they're one part in there. Yes. Okay,
21 thank you all very much. You may begin.

22 MS. KRAIK: Thank you. My name is Claire Kraik,
23 I am the president of the Westover Place Homes Corporation
24 Board of Directors. And you already have our -- our
25 statement. I just want to add a couple of points.

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1 Really it is about the issue of the importance of
2 constructive engagement. And like others we -- even the
3 reference to Jessica Herzstein, we have noticed a difference
4 in the way the university responds to us. And I would like
5 to use the buffer issue with Westover Place as an example.
6 Our houses are 60 feet from the East Campus. We -- you know,
7 we are literally elbow to elbow with students. And so this
8 buffer area was a very important issue for us.

9 The original plan called for the planting of
10 roughly 96 trees and a number of bushes and so forth. And
11 all of this was done in 2016. When our residents and our
12 board looked at it, we were dismayed. We were disappointed.
13 It was not enough. And so what we did is that we went to the
14 CLC and in two meetings -- separate meetings -- we
15 complained. We went to the university officials and we began
16 a dialogue with them over the course of six months -- between
17 essentially December of 2016 and July of 2017.

18 And during this period the university held, I
19 would think, three or four separate meetings with residents.
20 And then probably a number -- maybe five separate meetings
21 with our board. Our board also held meetings with residents
22 to get their views on various plans that the university was
23 developing to address our concerns.

24 And the upshot of all of this was that the
25 university committed to planting 91 additional trees,

1 bringing the total up to 180-something. And of these, most
2 of them would be evergreens and a number of them are over 20-
3 feet tall. The planting was completed this month. And as
4 a result -- and I speak with our residents all the time --
5 I can say that the majority of Westover Place residents,
6 including a majority of the residents who live along the wall
7 area with the buffer -- are satisfied. I mean, would we like
8 an urban forest? Yes. But at the moment what we have is
9 more than adequate and we are satisfied with the process.

10 And so this brings me back to the issue of
11 constructive engagement. You have heard a lot about the
12 Community Liaison Committee and the Neighborhood
13 Collaborative. Well, the CLC has its pluses and its minuses,
14 but it is a forum where we as a -- as a community have gone
15 and have been heard. The Neighborhood Collaborative is in
16 its early stages and it's probably early days to say how it
17 is going to evolve.

18 But the point isn't that. The point is that we
19 need effective mechanisms to have a proper dialogue with the
20 university and get results. Our community is focused on
21 getting the results, as I think everyone else is. We are not
22 interested in, you know, prolonging the agony in negotiating
23 with the university. So we feel that these mechanisms, such
24 as the Community Liaison Committee and the Neighborhood
25 Collaborative are important as we look to the formulation of

1 the next campus plan.

2 I can tell you right now that there is a bit open
3 space on the parking lot in the East Campus which I am sure
4 will be built on at some point. If we do not have effective,
5 open, transparent mechanisms as neighborhoods -- not just
6 Westover Place, but as all of our neighborhoods -- for
7 dealing with the university, we are going to be back to hand-
8 to-hand combat on these things as we were with the East
9 Campus.

10 And we feel that a consensus building approach,
11 no matter what mechanism you choose, there has to be some
12 kind of consensus-building approach -- is a good step toward
13 improving AU's relationship with the surrounding community.
14 And we feel that it will produce better outcomes for our
15 neighborhoods in the long run. Thank you.

16 CHAIRMAN HOOD: Thank you. Next?

17 MR. CLARKSON: Good evening, Chairman Hood,
18 Commissioners. My name is William Clarkson and I am
19 appearing on behalf of the Spring Valley Neighborhood
20 Association. Also known as SVNA. SVNA is comprised of
21 residents of Spring Valley, a neighborhood as you know
22 adjacent to American University's main campus. To be clear
23 -- and I want to make a clarification -- our association is
24 not affiliated with the Spring Valley-Wesley Heights Citizens
25 Association, SVWHCA. And we dispute SVWHCA's contention

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1 that, quote, the SVWHCA includes in its membership all
2 residents of Spring Valley.

3 We have over 250 involved neighbors and over 100
4 active members in our organization, including some home
5 owners who live within 200 feet of AU's main campus. SVNA
6 supports AU's application subject to the conditions in the
7 ANC 3D report, and we include AU and ANC 3D for their
8 proactive efforts to engage with interested community
9 stakeholders on this proposed building project.

10 SVNA believes AU has made a concerted, good faith
11 effort to work with community stakeholders regarding the
12 proposed Hall of Sciences building project, and to address
13 concerns raised by mutually affected neighborhood homeowners
14 and ANC 3D. In addition to its initial presentation on the
15 proposed building at the March '17 CLC meeting, AU has
16 discussed the project details in multiple CLC and ANC 3D
17 meetings since then. And also hosted walking tours of the
18 proposed building site and surrounding area in August for
19 neighbors.

20 We understand and are very sensitive to individual
21 neighbors' concerns regarding the potential negative impacts
22 of light pollution from the proposed building, as well as the
23 need to enhance the existing landscape buffer running along
24 University Avenue and Quebec Street. At the September 6th
25 ANC 3D meeting, AU representatives presented a revised plans

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1 for the proposed building and reconfirmed their commitment
2 to install automated shades in with windows facing University
3 Avenue at the northwest corner of the building.

4 AU also committed to meeting with Quebec Street
5 and University Avenue homeowners to discuss potential
6 landscape enhancements. We were pleased to learn that as a
7 result of these discussions with neighbors and ANC 3D, AU is
8 committed to make additional enhancements to the existing
9 landscape buffer. Moving forward it will be important for
10 AU to continue to work with ANC 3D and other community
11 stakeholders to ensure that the university follows through
12 on its commitments to mitigate any adverse impacts from the
13 proposed new building.

14 SVNA has been an active participant on the
15 Community Liaison Committee and Neighborhood Collaborative,
16 and we believe this collaborative, consensus-based building
17 approach is significantly improving AU's relationship with
18 neighborhood residents. Furthermore, we believe it has
19 resulted in enhanced dialogue and outreach with respect to
20 this particular project.

21 The Neighborhood Forum meetings, which were
22 mentioned earlier, facilitated by Don Edwards's team, have
23 also been immensely valuable in educating neighbors about
24 zoning issues and providing the opportunity to learn about
25 how other communities have addressed similar issues with

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1 neighboring institutions. SCNA remains committed to the
2 collaborative process in place.

3 In conclusion, I would like to once again note our
4 support for this application and thank the Zoning -- and --
5 Zoning Commission for their consideration. We look forward
6 to continuing the open and collaborative dialogue process
7 that was followed by AU and the majority of the surrounding
8 community organizations. Thank you for attention to our
9 comments. I am available to answer any questions.

10 CHAIRMAN HOOD: Okay, thank you very much. Let
11 me go to Ms. Kraik. Let me just ask you a quick question.
12 You mention that you have some interaction with Ms. Herzstein
13 and her husband as well. Did you -- you didn't say that?

14 MS. KRAIK: No. No, what I mentioned was that --
15 I certainly know her. We have coincided in -- in meetings.
16 I was picking up on what one of the other people had said,
17 that she had noticed that there was a more open approach from
18 the university. And we -

19 CHAIRMAN HOOD: Well I wish she would have wrote
20 that in her letter to me.

21 (Laughter.)

22 CHAIRMAN HOOD: Because her -- I am just going by
23 what her letter -- and I am sorry she's not here to be able
24 to -- at least I didn't see it in her letter. All I saw was
25 -- like it was still where -- where I was -- in 17 years ago

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1 when her dad was there. So anyway, hopefully I can peruse
2 a little -- you know, have a conversation or get some more
3 information on her so that I can get that from her as opposed
4 to what was submitted and dated November the 15th to us.

5 But anyway, I thank -- I appreciate both of your
6 testimonies. Let's see if they have any questions up here.
7 Commissioner Shapiro?

8 COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Just
9 wanted to thank you both for your volunteered service and
10 your leadership. Question for Mr. Clarkson, when was the
11 SVNA founded?

12 MR. CLARKSON: In February of 2017.

13 COMMISSIONER SHAPIRO: February 2017, okay. Thank
14 you.

15 MR. CLARKSON: Yes, we are relatively new and -

16 COMMISSIONER SHAPIRO: It sounded like that, I
17 just wanted to make sure I -

18 (Simultaneous speaking.)

19 MR. CLARKSON: Yes, it's -- and we know a number
20 of other groups have more experience, but we're really -- we
21 feel privileged to be involved and engaged. And we care.

22 COMMISSIONER SHAPIRO: Yes, and there's no
23 disrespect in the question. More just curious about the
24 process. So I appreciate that. Thank you. Thank you, Mr.
25 Chair.

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1 CHAIRMAN HOOD: Okay. Don't be like that other
2 group, now. Make sure you go to the finish line.

3 (Simultaneous speaking.)

4 MR. CLARKSON: We're in.

5 (Laughter.)

6 CHAIRMAN HOOD: Got to be in it for the long haul.

7 MR. CLARKSON: Yes, sir.

8 CHAIRMAN HOOD: Any other questions up here?

9 (No audible response.)

10 CHAIRMAN HOOD: Okay. All right, I want to thank
11 you both. Let's see if we have any cross. Mr. Tummonds, you
12 have any cross?

13 MR. TUMMONDS: No.

14 CHAIRMAN HOOD: Chairman Gardner, you have any
15 cross?

16 CHAIRMAN GARDNER: No, sir.

17 CHAIRMAN HOOD: Us? Us? You have any cross, us?

18 MR. SMITH: Us is a very collaborative word.
19 Actually, I just have two questions for Ms. Kraik, for
20 Westover. I just want to get some clarification. Was AU's
21 initial planting of the buffer consistent with the specific
22 plans that were outlined in the Campus Plan order?

23 MS. KRAIK: My understanding is that it was
24 consistent with the drawings that were presented to us
25 starting in 2014. And, you know, down to the various species

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1 and so forth. But you would really need to ask the
2 university that question.

3 MR. SMITH: So there was a -- a different plan
4 that was submitted in 2014 to you all that was -- other than
5 what was outlined in the conditions of the Campus Plan?

6 MS. KRAIK: Well, I wish I could answer that
7 question, because I had not been involved in that before
8 2014.

9 MR. SMITH: Okay. Do you -- were you aware that
10 back in -- I want to get my years right here -- back in 2015
11 120 residents of Westover Place signed a petition to the ANC
12 saying that AU's planting -- I guess it would have been 2016?
13 Either 2015, 2016. One hundred and twenty residents of
14 Westover Place signed a petition to the ANC saying that AU
15 was not in compliance with the terms of the Campus Plan with
16 respect to the East Campus buffer?

17 MS. KRAIK: Yes, indeed. And the fact is that
18 once these plants were in the ground, the area was very bare.
19 And this is why we came back and we -- we strongly support
20 our residents. And this is why we feel we have a better
21 outcome now. I completely agree with you.

22 MR. SMITH: Thank you. Thank you, Mr. Chairman.

23 CHAIRMAN HOOD: Thank you. Thank you both. But
24 let me just say this, I heard everyone say about the CLC and
25 it was very -- I really appreciate your comments, the CLC,

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1 the Neighborhood Collaborative -- but at some point in time
2 we've got to figure out how we are going to do this and make
3 sure we have some teeth. And I am saying that on behalf --
4 so the neighborhood will have something.

5 So I am not sure who is going to get this started,
6 but I suggest that either the ANC, the groups, or whoever --
7 let's get this started. So that is one thing I am going to
8 push for -- whether you call it Neighborhood Collaborative,
9 like I mentioned earlier, CLC -- whatever is working for you.
10 But let's get it started. Let's make sure it is part of the
11 order. And we will go from there.

12 I am sure, Mr. Tummonds -- but I want to put it
13 all on the applicant because it's a -- it's a two-way thing.
14 It's the neighborhood as well as the university. And then
15 as far as Mr. Edwards, I think you all mentioned how -- what
16 a great job he has been doing. But he has been doing that
17 all over the city, so -- so I will continue to work with him.
18 But some kind of way we have got to get that started.

19 And we've got to put it -- enshrined somewhere.
20 That needs to be memorialized so we know how it operates.
21 Because right now, from what I am hearing, I am confused --
22 maybe it is just me. But I am confused and I don't
23 understand, if you all were going to use either one of the
24 groups -- and I understand the Neighborhood Collaborative is
25 working well, but what is the teeth behind it? If I am

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1 missing something, somebody can correct me. But anyway. But
2 thank you all for all your work. We appreciate it.

3 MS. KRAIK: Thank you.

4 CHAIRMAN HOOD: All right, let's go to persons in
5 support. Jonathan McHugh -- Commissioner, excuse me, McHugh
6 who is speaking on his -- on his own. And John Wheeler, Ward
7 3 Vision. Is there anyone else who want to testify in
8 support? Support?

9 PARTICIPANT: Conditional support.

10 CHAIRMAN HOOD: Oh, conditional -- okay, come
11 forward. Anyone else?

12 (No audible response.)

13 CHAIRMAN HOOD: Other than the party -- how many
14 people do we have here who are going to testify in
15 opposition?

16 (No audible response.)

17 CHAIRMAN HOOD: Same, okay, yes. Okay. Okay, you
18 may begin.

19 MR. WHEELER: I have submitted my -- a letter on
20 behalf of Ward 3 Vision. And I am going to try and keep my
21 comments short so we can go home a little bit earlier. I had
22 intended to talk more about this -- the -- the new process
23 with -- with American University because I think how American
24 University is working with the neighborhood has greatly
25 improved and changed. Commissioner Kravitz testified in

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1 detail about that. And I don't really have anything to add.
2 That was -- it is a lot better.

3 There is one thing I will say. You know this.
4 But there are some people who would rather fight than agree.
5 And -- and that's always going to be the case. And you are
6 not going to get everybody to agree. But it's very -- what
7 you see tonight is something that you haven't seen before
8 with American University with parties who normally have been
9 fighting American University about everything, they're here
10 now in agreement with American University. And that's --
11 we're -- this is a new day.

12 And it's -- that's just not a -- an expression I
13 -- I believe it's really happening. And a big change has
14 happened with American University and change has happened
15 with the community. It's -- it's been both. And the
16 community, I think, is starting to work together rather than
17 saying this is my issue and this is all I care about. It's
18 -- it's working more as a group. Part of that probably --
19 well, I don't think it has anything to do with Don Edwards's
20 group. That's probably more in the future.

21 But that's one of the -- the purposes of the group
22 that he has put together is -- is for the neighbors to learn
23 to work together -- learn how the process works. Learn what
24 the Zoning Commission does. Learn what the Campus Plan is.
25 And so it's going to be an interesting future, I think. And

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1 it's -- and it's -- it's just a much more pleasant future
2 when people are working together rather than just enjoying
3 the fight.

4 I will say something about parking. I don't know
5 what the right number of parking spaces are at American
6 University. But I -- I think it's obvious, if you just look
7 there, there are a lot of parking spaces that aren't being
8 used. And that to me is relevant. Part of the problem is
9 how people commute is changing rapidly. The government
10 doesn't keep up with that very well.

11 So the government is behind when it says this is
12 how many parking spaces you need. And that's what you needed
13 maybe when the government said that, but the next day it's
14 even less. And American University, it's probably even more
15 so -- you've -- the American University campus was picked by
16 the Sierra Club several years ago as being -- I don't
17 remember whether it was first, second or third, but one of
18 the top green campuses in the United States. And
19 transportation is one of the things that makes them a green
20 campus.

21 They -- they -- one of the -- one of the most
22 interesting things I think has happened there is a program
23 called U-Pass. It's an agreement that the student body at
24 American University made with -- with Metro for them to --
25 every student -- they're required to have a pass, but the

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1 students voted on this -- to do this. And it's essentially
2 one dollar a day. I think it's \$136 a semester. They can
3 ride unlimited rides on Metro bus and Metro Rail, including
4 the expensive bus that takes you to the national airport --
5 or not national, Dulles Airport.

6 And I've heard statistics -- it's a large number
7 of rides on Metro now that are being taken by American
8 University students using U-Pass. I'm just -- just giving
9 you this point to let you know how people commute is changing
10 so rapidly and things that -- that -- you know, like these
11 new line bikes and so forth. Who would have thought about
12 those just last year? People are going to come in here --

13 (Simultaneous speaking.)

14 MR. WHEELER: Say we need more cabbie stations.
15 Well cabbies are -- that's last year. It's these line bikes
16 now. And I want to see the government start thinking more
17 ahead like that as well. So I think that's enough on that.
18 I just -- we do support this project and we do support the
19 community working better together with American University.
20 Thank you.

21 CHAIRMAN HOOD: The only reason I -- let me just
22 say why I was laughing, because you must have watched our
23 last hearing because that's what it was all about. Anyway,
24 next.

25 MR. MCHUGH: My name is Jonathan McHugh. As I

1 said, I am a ANC commissioner in 3E, but I am speaking only
2 on my own behalf. We -- I support the American University's
3 application. And if I happen to say we, just expect that
4 it's me, not a -- so -- to build the new academic science
5 building as detailed in the application.

6 I believe they designed it so it will not
7 substantially affect the surrounding neighbors and is
8 constant with the spirit and requirements of the AU Campus
9 Plan. What I really wanted to speak about was how that
10 process came about. And I feel like as it's been echoed
11 before that AU has definitely made a great effort to change
12 the way it is behaving with respect to how it works with the
13 community itself.

14 I have noticed this in the past year and a half,
15 essentially, since your last order that they seem to have
16 seen some light and said that we're going to change this
17 dynamic. And we are not going to keep going down this road.
18 And honestly, I attribute some of that -- a good deal of that
19 to Tom Smith and Jeff about getting them to see that light.

20 It needs to be -- it needs to be continued and we
21 need to get it done, like you said Commissioner -- Chairman
22 -- that we need to finish the job. And I think in the next
23 couple months that we should find a way to finish building
24 this and getting it to the point where it works well with the
25 community. If I might just explain how we -- and this is not

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1 necessarily how it is, but the way we've seen it is that the
2 CLC is the body that this -- these two organizations or
3 really just a collaborative -- would report to. And most of
4 these working groups are meant to just be working things out
5 that wouldn't have to be done at the CLC. They would come
6 to them and report back, here's how we figured this out.

7 So in terms of teeth, I don't think the CLC has
8 lost any of its teeth. It's just that in the way of working
9 with the community, they don't have to go to the CLC and work
10 it all out in one thing -- one entity. They can use all
11 these working groups and then bring it to them. And I think
12 that's essentially what we look at schematically.

13 And I see a great benefit to that. I feel like --
14 and I will say -- I am a commissioner, I see this in
15 elsewhere, that building that trust and working with
16 community and listening to each other yields great dividends.
17 And I actually am starting to apply it to other scenarios
18 where I am working. So I heartily support it. The rest of
19 it is in this -- in this letter. But I see good hope where
20 we are going.

21 CHAIRMAN HOOD: Let's see, do we have any
22 questions or comments up here? Commissioner, I do appreciate
23 you telling me how that works. So the CLC -- I just need to
24 figure out now who is on the CLC. Do you know who is on the
25 CLC?

1 MR. MCHUGH: I don't think anything has changed
2 on the CLC in terms of the signatory parties. There are
3 additional groups that can be part of the collaborative that
4 aren't necessarily part of the CLC in order to, you know,
5 work with the community itself. So ultimately it all comes
6 back to the CLC. And you can -

7 CHAIRMAN HOOD: Okay, okay.

8 MC. MCHUGH: So it all comes back. But
9 essentially this is doing the -- the hard work. And all the
10 nuts and bolts of things would be part of the collaborative
11 and then coming back. So we don't spent two and half hours
12 of the CLC -

13 CHAIRMAN HOOD: Well, that makes sense. But
14 whatever works for the neighborhood. We just want to make
15 sure, whatever the ultimate group is, still has that teeth
16 that's in the Order that we -- that we pushed. Okay,
17 Commissioner Shapiro?

18 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman.
19 Just a quick question for Commissioner McHugh. Speaking from
20 your own experience of this, where -- where -- why isn't
21 there a 3E position? Or what -- what was the process
22 involved?

23 MR. MCHUGH: Well, essentially since it's a hall
24 of science -- it's so far -- it's so far away from us, I felt
25 like this is really a 3D thing. From my perspective as a CLC

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1 I thought I should be able to -- I've been to -- I've been
2 to the meetings about the hall of science. I have listened
3 to it. But I don't think any of the 3E really has a position
4 to play in this. That that -- that's not their -

5 COMMISSIONER SHAPIRO: Thank you. Thank you, Mr.
6 Chairman.

7 CHAIRMAN HOOD: Thank you. Any other questions
8 or comments up here?

9 (No audible response.)

10 CHAIRMAN HOOD: Okay. Let's see if we have any
11 cross. Mr. Tummonds? Chairman GARDNER? You have any cross?

12 (No audible response.)

13 CHAIRMAN HOOD: Okay, Ms. Kraik? Oh, you know
14 what -- did I forget Miss -

15 MR. MCHUGH: I thought you wanted to do her alone.

16 CHAIRMAN HOOD: No, no -- I actually -- I forgot.
17 I am -- I am very sorry. I am very sorry. Because you know
18 normally I -- the ladies first -- and I thought I -- okay.
19 I'm sorry. Ms. Gates? How can I forget you? I am sorry.

20 MS. GATES: Good evening members of the Zoning
21 Commission. I am Alma Gates, ANC 3D-05 Commissioner. A
22 minority report is in the record at Exhibit 34. Nowhere in
23 the report or in this testimony do I purport to represent
24 anyone except myself.

25 CHAIRMAN HOOD: One second, you're competing with

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1 some folks outside. Excuse me one second.

2 (Pause.)

3 CHAIRMAN HOOD: Can anybody else hear that that's
4 going outside? Oh, they're having a ball. We can hear them,
5 they're having a ball.

6 MS. GATES: When you say I am competing, you mean
7 the microphone?

8 CHAIRMAN HOOD: No. Some people outside are
9 competing with you.

10 MS. GATES: Oh.

11 CHAIRMAN HOOD: But I am sure your language is
12 going to be a lot nicer than what they're saying, so.

13 MS. GATES: Is -- is it our friend? Is it our
14 friend who often is down here?

15 CHAIRMAN HOOD: No, he wouldn't go out there with
16 that -- no, he wouldn't go out there with --

17 VICE CHAIR MILLER: We need a sound curtain.

18 (Laughter.)

19 CHAIRMAN HOOD: Because we are -- we are getting
20 quite a bit from back there, believe me. And it's not some
21 language you want to repeat. So anyway, I think we can go
22 ahead. Ms. Gates, you can go ahead.

23 MS. GATES: Okay. As noted in the report, ANC
24 voted 530 to support application in 1107-G. This September
25 6th letter, Exhibit 12, filed by ANC 3D was premature, does

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1 not address the zoning sections applicable in this case,
2 fails to fully address the concerns of neighbors and takes
3 for granted that the Zoning Commission will assume
4 responsibility for crafting conditions for Zoning Order 1107-
5 G.

6 A member of residents from Woodway Lane, Quebec
7 Street and University Avenue appeared at the September 6th
8 ANC meeting. Their concerns addressed the siting of the new
9 hall of science building relative to existing light bleed
10 into their homes, further measures needed for building
11 stairwells in the plaza area, the deteriorating landscape
12 buffer along the entire length of University Avenue, and
13 parking. The application itself lacks information that is
14 required under Subtitle Z, Section 302-10. That was pointed
15 out to the applicant in ANC on September 6th.

16 For example, Z-30210 asks for an employee account
17 for every employee. A similar requirement exists for every
18 student. The sheet I distributed -- and I am referencing
19 this sheet -- demonstrates a variety of sources of figures
20 provided by the university for employees, undergraduates and
21 parking spaces. Which are the real numbers? Or, which are
22 the right numbers?

23 In the time remaining I want to focus on the
24 conclusion and proposed conditions in the -- in the report.
25 Zoning Commission approval of case number 1107-G, American

1 University Amendment to the 2011-22 Campus Plan and further
2 processing of the Campus Plan should be granted provided
3 American University furnishes figures for the total number
4 of employees, total number of students and total number of
5 parking spaces and utilization at each site as required in
6 subtitle Z, 30210.

7 Does the university maintain parking spaces at
8 other sites? Where? How many? And for whom? A deep and
9 fast-growing landscape buffer, including both evergreen and
10 deciduous trees is installed along the entire border of
11 University Avenue and the American University campus --
12 especially in the area where Quebec Street meets University
13 Avenue. Tree selection should meet with the approval of
14 adjacent neighbors.

15 Measures including light sensors and automatic
16 window shades are implemented to prevent light bleed into the
17 neighborhood from the new hall of science. Consideration of
18 treatment within stairwells is also needed, along with
19 measures to restrict glare from surface areas around the hall
20 of science building. Any new lighting requirement should be
21 incorporated into the campus lighting plan provided a
22 separate lighting plan is not required for Zoning Commission
23 Order 1007-J.

24 The use of Jacobs Field is more fully addressed
25 and clear direction is given on hours of use, number of

1 events and use of amplified sound. Consideration should be
2 given to the construction of a sound wall in the area
3 adjacent to abutting residential areas. And Zoning
4 Commission Number Order 09-19, George Washington University
5 Mount Vernon Campus, the implementation of a sound wall is
6 noted in the findings of fact at number 29. It was
7 constructed. And the Zoning Commission reaffirms that the
8 Community Liaison Committee is the only community group
9 intended to foster consistent communication between the
10 University and the surrounding neighborhoods is outlined in
11 Condition 16 of Zoning Commission Order 1107.

12 Also distributed is an agenda from Justice and
13 Sustainability Associates for a collaborative working group
14 orientation. This is not -- is -- this is not what is called
15 for in Zoning Order 1107. Thank you. And in closing I wish
16 you a very happy Thanksgiving.

17 CHAIRMAN HOOD: Okay, thank you very much Ms.
18 Gates. I am sorry for going ahead. But let's see if we have
19 any questions up here. Did I do questions on -- I did, I
20 did. Okay. Well let's do it again. Let's see if we have
21 any questions of the three panelists that we have here.
22 Okay, let's see if we have any cross, Mr. Tummonds?

23 MR. TUMMONDS: No cross.

24 CHAIRMAN HOOD: Chairman Gardner? Ms. Kraik? Mr.
25 Clarkson? And us?

1 (No audible response.)

2 CHAIRMAN HOOD: Let me ask this question, though,
3 Ms. Gates, because a lot of this -- I looked at your
4 testimony as well. And I think that you anticipate a lot
5 heavily when we -- when we did a lot of this earlier. But
6 when Commissioner Wheeler from -- no, I am sorry.
7 Commissioner McHugh from 3E testified on his own. When he
8 testified he talked -- he kind of explained to me who he
9 thought -- how he saw the CLC working. And the reason why
10 I keep talking about this whole issue because the testimony
11 I received today and from what I am looking at, it seems like
12 we are all over the place. And I just want to narrow it
13 down, again, as I stated to Commissioner Kravitz that -- for
14 the whole -- so later on down the line it won't become an
15 issue.

16 But two questions. Do you see the CLC working as
17 Commissioner McHugh has just mentioned to me? Because I kind
18 of understand, like, we just need to tighten it up. And do
19 you see American University working? And I know your support
20 concerns working better than what they've done in the past.
21 What the community -- because that's what I have heard a lot
22 tonight. Even though the letter from -- well, anyway. Let
23 me let you answer those questions.

24 MS. GATES: I think the university has worked
25 probably -- rather than with the CLC, they have worked with

1 individuals or smaller groups. So I think the CLC could work
2 very effectively. I don't think there's any need for a
3 collaborative because again, that doesn't represent the whole
4 community whereas the CLC does.

5 If -- if you just take a minute and look at this
6 agenda. This is modeled very closely on the Georgetown
7 Community Partnership. And the working groups are a great
8 idea. They should be formed. No reason they can't exist at
9 the CLC. Ground rules and protocols, again, all of this can
10 be applied at the CLC. There's no reason to have a separate
11 group called a Collaborative, I don't think. I don't feel
12 included in it, whereas I do feel included in the CLC

13 I do not live near the university, but I can tell
14 you the university does affect the area where I live. Just
15 in terms of traffic. When I need to go someplace after 3:30
16 in the afternoon or in the morning, it's virtually impossible
17 to use Nebraska Avenue. And I think everyone in this room
18 who uses Nebraska Avenue that time would admit the same
19 thing. Maybe you even experience it.

20 CHAIRMAN HOOD: Okay. Let's see if we can --
21 let's see if we can, Mr. Thom, come up with something. I am
22 not sure, you know, I am just -- I know that there's already
23 something in place, but you know, I am going to leave it to
24 the community to work that out. But I -- and I am going to
25 leave it up to the university and the community to work that

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1 out. But let's make it work.

2 And I -- because I see what -- what Mr. Edwards
3 does as something totally, totally different, as was stated
4 earlier. Because I -- I have worked with him. I have had
5 him come work with some groups and help us learn what certain
6 things were. And I thought -- I think that's -- I think --
7 to me, though, Ms. Gates, that's separate and apart. So I
8 think that may work.

9 But agree with you about this -- and I think
10 you're saying the same thing I am saying. I agree with you
11 about the CLC or whatever -- whatever -- even if you change
12 the name, we're getting into semantics. But it's got to work
13 the same way that's in the Order.

14 MS. GATES: I don't think they're talking about
15 changing the name. I think they're talking about creating
16 a separate group. So there would be a Forum, a Collaborative
17 and a CLC.

18 CHAIRMAN HOOD: And you heard my comments about
19 all those different groups?

20 MS. GATES: Yes.

21 CHAIRMAN HOOD: Okay. So my comments remain the
22 same. I've experienced -- I have been there. I am just
23 saying. I am just giving you fair warning. To make it work
24 we need to make sure what has the teeth -- I am not going to
25 get into names. But you have something that's in the Order

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1 which is law. And we need to make sure that that works. And
2 I think it would be very beneficial for the area. And that's
3 just one, Commissioner. I have four others up here, and I
4 am going to ask Mr. Turnbull -- Ms. Schellin to read the
5 record. I would like for him to participate in this case as
6 well. Okay, so any other questions? He -- he may not like
7 this, but I am going to ask him to participate.

8 Did I do cross, Mr. Tummonds? Of any of them?
9 Chairman of any -- any --

10 MR. GARDNER: I have one question.

11 CHAIRMAN HOOD: Sure, come forward.

12 MR. GARDNER: Commissioner Gates, the only
13 question I have for you is did you vote in favor of the
14 Neighborhood Collaborative at the December 2016 ANC meeting?

15 MS. GATES: If the vote was unanimous, I must have
16 voted.

17 MR. GARDNER: Great. Thank you.

18 MS. GATES: It was not however, what is proposed
19 today.

20 CHAIRMAN HOOD: Mr. Kraik -- Ms. Kraik? No -- no
21 -- I am sorry, Ms. Kraik. Mr. Clarkson? Any cross? Okay.
22 Us?

23 PARTICIPANT: No.

24 CHAIRMAN HOOD: Okay. Thank you all very much.
25 We appreciate it. You can hear them now? Oh, yes, they --

1 okay, let's go to the party in opposition. And it's a
2 combined party. And -- and you have 25 minutes. Are you
3 going to use all your time? You need 25 minutes?

4 PARTICIPANT: I don't know, whether we will need
5 the 25 minutes.

6 CHAIRMAN HOOD: Okay. Let me see. Yes, no --
7 they -- our questions -- our questions not the -- okay. So
8 can I take a -- can we take a three-minute break, please?
9 Okay, let's take a three-minute break.

10 (Whereupon, the above-entitled matter went off the
11 record at 9:30 p.m. and resumed at 9:34 p.m.)

12 CHAIRMAN HOOD: Okay, we are ready to go back.
13 Back live -- we are ready to go back. Okay, you may begin.

14 MR. KRASKIN: Good evening, Chairman Hood and
15 members of the Commission. Thank you for having us. First
16 off, I just want to say, Because I -- we are going to keep
17 our discussion to the issue at hand, basically, regarding the
18 science building. So if you have questions regarding the
19 Collaborative, I am not discussing it right now. I would be
20 happy to, since my name is mentioned a couple times this
21 evening in regards.

22 I am Dr. Jeffery Kraskin, President of the Spring
23 Valley-Wesley Heights Citizens Association. Mr. Shapiro, our
24 association was incorporated in the District of Columbia in
25 1952. Just for the record.

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1 Chairman, had you actually -- earlier tonight when
2 you started you had some interesting questions and comments
3 about should we keep -- should we be even doing this tonight?
4 And I want to start by saying really I put up here out of
5 your website about what a campus plan is. You all know it.
6 It's your website. And what the whole concept of a campus
7 plan is.

8 And really, something is not right with this
9 campus plan because this is our fifth time in the five years
10 of this plan to come before you whether -- about a
11 modification, now about amendment. So honestly, I almost
12 want to say to you really, the most appropriate thing might
13 have been really, if it's within your power, to say let's
14 stop. AU, go back. Let's give you x-number of months and
15 let's get a plan that works so we have to stop -- so we can
16 stop having to come back here unless it's truly about a
17 further processing of something in that plan. But I am not
18 really sure it's something you all can do.

19 It is a -- it's sad evening because we all should
20 really be here as proponents of this science building. As
21 we have said in our notes, we've supported the idea of
22 improved science facilities in all of the last three campus
23 plans, which have included this addition to the Beeghly
24 Building. Clearly, something changed in the teaching of
25 science in the last three years that the idea of adding a

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1 building to Beeghly to do isn't going to work because
2 apparently of the facility of Beeghly.

3 But clearly, just because something changed in
4 science and something is constantly changing because this
5 plan is not working, we are not, though, going to just jump
6 on the bandwagon, as I have said to you before, Mr. Chairman,
7 at these meetings -- these hearings. Just going along to get
8 along. That is just not the way it is going to be. We have
9 to look out for our neighborhood and our residents.

10 I think it's great when people may feel that they
11 can jump on that bandwagon. But especially tonight, the
12 request is not merely about really amending the plan. It is
13 about a further processing -- jumping right into something.
14 And it's also about that parking issue.

15 As we have submitted, we support the amendment to
16 build a completely new, stand-alone science building in lieu
17 of the previously planned to add to the Beeghly building.
18 It was also asked earlier about the use of that Beeghly
19 building.

20 Interestingly, it was actually mentioned by Ms.
21 Argo at a meeting probably -- well, when AU was actually in
22 conversations with us. So it has to be more than 11 months
23 ago Because they have stopped communicating directly with
24 Spring Valley-Wesley Heights Citizens Association, and
25 neighbors for our local community, that that building might

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1 be actually turned into a dormitory. I hear tonight that is
2 not the idea, it is just maybe administrative.

3 But, as I say, we cannot jump on that bandwagon
4 for the further processing or changing the parking
5 requirements. When you speak of that typo, I sit here at
6 this computer in front of me. I am looking at a keyboard --
7 2500. There's no way I can go from 2200 and typographically
8 make an error to a five. It just doesn't happen. I can make
9 a typographical error to move out a zero and be 250. So
10 something more is going on there. And maybe we have further
11 discussions on that later.

12 So based on our review of the application filed
13 by AU with this commission on August 25th, a thorough review
14 of the AU and a thorough review of the AU Campus Plan Order,
15 Spring Valley-Wesley Heights CA and Neighbors for a --
16 Community are, as I said, here to support the amendment, but
17 not the further processing. AU has failed to collaborate
18 with the affected neighbors in the 3700 block of University
19 Avenue on conditions that address the objectionable light
20 impacts from the building that would affect residents'
21 quality of life and the value of their property.

22 We believe that final approval of further
23 processing should include specific detailed conditions
24 requiring that AU install shades on all of the windows facing
25 the neighborhood. You all already have discussed that this

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1 evening. So, yes. You see these pictures -- and I am going
2 to just be showing some pictures in the background because
3 these are pictures that AU has presented yet there's
4 conflicts in them constantly. It's easy to say this new
5 science building is the same height as the Beeghly, just
6 ignore the penthouse. Yes, there's no lights up there. But
7 ignore that because, will it be seen? Mr. May, you mentioned
8 make it a darker shade.

9 You know, this wall of windows, while --
10 completely that they constantly are talking about this
11 segment of windows that I am using the mouse to mark and
12 point at, I believe I -- hopefully that's showing. I don't
13 know if it does. But it's the one that we point to here that
14 it's not being addressed. It's not being discussed.

15 So AU has really failed to include information in
16 its application required by the 216 regulations that would
17 enable us to determine if AU is in compliance with all of the
18 requirements of the Campus Plan Order. The 2016 regulations
19 also impose new limits on doing simultaneous further
20 processing. I don't really need to tell you that since you
21 all approved those rules not long ago.

22 According to the new rules, though -- you know,
23 the Zoning Commission has the authority to approve a further
24 processing simultaneously with the amendment only if you all
25 determine there is need. Now, Mr. Tummonds made a comment

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1 about need and -- and using some other little words there
2 earlier. But we have not seen a need to go jumping into
3 further processing at this point -- except for the
4 university's convenience.

5 We also do not believe that AU meets the
6 requirements of Condition No. 12 in the Order because it is
7 not in substantial compliance with the Campus Plan, Order No.
8 1107. Issues like undergraduate enrollment, traffic demand
9 management, parking, the Community Liaison Committee which
10 you've had time talking about, Jacobs Field, which you've
11 talked about tonight, and the landscaping. They're not
12 trivial and they are not being met. And that is specifically
13 required if you are going to discuss this further processing
14 or approve such.

15 There are key elements of the plan that evoked
16 extensive controversy and debate. We and along with the past
17 of the 3D -- ANC 3D's testimonies in the past hearings --
18 have testified in related cases over these last five years
19 about this non-compliance. In all of those cases -- in all
20 of them, we have sought to collaborate with AU over the years
21 to craft and support modifications related to student housing
22 -- you know that from the last hearing. Where we signed an
23 agreement which, if you want to ask me a question later, we
24 can talk about that.

25 But -- and why we are not participating with much

1 of that. But we've signed things. We've worked to modify
2 before so that the AU student body would not be penalized for
3 the university's failure or inability to ensure compliance
4 with the Campus Plan. Nevertheless, the circumstances of
5 this case demonstrate that the time and effort we have made
6 over the years to engage with AU and sought to collaborate
7 to solve compliance issues created by the university -- not
8 by us, by the university -- have not resulted in positive
9 outcomes for many neighbors and in fact have shown that the
10 university in many cases, I am sorry to say, is not as
11 trustworthy as we hope as being a partner.

12 Therefore we ask you to please delay the action
13 of further processing until AU does more and brings those
14 answers back and works with neighbors. There was a mention
15 in the ANC report about we didn't -- nobody came back to the
16 October or November meetings because they must have been
17 negotiating. Well, AU is not in communication with the
18 Spring Valley-Wesley Heights Citizens Association or
19 neighbors through the local community. And if you like to
20 ask that question, why, we'll be happy to answer.

21 Finally we do not believe that this case should
22 have sparked divisions in or the opposition, but divisions
23 in oppositions have occurred largely because, as I said, AU's
24 lack of commitment to collaborate. AU has chosen to do
25 absolute minimum in attempting to mitigate neighborhood

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1 impacts and neighbors' objections instead of seeking to
2 minimize the impact of its proposed new building on
3 immediately impacted neighbors.

4 Most of the concessions by AU to mitigate light
5 impacts are already really requirements of the initial Campus
6 Plan as outlined in Condition No. 9 of the Campus Plan Order
7 in the 1107. But AU has also refused to collaborate with the
8 affected neighbors on the solution to the lighting issues and
9 has leveraged ANC 3D support for this project and apparently
10 others to avoid that direct dialogue with affected neighbors
11 and their representatives.

12 So it's really not been a collaboration, but
13 really it's almost like the university only wants people to
14 capitulate with them. And the work over these past years for
15 you, many times maybe, but especially for us has been like
16 riding a roller coaster. We get to that moment, or that high
17 point, we're excited. We think it's all working great. And
18 then bam, you go over the edge. And you're flying down.

19 So as I move over to the others who are going to
20 speak about landscaping and parking, I just want to show you
21 quickly here, these are views of my taking pictures of the
22 balloon test. I am not going to make comments because I am
23 not an expert on balloon tests. But it is interesting where
24 the balloons sit and how they relate to buildings and
25 certainly the perspective of where you stand with that camera

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1 can meet your needs or not meet your needs.

2 AU's landscaping -- there was questions about, you
3 know, the pictures you saw were from AU's side and from a
4 corner of Quebec and University. And here the leaves are
5 falling -- yes, right now. So what do we see? Yes, you do
6 see in the picture to your right the Beeghly Building -- a
7 little bit more than you thought. And here, there's
8 University and -- and Quebec and nighttime is coming. You
9 see that picture. There in the left picture you see through
10 the empty trees the smoke stacks on AU's campus.

11 Here's your own zoning proposal sign that -- you
12 know, one of the interesting parts of this is that while ANC
13 3D did its meeting and its -- its resolution for tonight on
14 September 6th. Go back and look at your own exhibits in your
15 own file. This poster was not certified to be posted until
16 October 4th. October 4th. Your own sending out of letters
17 to people within 200 feet was not certifiably sent by Ms.
18 Schellin until September 12th. Six days after ANC 3D.

19 And even the placement in the DC Register of this
20 hearing and people even know about it was not even action
21 dated until September 11th, and not until the September 22nd
22 issue. So talking about yes, it's great to talk among
23 yourselves, but really, where was all the real transparency?

24 So as we look at these pictures, let me quickly --
25 here's nighttime. This is nighttime from the university.

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1 Not at the corner of Quebec, but at the 3700 block. Yes,
2 this is what you see as a neighbor at night. You see the
3 smoke stacks right next to where this new building is going
4 to go -- to the right of those smoke stacks. There's some
5 light there and then toward the Beeghly Building.

6 Here's that scene seen from Spring Valley right
7 now on University. You want to know what it's like. It's
8 right there. This was taken this past Saturday night. Show
9 that -- or compare that to Wesley Seminary down toward Mass
10 Avenue on the same block of University Avenue after we
11 worked with them and we communicated and collaborated. So
12 there are a lot of changes. The Herzstein property. This
13 is from AU's side of the Herzstein property. Is it shielded?
14 You can see their house through the top picture. AU has
15 placed a -- a container against the fence. It's all open.

16 And this is the picture from the Herzstein's
17 house, out of their window at night. This, by the way, we
18 are going to talk about the East Campus. You heard about it.
19 I am going to let them talk. You all look at the pictures.
20 This is the East Campus -- as the buffer turned out, right
21 now. And this was last night after -- from Westover Place
22 looking at windows of light that they weren't supposed to
23 see. Dennis, do you want to speak about -- quickly about
24 landscape? Because I am sorry, I have taken so much time.

25 MR. PAUL: No problem. Hello, I am Dennis Paul.

1 I am president of Neighbors of Liberal Community, which was
2 founded by Bob Herzstein and myself. I am actually -- I have
3 lived on University Avenue for 47 years. And I guess since
4 1989 when we started a landscaping plan with the university,
5 it just hasn't worked out. I mean it -- the proof is in the
6 pudding. It's right there. And we've tried to work with the
7 university.

8 We've had some meetings with the university, but
9 we have just not been pleased with the results. And I -- I
10 could -- I -- we did list a proposed -- when we had one
11 meeting we list a proposed landscaping plan and what they
12 came up with was what -- was a patch, actually to put several
13 trees between University and Quebec Street to I guess take
14 care of their needs for the plan that they're asking for.
15 I really have not much more to say.

16 PARTICIPANT: Tom, did you want to -

17 MR. SMITH: Yes. Sorry, thank you. Chairman Hood
18 and members of the Commission. My name is Tom Smith and I
19 am testifying tonight as the executive vice president of
20 Neighbors for a Livable Community. First, I wanted to
21 address the parking issue. As you know, AU is seeking to
22 reduce its on-campus parking requirements but without
23 demonstrating through a data-driven study that such parking
24 is not needed.

25 Based on our review, we can find no specific

1 evidence in the record to justify this request by AU. When
2 in reality AU is simply not now in compliance with the on-
3 campus parking requirements in the Campus Plan Order. Sadly,
4 AU did not even inform neighbors of the university's intent
5 to seek this technical correction as part of this proceeding.

6 We learned of it only after reading it in the
7 application filed by AU with the Zoning Commission. AU has
8 had five years and five other zoning proceedings stemming
9 from ZV 1107, the Campus Plan Order, to bring the so-called
10 error to the attention of the Zoning Commission and
11 neighbors, but it has failed to do so. Mr. Tummonds said
12 earlier tonight when he referenced the record about the 2500
13 that there was nothing in the record about 2500, well there
14 is a lot in the record for neighbors about maintaining
15 parking at what was then the existing 2700-and-some level.
16 That was strewn throughout the record.

17 And as you refer -- if you refer back to our pre-
18 hearing statement, we even make reference to the fact that
19 this commission spent a lot of time talking, and it's in the
20 transcript, about the need to reevaluate the parking and all
21 the traffic demand management issues -- maybe five years into
22 the plan. That was something that a majority of the
23 commission said. And -- and I would refer you back to our
24 pre-hearing statement with respect to that.

25 Second, as a former ANC 3D commissioner, 10 years

1 on the ANC with four of those as chair, I want to express my
2 deep concern over ANC 3D's recommendation. ANC 3D took
3 formal action in support of this application on September
4 6th, less than seven business days after the application was
5 filed by AU and 11 weeks before this hearing tonight. Seven
6 business days is simply not sufficient for neighbors to
7 review the application and assess the impact on their homes
8 and determine whether it meets zoning standards. It is also
9 not sufficient for an ANC to do its due diligence.

10 The following made by ANC 3D in this case tells
11 you that neighbors support this proposal when in reality Mr.
12 Paul led a group of residents who objected to AU's plans and
13 appealed to ANC 3D at that September 6th meeting to defer
14 action until additional discussions could be held with AU to
15 address neighbor's concerns. They made it clear that their
16 only concerns with the project were lighting and landscaping.
17 But you wouldn't know that from the report that was filed by
18 ANC 3D in this case.

19 Some ANC 3D commissioners posted their support for
20 the project on neighborhood boards long before the
21 application was even filed. Even before it's meeting on
22 September 6th, ANC 3D posted a letter in support of the
23 application on its website. In justifying voting to support
24 the proposal at its September 6th meeting, some ANC 3D
25 commissioners rationalized that the proposal had not changed

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1 substantively since it was first put forward by AU in March
2 2017. So there was no reason to delay a vote despite
3 neighbor's objections.

4 Chairman Hood and members of the Commission, this
5 was precisely the problem. The proposal had not changed.
6 AU had not been responsive or sought to address neighbors'
7 concerns with the project, a fact that was largely irrelevant
8 to ANC 3D. Not only did ANC 3D not adequately consider
9 neighbors' views, the ANC did not even acknowledge those
10 views in its filing to the Zoning Commission. DC Statute
11 1309.11 requires an ANC to adequately consider community
12 views in positions taken by the ANC.

13 ANC 3D's filing in this case also reflects a
14 memory lapse. ANC 3D disregards still unresolved compliance
15 issues that ANC 3D voted unanimously to raise with the Zoning
16 Commission when AU sought four previous modifications to the
17 Campus Plan over the last five years. ANC 3D's composition
18 may have changed over the years, but this does not give ANC
19 3D license to whitewash the history of AU's Campus Plan
20 zoning proceedings before the Zoning Commission.

21 Third, AU is not in substantial compliance with
22 the Campus Plan as required by Condition 12 in the Order for
23 approval of further processing. Their outstanding issues
24 with undergraduate enrollment that requires consideration of
25 an undergraduate cap, traffic demand management, parking, the

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1 operations of the Community Liaison Committee -- we heard --
2 we saw tonight in Commissioner Gates's testimony, concerns
3 about the staffing exceeding what is allowable under the --
4 under the Campus Plan -- concerns about Jacobs Field and also
5 about landscaping.

6 For example, Condition No. 38 states that the East
7 Campus will be completed consistent with Exhibits 589 and
8 602, which include a landscape buffer design. This plan
9 committed AU to 458 plantings in the buffer zone, based on
10 our review. AU has not met this requirement. Recently AU
11 has offered to plant an additional 99 trees as you heard
12 tonight, but this is still far less than promised by AU and
13 required under the terms of the order.

14 In mid-September a group of Spring Valley and
15 Westover Place neighbors met with the zoning administrator
16 to outline these concerns, provide documentation and seek
17 assistance with enforcement. These issues are outlined in
18 more detail in our pre-hearing statement, and in Exhibit 37,
19 the separate pre-hearing statement filed by Dr. Jessica
20 Herzstein and her husband Elliot Gerson.

21 Finally, it seems almost like something out of a
22 George Orwell novel to me for ANC 3D to applaud AU for its
23 considerable community outreach in this case. AU advised
24 neighbors in our groups more than a year ago of its
25 intentions to build the new science building at the proposed

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1 site. Even then we expressed concern about potential light
2 impacts, but pledged to work with the university on measures
3 -- especially landscaping -- that could mitigate these
4 potential impacts year round.

5 When AU first made its plans public more formally
6 for the new science building at the March 2017 meeting of the
7 CLC, which we believe was the most appropriate forum for such
8 a discussion, neighbors indicated their concerns about light
9 impacts. From that day affected neighbors sought direct
10 meetings with AU to collaborate on ways to mitigate their
11 specific concerns. As AU convened more general meetings for
12 the purpose of sharing their same plans, affected neighbors
13 made seven requests to meet with AU until finally AU agreed
14 to a meeting on August 14th, 2017 -- just 11 days before
15 filing its application in the case.

16 At that meeting AU provided the same slide show,
17 but was unprepared and unwilling to discuss ways to address
18 neighbors' concerns about light impacts. We would later
19 receive emails from the two ANC commissioners working on this
20 case saying that they advised AU to ignore requests for
21 direct meetings from affected residents. In effect, ANC 3D
22 became an obstacle to neighbors' efforts to collaborate with
23 AU and gave license to AU to forego collaborative
24 discussions.

25 Just to sum up, we recognize that the new science

1 building will have an impact on a limited number of residents
2 in the Spring Valley Community. But these are the folks,
3 those that live adjacent to university property, that the
4 Campus Plan regulations are intended to protect. We believe
5 still today there is a path forward to address the
6 objectionable conditions that will affect these neighbors.
7 We know the university can do better and should do better
8 than the measures they are proposing in their application.
9 We simply ask for your assistance to make that possible. And
10 now I ask Ben to make some brief comments about the East
11 Campus.

12 (Simultaneous speaking.)

13 MR. TESSLER: Sorry. Bob Herzstein was a friend
14 of mine. I am glad his name was mentioned so many times.
15 He -- he made sure that in the plan that --

16 CHAIRMAN HOOD: Let me do this. You need to
17 identify yourself first.

18 MR. TESSLER: Oh, sorry.

19 CHAIRMAN HOOD: Typically what happens is if the
20 party -- the applicant and the parties in support go for the
21 same -- and we calculated it would be 25 minutes. So I am
22 going to ask Mr. Tummonds, can they have an additional five
23 minutes?

24 MR. TUMMONDS: Sure.

25 CHAIRMAN HOOD: You're a good guy, man. You don't

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1 give me a hard time. I am not going to get in trouble and
2 have to come back down here and do something different. So
3 I appreciate that. That goes a long way, thank you. So you
4 have five minutes.

5 MR. TESSLER: Okay.

6 CHAIRMAN HOOD: See, that's already -- we already
7 -- well, I am not going to say collaborative. We're already
8 CLC. Okay? All right.

9 MR. TESSLER: I am sorry, my name is Ben Tessler.
10 I've been a longtime resident of Westover Place. I have
11 served on its board for 20 years. I am currently on the
12 board of the Spring Valley-Wesley Heights Citizens
13 Association.

14 As I mentioned before, Bob -- probably thinking
15 of Jacobs Field -- knew that the university didn't always
16 live up to its promises. So he advised us to put in this
17 campus plan that before anyone could inhabit the East Campus,
18 that the buffer zone, the buffer buildings and the landscape
19 buffer be completed.

20 I was here the last time in July stating that the
21 university was not in compliance. The university was
22 supposed to have put in the landscape buffer in October. I
23 pre-date Claire Kraik and many others in our community in
24 working with the university on this plan. And when Jorge
25 Abud was around we had assurances and I'd say promises from

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1 them that we were going to have a full, lush landscape
2 buffer. A year-round buffer. And 12-, 14-, 16-, 18-foot
3 trees so that we would not be seeing lighting, hearing noise,
4 seeing the buildings. That's not what we got.

5 Claire mentioned that they've been in discussion
6 with AU over the past year regarding the landscape buffer.
7 Let me tell you how that happened. In October the buffer was
8 supposed to be put in -- the landscape buffer. In November
9 I called the university to ask them when it was going to be
10 installed because I was looking out my window and I saw a lot
11 of dirt and I saw buildings, but I didn't see this lush
12 landscape that we were supposed to have. And I was told in
13 November that it had already been installed in October. And
14 I -- I couldn't have been more shocked. I must tell you
15 that.

16 I don't know why I expected them to live up to
17 what they had told us they were going to do, but they did
18 not. And so I was -- I contacted the ANC. I contacted
19 people in our community. I contacted our board, et cetera.
20 And so all these discussions that were going on with the
21 university now are for things that were already planned and
22 should have been put in. So our board having to talk to them
23 for one more year about this shouldn't have had to have
24 happened.

25 The handout that I gave you -- the top page is

1 something that the university used many, many, many times.
2 And if you look at the buffer there it -- it is what we had
3 expected that we were going to get. I took photos in
4 December of last year -- and Commissioner Hood, I have to
5 tell you. I wanted to bring down those photos to you Because
6 I said you don't know that they haven't done exactly what
7 they said they were going to do. And the only way you would
8 know is if somebody brought them to you. But it didn't
9 happen.

10 But what you have in front of you now is pictures
11 that I took yesterday. That is not a full, robust, year-
12 round buffer shielding us from the buildings of the East
13 Campus. When we went on a walk through what was installed
14 in talking about what else they were going to put in, a
15 couple of the people -- myself included -- that had been
16 involved with the -- with the landscape buffer, discussing
17 it with the university -- said it's not acceptable. I mean,
18 it's nice that they were going to put in 99 more trees. You
19 need another 99 on top of that. Maybe 199 on top of that.
20 And much bigger than they have put in. That didn't seem to
21 go any place because I -- I think that it may have been just
22 ignored.

23 Okay. That's really all that I have to say. But,
24 you know -- I am sorry, just one other thing, when I asked
25 the people from our last board why did we get to where we are

1 now when we were supposed to have this wonderful buffer? How
2 did we get what we have? And I was told the university lied
3 to us.

4 (Pause.)

5 CHAIRMAN HOOD: Okay, thank you very much. And
6 thank you, Mr. Tummonds. Let's see if we have any questions
7 or comments up here. Not seeing any. Let me just -- I just
8 have one question for you -- for the -- for the us party.
9 And that is -- you have heard a lot of -- is this in fairness
10 -- and I understand it was just your statement you just made
11 about the untruths or things not happening. But have you
12 seen the change in the university is interacting? Because
13 I heard that overwhelmingly, other than the -- the letter
14 that I was taken aback with -- but other than that I have
15 heard testimony tonight overwhelmingly stating that the
16 university has been working better than what they've done in
17 the past.

18 MR. KRASKIN: I want to first answer. And I think
19 Tom has a comment. There are always changes that I have seen
20 over the years. When we spent a number of months working on
21 an agreement that I thought that I signed about how we could
22 bring issues to collaborate together, I thought we were
23 working well together. Sadly, when it was brought here to
24 the end of 1107F and it wasn't incorporated in the Order,
25 that collaboration or the idea of collaborating to work

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1 together stopped. And the university went on its own way and
2 said we are going to create something we are going to call --
3 because we had a title in there, Neighborhood Collaboration,
4 which you have heard about -- we had not participated with
5 it because of the rules of the game.

6 So the rules of the game happened to limit you,
7 like the Georgetown Partnership, if you're part of this whole
8 thing working together and you come to a consensus agreement
9 -- if you happen not to agree with the consensus agreement
10 you're not allowed to speak, you're not allowed to tell
11 anybody. In fact, somebody at the Georgetown Partnership,
12 one of their working groups just recently was kicked off the
13 working group because they actually spoke publically against
14 what was said.

15 This was not our idea of how to collaborate. So
16 to answer your question, yes, in private conversations
17 clearly I think you can work well together. But when you get
18 into that public arena, something happens. Maybe it's they
19 have this work -- the -- you know, we've got the party line
20 and we can't sway from the party line. But I know that Ms.
21 Argo, sitting in my office reception room -- sitting for a
22 conversation to discuss things -- totally different than
23 sitting around the CLC table. It's like where's the --
24 people change. I don't understand it. I try personally not
25 to change. But I sit there and I really don't understand it.

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1 So when you ask me, sir, yes, I can see where
2 changes can be. I can see if you're new to the picture where
3 you can be easily -- take a bite of the apple and think, wow,
4 this is really working together. But I've bit the apple long
5 ago and the apple bit me back.

6 MR. SMITH: Mr. Chairman, I would just add that
7 the -- the people that we represent are the people who live
8 immediately adjacent to the university. They don't live in
9 a gated community. They don't live across the street, 2,000
10 feet away, or 1,000 feet away. They live immediately
11 adjacent. The idea of -- they don't have to look at numbers
12 to know that the university is growing. They can experience
13 it by virtue of the traffic, by virtue of the noise, by
14 virtue of the problems on the weekends. You know, the --
15 that's just the way it is.

16 I have been -- I have lived in the neighborhood
17 for 37 years. I have been active with AU for almost -- at
18 least 30 of those years. I have seen people come and go.
19 I have worked with different staff people. I have been
20 accused of being in the pockets of the university and I have
21 been accused of being an SOB with the university. It runs
22 the whole gamut.

23 And what I would say to you is that this past year
24 in particular has been very disappointing to me because I
25 came here as the chairman of the ANC and said to you much of

1 what you've heard tonight. There is a new day. There is a
2 new relationship. And it was the result of you requiring AU
3 to go back and talk with us and engage in a dialogue in order
4 to get approval for 1107F. And AU followed your directions.
5 And we followed your directions. We had incredible
6 conversations. We had dialogue back and forth.

7 When the CLC has not worked it has not been
8 because there is a problem with the CLC, it's because -- it's
9 because AU has not necessarily abided by the rules and
10 principles. What you may not know or may not even remember
11 is that once we finished up here with the Campus Plan and
12 went back to our neighborhood to set up the CLC, we spent an
13 incredible amount of time around the table. All the groups,
14 working collaboratively on the development of principles and
15 procedures for that CLC to operate.

16 Now many of those folks who are here tonight
17 probably don't even know that those principles and procedures
18 exist. But we know they exist. We were part and parcel of
19 helping establish those. When the CLC hasn't worked it's
20 been because AU has not followed the principles and
21 procedures. Ms. Argo mentioned about how we filed a
22 grievance. It's not been about the CLC. Our grievance is
23 not about the CLC. Our grievance is about the Collaborative
24 and the way the Collaborative was established and the fact
25 that it does not include all the members of the CLC. So we

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1 have two separate groups.

2 We need to have more dialogue with the university.
3 The dialogue -- the university has to be willing to sit and
4 talk to us -- not through other people, but to talk directly
5 to us. When they talk directly to us, we can solve problems.
6 When you talk to people, you can solve problems. I don't
7 care who you are or what your mission is. And that -- that's
8 -- you know, unfortunately I think that once -- I think that
9 Jeff is right that when -- when the university did not have
10 to follow the directions that we set out in the agreement,
11 they just said okay, we'll do it our way and we'll do it in
12 a way that works for us.

13 So no, I don't think the relationships are going
14 too well over this -- over the -- you know, since -- in this
15 year. Otherwise, why wouldn't the university -- why would
16 it take seven emails and written emails and phone calls and
17 conversations to ask -- to sit down and talk about a
18 landscaping plan for a project that everyone in the
19 neighborhood supports? We're not up here telling you not to
20 build a science building. No. The -- we're not arguing
21 about building a science building. We're not even arguing
22 about where you're building the science building. We're just
23 asking, for goodness sakes, there's a portion of this
24 building that they aren't mitigating the objectionable light
25 impacts, let's -- let's work to a process to get them to

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1 mitigate it. That's all. So.

2 CHAIRMAN HOOD: Okay. All right. Any other
3 questions or comments up here?

4 (No audible response.)

5 CHAIRMAN HOOD: Okay. Mr. Tummonds, you have any
6 cross?

7 MR. TUMMONDS: No cross.

8 CHAIRMAN HOOD: Okay. Chairman Gardner, you have
9 any cross?

10 (Pause.)

11 CHAIRMAN HOOD: Come on. Come on -- come on
12 forward. Don't worry about the hour. We're really early.

13 (Laughter.)

14 CHAIRMAN HOOD: If we get out in 20 minutes, we're
15 doing good.

16 MR. GARDNER: All right, I will -- that's not the
17 way I feel, but -- I will do my best to do this briefly. Mr.
18 Smith, let me start here. You said -- I am going to address
19 mostly the ANC issues that were raised. You -- I believe you
20 stated that the ANC did not take into account community views
21 or responses. Are you aware that there were three neighbors
22 in opposition to our September 6th meeting, and more than
23 three neighbors in support, plus an association that
24 consisted of more than 250 members that included those who
25 live adjacent to the -- the campus, as well as those who live

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1 on University Place?

2 MR. SMITH: Chairman Gardner -- Commissioner
3 Gardner, I -- as you know, I was not able to attend the
4 September 6th meeting because I was dealing with some
5 hurricane issues in Florida. But I did listen to the tape.
6 And I listened to the tape multiple times. And I have to
7 commend you for having great sound on your tape. It's a very
8 effective way to learn what the agency did.

9 There were far more than three people there who --
10 who came to object to the -- to the -- to the building. And
11 in fact there was no statement that was made -- if you go
12 back and you listen to that tape, there was not a single
13 person who stood up and commented in support of the -- of
14 moving forward with the application. The -- the -- the
15 conversation was dominated by Mr. Paul, Ms. Herzstein, Mr.
16 Gerson, and at least one other neighbor -- Mr. Anderson --
17 stressing the need for more time to negotiate with AU.

18 And in fact, one of the -- one of the people said,
19 as I recall -- very specifically said that we have great
20 relations with AU and we work with them all the time on
21 landscaping issues. And that we just need some time and we
22 need to make sure that it's included.

23 That whatever the AU agrees to with respect to
24 landscaping is included as a condition in the Campus Plan.
25 And went into great discussion about the fact that at least

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1 Westover was protected because they had language in the
2 Campus Plan Order requiring the landscaping. There was no
3 such plan at that time on September 6th -- there was no
4 landscaping plan in place on September 6th. That landscaping
5 plan by AU wasn't submitted until October 30th as part of the
6 record.

7 MR. GARDNER: I think that went a little beyond
8 my question, but -- so it would be your position that the
9 Spring Valley Neighborhood Association did not express their
10 support for the application at our -- at our September 6th
11 meeting?

12 MR. SMITH: As I recall -- what Mr. Clarkson said
13 and Mr. Clarkson can speak for himself -- but as I recall Mr.
14 Clarkson raised an issue about the -- it was important to
15 know what the cost -- the financial cost would be to AU for
16 mitigating impacts on neighbors. And that that was the
17 extent of it.

18 I was -- I knew, however, that Mr. Clarkson was
19 supportive of the project because I had read that in notes
20 of previous meetings of the Collaborative.

21 MR. GARDNER: Let me try to move on. You --

22 MR. SMITH: But, excuse me Mr. Gardner, but the
23 issue is this --

24 (Simultaneous speaking.)

25 MR. GARDNER: I think I asked you a question, Mr.

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1 Smith and got the answer --

2 CHAIRMAN HOOD: You've answered his question so
3 he can go on to the next question.

4 MR. GARDNER: If you want to continue to testify,
5 please ask the Commission. The -- you did say a moment ago
6 that you did not attend our September 6th meeting.

7 MR. SMITH: That is correct.

8 MR. GARDNER: Did any member of the Spring Valley-
9 Wesley Heights Citizens Association attend our September 6th
10 meeting?

11 MR. SMITH: Yes, everyone who was there who was
12 opposing was a member of Spring Valley-Wesley Heights
13 Citizens Association, including Mr. Paul.

14 MR. GARDNER: And did they -- Mr. Paul testified
15 as a member of the -- Livable Community.

16 (Simultaneous speaking.)

17 MR. SMITH: Mr. Paul is -- Mister --

18 MR. GARDNER: That's how he -- didn't he identify
19 --

20 CHAIRMAN HOOD: Here's what we're going to do.
21 Let him finish --

22 (Simultaneous speaking.)

23 MR. GARDNER: Okay. Okay. So as -

24 CHAIRMAN HOOD: Hold on -- hold on -- hold on a
25 second. You asked a question. Let him finish it and let --

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1 here's what I don't want to do. I don't want to have an ANC
2 meeting tonight. Okay?

3 (Laughter.)

4 MR. GARDNER: Oh, neither do I, sir.

5 CHAIRMAN HOOD: Yes. So what we're going to do --

6 (Simultaneous speaking.)

7 CHAIRMAN HOOD: Ask the question. When we cut it
8 off then you answer it. And here's the other thing, the
9 Metro does close at -- what time is it? 11:30. Does anybody
10 ride the Metro besides me? Okay, well a couple people -- so
11 we would like to get home too, also. Maybe we can do Uber.
12 Or ride one of them bikes. But anyway, let's go ahead and
13 let's get our questions answered.

14 MR. GARDNER: So I would like to get on the
15 record, did you attend our -- our -- our October meeting?
16 Did anyone from the Spring Valley-Wesley Heights Citizens
17 Association attend our October ANC meeting?

18 MR. SMITH: The answer to your question is no
19 board member attended the October meeting. And if you're
20 talking about in reference to a landscaping plan, you October
21 ANC meeting was held prior to AU meeting with the neighbors
22 to talk about the -- to do the walk-through on the
23 landscaping plan.

24 MR. GARDNER: Actually, I wasn't talking in
25 reference to that. Did anyone from the Spring Valley-Wesley

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1 Heights Citizens Association attend our November meeting?

2 MR. SMITH: I don't believe there was a board
3 member there.

4 MR. GARDNER: Okay. You -- you -- you made a
5 comment that ANC 3D only expressed two concerns, lighting and
6 landscaping. Was that your testimony a moment ago?

7 MR. SMITH: I am sorry?

8 MR. GARDNER: You made a -- I believe you
9 testified that ANC 3D only had two concerns, landscaping and
10 lighting.

11 MR. SMITH: No, that's not what I said. What I
12 said very specifically was that the neighbors along
13 University Avenue had only two concerns which were
14 landscaping and lighting. Those were the two issues that the
15 neighbors had been very consistent in terms of expressing
16 their concerns. And landscaping is a product of the lighting
17 issue.

18 MR. GARDNER: And you made another comment that
19 you believe that the ANC 3D had made up its mind by posting
20 a resolution before our meeting. Did you say that?

21 MR. SMITH: What I -- what I said was that ANC had
22 posted on its -- on its website the -- the letter, almost
23 verbatim, that was sent to the Zoning Commission on its
24 website prior to your -- your vote on September 6th. That's
25 what I said.

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1 MR. GARDNER: Are you aware that it's ANC 3D's
2 policy is to post all resolutions prior to its meetings?
3 That it --

4 MR. SMITH: Well, it wasn't a resolution -- oh,
5 I am sorry. I am sorry.

6 MR. GARDNER: Indeed, it was a resolution.

7 MR. SMITH: It wasn't a resolution, it was a
8 letter.

9 MR. GARDNER: It proposed -- our resolutions are
10 in letter form.

11 MR. SMITH: Oh, okay.

12 MR. GARDNER: And then, Commissioner Kravitz, you
13 had one question.

14 MR. KRAVITZ: Jeff, I just wanted to ask you if
15 you could pull up the photo taken from the Herzstein
16 property? Is that -- is that what that one is? Perfect.
17 That is --

18 MR. KRASKIN: Is this the one you asked for?

19 MR. KRAVITZ: Yes. Are you aware that that's the
20 same photo that is included on page 28 of the ANC's written
21 testimony? And it was presented by Mr. John Anderson during
22 the September ANC meeting as being from his window? I am
23 just trying to understand whose house it is from.

24 MR. KRASKIN: I was not at your September meeting
25 and all I can tell you is that Ms. Herzstein -- Dr. Herzstein

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1 provided this picture from her window of -- out of her home.

2 MR. KRAVITZ: Can you confirm that's the same
3 picture on page 28 of the ANC --

4 MR. KRASKIN: No, I cannot because I don't know
5 what the ANC's presentation was.

6 MR. KRAVITZ: Pictures. That's fine. Mr. Smith,
7 you state that your group's objection to the Neighborhood
8 Collaborative is that it doesn't include enough people. Is
9 that correct?

10 MR. SMITH: First of all, it's not my group, okay?
11 What I can tell you is that the boards of the Spring Valley-
12 Wesley Heights Citizens Association, Neighbors for a Livable
13 Community and the Herzstein family, who are three of the
14 original parties in the Campus Plan case, voted separate --
15 agreed separately in the case of the Herzstein property --
16 not to participate in the Collaborative because they did not
17 feel that the Collaborative was inclusive and they also did
18 not feel that the rules would allow for the kind of dialogue
19 that we're accustomed to with AU.

20 MR. KRAVITZ: And do you recall during the June
21 15th CLC meeting that when asked why your group was not
22 participating in the Collaborative Mr. Bill Krebs, who I
23 believe is vice president -- second vice president of Spring
24 Valley-Wesley Heights Citizens Association and also a board
25 member of Neighbors for a Livable Community -- stated that

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1 it was quite simple and you had two objections, that a new
2 group of neighbors -- in particular the Spring Valley
3 Neighborhood Association -- was admitted to the Collaborative
4 without your approval and that AU had hired a facilitator
5 without your approval? Do you recall that discussion?

6 MR. SMITH: Mr. Kravitz, I am sorry. But right
7 now I don't -- I don't recall all the details of that CLC
8 meeting. But what I can tell you is -- I can tell you the
9 reasons why the groups decided not to participate in the
10 Collaborative. And they have to do -- and in fact AU knew
11 very well because we had -- we had separate meetings with AU
12 prior to the Collaborative actually being formed to express
13 our concerns to AU about the process they were following in
14 establishing this Collaborative. In fact, we had two
15 meetings with them about this. Two separate meetings about
16 this.

17 The concern primarily about the Collaborative is
18 that first we would be told who could participate from our
19 groups -- which was an issue -- that we did not necessarily
20 have license to choose who among our group could participate.
21 Secondly, that we would be required as a condition of
22 participation to support whatever the decision was of the
23 Collaborative. And there was no way that the boards -- and
24 I really shouldn't be the one talking about this, you should
25 because you're the president. But -- but there was no way

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1 that the boards were about to forsake their responsibility
2 under the rules and bylaws of the association to not protect
3 the residents of Spring Valley without regard to what the
4 majority view was on the -- on the Collaborative.

5 And there was a third issue that -- that has been
6 raised by the groups and that is that now the Collaborative
7 is dominated by ANC commissioners. That was never the idea
8 of the Collaborative when we had our initial discussions with
9 AU -- that it was supposed to be an opportunity for a group
10 to -- to encourage AU to solve issues and concerns that came
11 -- that did not rise to the level of a zoning issue.

12 MR. KRAVITZ: So I will just note that we have the
13 agreement sitting before us establishing the Collaborative
14 and all of the parties are named in there -- including the
15 ANC commissioners, and that's your -- the agreement that Dr.
16 Kraskin signed and you signed on behalf of your
17 organizations.

18 MR. KRASKIN: Excuse me, are you testifying, or
19 are you asking a question? Because I am sorry, I don't want
20 to -

21 (Simultaneous speaking.)

22 CHAIRMAN HOOD: Let me say this. You know what,
23 obviously -- I am probably going to get in trouble for saying
24 this, but you know what, I am in trouble for so many years
25 it really doesn't even matter anymore. But let me just say

1 this. I see a whole lot more than just AU coming out, okay?
2 I don't know what's going on. I wasn't there for the ANC
3 elections and all that kind of stuff, but don't bring that
4 out here. Here's what I need you all to do. Let's stick to
5 the -- because it's -- it's -- obviously there's some other
6 issues.

7 But let me tell all of you all something. The key
8 is -- in Georgetown, actually -- here's -- so I am getting
9 ready to go there now. Let me tell all you all something,
10 at the end of the day American University is going to exist,
11 but you all need to work together. Whether you're the ANC,
12 whether you're the former ANC, whether you're the association
13 -- Spring Valley Heights, Spring Valley whatever -- you know.
14 I am confused still on Spring Valley. I will be frankly
15 honest.

16 But at the end of the day, you guys -- and ladies
17 and gentleman that live in that neighborhood, need to work
18 together along with AU. How you all do that -- this going
19 back and forth -- what it's going to do is first of all is
20 going to make us miss our train. And second of all the
21 bottom line is you all need to have -- your -- maybe you all
22 need to meet together. Mr. Smith, Mr. Kraskin, the Chairman
23 -- you all need to talk together how you all are going to
24 move together jointly. Jointly as a community.

25 Because at the end of the day, the institution is

1 there, but you know, it's about you all because you all live
2 there. The students will graduate, move on. And I know you
3 don't -- probably saying what does anything to do with giving
4 a selection? Well guess what, Georgetown got it. And
5 whatever's tailored to them is working. So I am saying the
6 same thing to you all.

7 You can come down here and be upset with each
8 other all you want, but it's bigger than you all. It's about
9 the neighborhood and the community and those people who are
10 not here. Everybody's saying we've got all these people.
11 Guarantee you -- I've been around you long enough -- one
12 person told me he had all these people, they showed up for
13 something. All the people who were against that one person
14 who told me he had these people sat on this side of the room
15 and he sat over on this side of the room. There's another
16 whole ward.

17 But I am just saying, you all need to together.
18 Mr. Smith, Dr. Kraskin, Chairman Gardner, Mister -- I put
19 your name up, but anyway. Commissioner Kravitz. All you all
20 need to work together. So anyway, go ahead, go ahead. You
21 can finish.

22 MR. KRAVITZ: In lieu of that question, may I just
23 submit some correspondence for you guys and then that would
24 make it quicker?

25 CHAIRMAN HOOD: Sure.

1 MR. KRAVITZ: Sure. And this is just -- instead
2 of asking the question about advising AU not to meet with
3 neighbors.

4 CHAIRMAN HOOD: You know, some stuff we decipher.
5 We know what the deal -- we deal with zoning issues. But I
6 am just saying this to you all that you all need to work
7 together.

8 MR. GARDNER: Mr. Chairman, we appreciate your
9 comments and I don't have any further questions.

10 CHAIRMAN HOOD: Okay, thank you. All right, thank
11 you all very much. I am serious about that. You all need
12 to work together -- all of you all. Everybody that was just
13 at that table needs to work together. Okay? All right. Mr.
14 Tummonds?

15 PARTICIPANT: No, there's one more person.

16 CHAIRMAN HOOD: Oh, we've got one -- oh, we've got
17 one more. Who else is here in opposition? Would you come
18 forward?

19 PARTICIPANT: Ms. Seigler

20 CHAIRMAN HOOD: Ms. Seigler?

21 (Pause.)

22 CHAIRMAN HOOD: Okay. Okay, thank you, you all
23 do the same. And I want to know how you all are working
24 together. I actually -- well, when you all get back, I want
25 to know how you all are all working together. Don't have to

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1 agree, but I want to know how you all are working together.
2 Okay, some more people in opposition? Oh, I am sorry. Who
3 else -- they want to call -- I thought I did that. But
4 didn't I call you all earlier to cross? Oh, I didn't? Okay,
5 come on, come on. I'm sorry. No, no, that's fine. That's
6 fine. I've got to do that. I've got to do that. I am glad
7 you brought that to my attention. Does the Applicant have
8 any cross of the panel?

9 PARTICIPANT: I thought you went through this.

10 CHAIRMAN HOOD: I thought I went through them too.
11 But you know, they -- they -- okay, so see that -- see how
12 that work? I got 50-percent say I didn't, 50-percent say I
13 did. So let's just do it again. Okay, you can go ahead.
14 No, you need to cross first. He don't mind waiting.

15 MR. CLARKSON: This question is actually for Mr.
16 Paul regarding -- just a quick question. In Attachment 5 of
17 the ANC 3D written submission there is an extensive
18 discussion of the installation of 4,000 kelvin temperature
19 LED street lamps on University Avenue. And when you look at
20 the DDOT -- DDOT's map it appears that's one of the only
21 streets or blocks in the city that has those, and it appears
22 that they might have been installed at the neighborhood's
23 request. I am wondering if you've had any problems or
24 complaints regarding those -- those lights.

25 MR. PAUL: Not really. Quite frankly, I know that

1 their -- first thing, I want to apologize. I've been up
2 since 2:00 this morning. I'm in the wholesale floral
3 business. It's a holiday, so it's -- this is not my usual
4 defense itself. But yes, they are a little bright, but I
5 understand the city is looking into -- I think these kelvins
6 are 4,000 and I think they're looking into 3,000 kelvin
7 lights and I think that would probably improve the structure
8 there.

9 But we're glad that they're there. We've had some
10 problems with robberies and the lighting does help a great
11 deal.

12 MR. CLARKSON: But -- that, no -- that's -- that
13 makes total sense. It's great lighting when we walk or go
14 for a late run around in the neighborhood. But one final
15 question. With those lights, would those be brighter than --
16 I mean, because I know one is right near your -- your house
17 -- your front door, would those be brighter than a building's
18 lights, 400, 500 feet away? Or not? I am not a lighting
19 expert.

20 (Simultaneous speaking.)

21 MR. PAUL: I frankly -- I don't object to street
22 lights, but I do object to lights across the way. We've got
23 the parking garage. We've got the Beeghly Building. When
24 the leaves are down, that shows. We would rather not have
25 to look at the lights. Part of the agreement in 1989 was to

1 give us complete -- let me just go one step further.

2 The most prominent zoning attorney in Washington
3 -- Paul, you're the second most prominent -- was AU's first
4 zoning lawyer in 1989. And he was a personal friend. And
5 he said to me personally, he said Dennis, with the plantings
6 that their putting there, I guarantee you in five years you
7 will never see any lights whatsoever. Well here we are
8 almost 30 years later and we've got -- 27 years later -- and
9 we've still got those problems of lights -- as were shown in
10 the picture.

11 MR. CLARKSON: Okay, I just -- because I know the
12 neighbors have -- have -- you know, like seven other ANCs
13 have -- it was reported have expressed objections to the
14 4,000 kelvin lights. And I know some of those street lamps
15 are very close to your -- to these houses.

16 MR. PAUL: Correct.

17 MR. CLARKSON: So we'd like to work with you at
18 any -- if any of the neighbors have any concerns. But it's
19 good to know that those aren't a problem for you guys.

20 MR. PAUL: Right.

21 MR. CLARKSON: Great, thanks.

22 CHAIRMAN HOOD: Okay, so we're starting off --
23 you'd like to work with them. That's good. Thank you. Next?

24 MS. KRAIK: Thank you. I just have one question
25 for Jeffery Kraskin. In your statement on page 12 you

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1 mention that in September a group of Spring Valley and
2 Westover Place neighbors -- including representatives from
3 Spring Valley-Wesley Heights and Neighbors for a Livable
4 Community met with the zoning administrator. How many
5 residents from Westover Place were with you?

6 MR. KRASKIN: Two.

7 MS. KRAIK: Okay. Thank you very much.

8 CHAIRMAN HOOD: And I would like to ask my florist
9 friend who is located in Ward 5.

10 MR. PAUL: Yes, sir.

11 CHAIRMAN HOOD: Who was zoning attorney -- I am
12 just curious. Who was the good zoning attorney after -- or,
13 before Mr. Tummonds? If you don't mind me asking.

14 MR. PAUL: No, not at all. Whayne Quin.

15 CHAIRMAN HOOD: I figured that's who you were -
16 (Simultaneous speaking.)

17 MR. PAUL: He was the best.

18 CHAIRMAN HOOD: Oh, okay.

19 MR. PAUL: Right. Next to -- Mr. Tummonds is
20 number two.

21 CHAIRMAN HOOD: Number two?

22 MR. PAUL: Yes.

23 CHAIRMAN HOOD: Mr. Tummonds, you need to strive
24 to be number one. Okay, thank you very much. Okay, I am
25 sorry. You may begin.

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1 MS. SEIGLER: Okay, thank you very much. I
2 appreciate the opportunity to speak tonight. I am going to
3 talk about AU's violation of its Campus Plan, particularly
4 Condition 15 as it relates to restrictions on off-campus
5 parking. And specifically I have no objection to AU's
6 restricting its employees, its students, its faculty and
7 vendors. But I am a member -

8 CHAIRMAN HOOD: Could you give us your name? Give
9 us your name?

10 MS. SEIGLER: Oh, excuse me. My name is Ellen
11 Seigler and I live in Chevy Chase, DC on Nebraska Avenue.
12 So -- and I frequently go into the area where AU has
13 buildings and campuses. And I encounter the possibility of
14 receiving a \$200 parking ticket for placing my -- parking my
15 vehicle in what looks like a perfectly legal parking spot
16 under the restrictive parking -- what they call the good
17 neighbor plan. And so my contention is that the plan, as it
18 applies to members of the public, is in violation of
19 Condition 15 of the Commission's Order and should be
20 considered in this proceeding, along with the other
21 allegations of non-compliance with the current plan.

22 AU contends that the -- the parking restrictions
23 that it imposes on the general public are required by the
24 Zoning Commission's order -- particularly Condition 15. And
25 this is what they've told the public. This is what they've

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1 told -- consistently in meetings of the Osher Life Long
2 Learning Institute where I take classes and teach classes in
3 the former AU Law School building on Massachusetts Avenue.

4 So basically they contend that anyone who parks
5 anywhere and goes into an AU facility or building or property
6 is subject to these fines and possibly -- presumably if you
7 don't pay the fine -- they'll tow your car. They'll refer
8 the ticket to a collection agency and possibly ruin your
9 credit rating and so forth. So it is a serious matter. And
10 although I am here by myself tonight, I know that I represent
11 the views of quite a few other people who have been caught
12 in the web of this unlawful program.

13 And so what I will do is I will just jump now to
14 -- to my analysis which really compares the wording in the
15 condition that you imposed previously -- in Condition 15 with
16 the program that -- am I out of time? Sorry.

17 CHAIRMAN HOOD: What's your closing thought? Yes.
18 Go ahead and give us your closing thought.

19 MS. SEIGLER: Can I just -- okay. So in three
20 respects particularly they go beyond the intent in the letter
21 of what you wrote in the Condition. First of all, the scope
22 that you wrote in the Condition is students, faculty, staff
23 and vendors servicing the campus. AU disregards the language
24 and applies it to visitors and guests as well as to their
25 employees. So that sweeps in just about anybody.

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1 Secondly, the area where this good neighbor plan
2 can be enforced, the Commission's orders says the program
3 should address parking in streets adjacent to and surrounding
4 the campus. AU says forget about that language. It's not
5 important. Regardless of where you park, AU says you're in
6 violation if you enter any AU campus, any AU-owned building
7 anywhere. I mean, theoretically you could park in Anacostia,
8 but if you enter an AU building they say you're subject to
9 these fines.

10 They don't notify -- there's no signs or anything
11 about where they might be enforcing because their position
12 is they can enforce it wherever you park.

13 CHAIRMAN HOOD: And you wrote that in your
14 testimony? You have that in your testimony, right?

15 MS. SEIGLER: Yes, yes.

16 CHAIRMAN HOOD: I mean, in your submission to us?
17 Yes. Okay, we will -- we have it. So we will respond to it.

18 MS. SEIGLER: Yes. And the third thing is that
19 your order specifically prefaces the authority with the
20 language to the extent provided by law, which suggests that
21 there are limitations to what AU can do to members of the
22 public in their effort to restrict parking. And in my
23 written testimony I do talk about various issues of due
24 process which are totally nonexistent in this program. And
25 if you're a student and you agree to the conditions that they

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1 impose on you as a student or a faculty member or an
2 employee, that's one thing. But if you are a member of the
3 public, I don't think that's appropriate at all.

4 CHAIRMAN HOOD: Okay.

5 MS. SEIGLER: So thank you very much. I see my
6 time is up. Thanks for letting me run over.

7 CHAIRMAN HOOD: Sure. Thank you. Let's see if
8 we have any questions up here. Okay, this -- any questions?
9 Okay. Does the Applicant have any cross?

10 PARTICIPANT: No cross.

11 CHAIRMAN HOOD: Okay. Chairman Gardner, do you
12 have any cross?

13 (No audible response.)

14 CHAIRMAN HOOD: Ms. Kraik, you have any?

15 (No audible response.)

16 CHAIRMAN HOOD: She doesn't have any cross. Mr.
17 Clarkson, you have any cross? And us?

18 MR. CLARKSON: No.

19 CHAIRMAN HOOD: Okay. Thank you very much. We
20 appreciate it.

21 MS. SEIGLER: Thank you.

22 CHAIRMAN HOOD: Okay. Mr. Tummonds, you have any
23 rebuttal? Or any closing? Other than --

24 MR. TUMMONDS: Very quick on both -- given the
25 time this evening. So first, we've heard a lot about the

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1 Neighborhood Collaborative. I think that you've gotten a
2 feel of what is occurring here. What we'd like to do is have
3 -- Ms. Argo will quickly go through the steps that AU has
4 taken since December of last year when the idea of the
5 Neighborhood Collaborative and its relationship with the CLC
6 was first brought to the Zoning Commission and how we moved
7 forward. More importantly, how we moved forward with
8 everyone.

9 CHAIRMAN HOOD: So let me just say this, which one
10 is in our Order?

11 MR. TUMMONDS: CLC. So remember -- maybe I will
12 take -- remember, the CLC is in the Order. There were
13 concerns about how that was working. Whether that was
14 working enough. Working as well as it could work.

15 The idea then came -- I think it was Mr. Miller
16 said, you know, there is the Georgetown Collaborative -- is
17 an idea that perhaps we should look at because that is
18 working well. So not to even jump onto the name, but the
19 Neighborhood Collaborative came out of that. In December of
20 2016 there was the proposal that was agreed to -- the
21 agreement between AU, ANC 3D, Spring Valley-Wesley Heights
22 Citizens Association all agreed to the framework -- the
23 concept of the Collaborative.

24 We came back to the Zoning Commission and said
25 this is what we're going to do. However, and Mr. McHugh

1 mentioned from ANC 3 earlier tonight -- and Mr. Wheeler
2 mentioned Ward 3 Vision, they said, you know, we weren't part
3 of that. That case 11-07F was about East Campus and the time
4 in which those dorms need to be built and the time that
5 needed to be voted for campus. If you're changing a
6 different condition about the CLC, we need to have everyone
7 involved with it. We agreed. Okay.

8 Unfortunately, the Order from 11-07F, even though
9 that decision was made in December and January of this year,
10 the Order came out a couple weeks ago. However, in that time
11 between the changes that were not made, in fact, to the
12 conditional guidance in the CLC, AU said, you know what, we
13 are going to abide by the terms of that agreement that we
14 entered into with ANC 3D, Spring Valley-Wesley Heights
15 Citizens Association. We are going to do it. We are not
16 going to have the Neighborhood Collaborative supersede the
17 CLC.

18 The idea is that they could work together. I
19 think you have heard tonight and I think we have heard, maybe
20 that is not working as well as it should. All parties --
21 just as you heard the -- you told the group before -- all of
22 these parties need to figure that out.

23 CHAIRMAN HOOD: So without making a comment
24 tonight about how that works, why don't we do that and
25 memorialize that. Because we don't need to -- I don't want

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1 to do no off-the-cuff and then everybody hears something
2 different, including me, and I come -- show up next week and
3 saying that's not what you said.

4 MR. TUMMONDS: Okay.

5 CHAIRMAN HOOD: So why don't we try to pull some
6 of those folks together. I am not sure -- I mean, you all
7 work that out. And as long as it comes up from members of
8 the CLC and figure out how all that's going to work. I don't
9 know if the vice chair, you mentioned the -- I didn't know
10 how we got there, but if it's working, memorialize it
11 somewhere so everybody is operating, and we're all operating
12 from the same sheet of music. Okay? So let's do that
13 instead of talking.

14 MR. TUMMONDS: We don't need to do it -- yes.

15 CHAIRMAN HOOD: Okay. What's the next thing?

16 MR. TUMMONDS: So the next thing is I am going to
17 read from Zoning Commission Order 11-07, page 52, the
18 paragraph on the conclusion of law with regards to parking.
19 The Commission concludes that approval of the 2011 Campus
20 Plan is not likely to create objectionable conditions related
21 to the parking of university affiliated vehicles on or off
22 campus. The Applicant's proposal to decrease the number of
23 on-campus parking spaces over the term of the plan is
24 appropriate in light of evidence showing the under-
25 utilization of the existing parking supply.

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1 The Commission does not agree with Spring Valley-
2 Wesley Heights Citizens Association that the Applicant's
3 plans for parking are completely inadequate for the projected
4 numbers of additional staff and students possible under the
5 new student and staff caps included in the 2011 plan in part
6 because Spring Valley-Wesley Heights Citizens Association
7 attributed the under-utilization of campus parking the fees
8 charged by the university rather than the demonstrated
9 effectiveness of some of the university's past TDM measures
10 such as increased ridership of the AU's shuttle bus.

11 I think this is one more piece of evidence to show
12 between the information in the record, the testimony of the
13 -- AU's applicant, the cross examination, the statements of
14 Commissioner May. The conclusion of law in the Campus Plan
15 Order to then a condition, a Condition No. 15 that we don't
16 think is appropriate. That's one more piece to help provide
17 a fuller, I think, review of the record. That concludes our
18 rebuttal for this evening.

19 CHAIRMAN HOOD: Okay. I will tell you that I have
20 asked my counsel before they left to finish perusing that and
21 finish doing some discovery for me to help me get there.

22 MR. TUMMONDS: Sure.

23 CHAIRMAN HOOD: So they will do that. Any
24 assistance you can give, we can make it public and we will
25 go from there. Okay, let's see. Is there any -- any cross

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1 from any of the parties on the one rebuttal item that he just
2 mentioned?

3 (No audible response.)

4 CHAIRMAN HOOD: Okay, not seeing any. You want --
5 any closing?

6 MR. TUMMONDS: I think -- we recognize the
7 information that the Zoning Commission has requested us to
8 provide, and we will provide that information. We believe
9 that the information we provided into the record so far and
10 discussed this evening satisfy the relevant standards for
11 further processing approval of the Hall of Science building.
12 We recognize that a lot of the discussions tonight were about
13 Condition No. 12, AU showing that it is in substantial
14 compliance with all of the conditions of the Order.

15 We believe that we will -- that we have done that.
16 And in our post-hearing submissions we will provide further
17 -- in our post-hearing submission we will provide further
18 evidence to address those concerns that you raised this
19 evening. With that, thank you for your time and we look
20 forward to the further discussion of this case.

21 CHAIRMAN HOOD: Okay. Thank you. Let's see, any
22 follow-up questions up here? Commissioner Shapiro?

23 COMMISSIONER SHAPIRO: Just very briefly, do you
24 have a -- a position on this request for no permit until the
25 wind wake analysis is done?

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1 MR. TUMMONDS: Yes, we support that -- that
2 condition of the ANC, yes.

3 CHAIRMAN HOOD: Any other questions -- vice chair?

4 VICE CHAIR MILLER: So I don't know if you were
5 going to go over our list with Ms. Schellin or not, but --
6 maybe not. I think what I would like in a post-hearing
7 submission is -- so, Ms. Gates's bullet points on -- she had
8 five bullet points on pages six and seven of her testimony.
9 I think I'd like in just one place a response to that -- how
10 you're addressing -- how you're addressing -- well, first it
11 is a request for it -- for the updated figures on total
12 number of employees, total number of students, total number
13 of parking spaces and utilization at each site. We heard an
14 80-percent number. And some reference to surveys from your
15 parking guru. But I -- I don't think we really have the data
16 and -- that shows maybe each garage or -- I think you need
17 a little more specific information on that.

18 And her second point was a deep and fast-growing
19 landscape buffer. We've talked a lot about landscaping
20 tonight. You have that -- they have this -- a landscaping
21 plan. I think I personally would like to see an enhanced
22 landscaping plan given not just the gap, which I think you've
23 addressed adequately with the evergreen trees. But the gaps
24 that occur with the leaves fall in the other places. I think
25 it needs probably more evergreen there. But how you're

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1 addressing it in one sheet of paper, or one submission.

2 The lighting plan, you had that as a condition.
3 The ANC has agreed to that, but I just would like you to
4 address the gaps that are there as well. And maybe the
5 landscaping. That tacks to the landscaping -- will take --
6 will take care of that. Or -- but it needs to -- won't need
7 to have that as a condition, too, in the Order. As the ANC
8 has proposed.

9 Jacobs Field, hours of use, number of events, use
10 of amplified sound. You did provide hours of use, and hours
11 of use in that chart that you provided. Maybe you can just
12 address that issue with just -- then there's the sound --
13 sound plan that you're going to be getting from your own
14 sound engineer. We want to see that and we want to see what
15 the result -- how that is going to be resolved. With what
16 method.

17 And finally the Community Liaison Committee issue.
18 I mean, if you're able to work that out and somehow combine
19 the Collaborative with the CLC as you had originally proposed
20 in the last case. Or make some reference there so we know
21 what the rules -- so everybody knows what the rules of the
22 game are. And I realize this, there's no cookie cutter
23 approach with this Georgetown Partnership -- with how exactly
24 works there may not exactly work in this neighborhood. But
25 it's been pretty successful. And that's a pretty contentious

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1 neighborhood. I know, I live there. Lived there for 12
2 years before living where I live now for the last 27.

3 So those are the issues that I really want to see.
4 You may have -- maybe you were going to cover those in your
5 symposium submission, but it --

6 MR. TUMMONDS: That's helpful, yes.

7 VICE CHAIR MILLER: Okay, thank you.

8 CHAIRMAN HOOD: Thank you. To the Vice Chair's
9 point, again, about that CLC and the Neighborhood
10 Collaborative or whatever. I'd like to see how the SOP --
11 how is it going to operate? I know at the bottom line that
12 CLC is what is in our Order. So how is all this other stuff
13 going to operate? And I think that puts everybody on the
14 same page. But I am not saying how it should, but I think
15 everybody who is -- all parties and parts who are involved
16 should have a say-so in that and try to figure that out. So
17 I am going to leave that up to the community and the
18 university. Anything else up here?

19 (No audible response.)

20 CHAIRMAN HOOD: Okay. And I concurred with the
21 vice chair. I think he wrapped up everything pretty much.
22 So, Ms. Schellin, do you have anything else?

23 MS. SCHELLIN: I have nothing else.

24 CHAIRMAN HOOD: Okay, okay.

25 MS. SCHELLIN: I think Mr. Tummonds was taking

1 notes.

2 CHAIRMAN HOOD: Mr. Tummonds, okay.

3 MR. TUMMONDS: Yes.

4 CHAIRMAN HOOD: Well, I guess we have to adjourn.
5 I hate to adjourn.

6 MS. SCHELLIN: No, we need dates. We need dates.

7 CHAIRMAN HOOD: Oh, dates? Okay, I knew it was
8 something.

9 MS. SCHELLIN: How much time? I mean, I don't
10 think we are going to make the December meeting.

11 PARTICIPANT: Oh, no, no.

12 MS. SCHELLIN: Okay? So --

13 MR. TUMMONDS: I think you have two decisions on
14 January?

15 MS. SCHELLIN: January -- yes.

16 MR. TUMMONDS: And those are?

17 MS. SCHELLIN: The 8th and the 29th.

18 MR. TUMMONDS: I think probably give us on --
19 let's shoot back for decision on the 29th. I think that's -

20 MS. SCHELLIN: Okay.

21 MR. TUMMONDS: With the holidays and -

22 MS. SCHELLIN: Yes.

23 MR. TUMMONDS: Yes.

24 MS. SCHELLIN: Okay. So in that case, then, if
25 we could --

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1 CHAIRMAN HOOD: Hold on one second. We may have
2 to move it to February. Hold on one second.

3 (Pause.)

4 CHAIRMAN HOOD: Oh, we're good. Thank you.

5 MS. SCHELLIN: So, if we could get the Applicant's
6 submissions by -- considering the holidays, then by 3:00 p.m.
7 on January 8th. If that's doable.

8 MR. TUMMONDS: Yes.

9 MS. SCHELLIN: Okay. And 3:00 p.m. And then the
10 parties if they choose to respond would respond by 3:00 p.m.
11 on January 16th. Because Monday the 15th is a holiday.

12 And then if we could have drafts, findings of
13 facts, conclusions of law also on the 16th of anyone -- the
14 Applicant must provide them. But any of the parties, if they
15 choose to do so, would have to do them also by that day. If
16 they want to. They don't have to. Like the Applicant. And
17 then we'll put it on for the January 29th at 6:30 p.m.

18 MR. TUMMONDS: Wonderful, thank you.

19 MS. SCHELLIN: Thank you.

20 CHAIRMAN HOOD: Okay. Anything else, Ms. Schellin?

21 MS. SCHELLIN: No.

22 CHAIRMAN HOOD: All right, I want to thank
23 everyone for their participation. This hearing is adjourned.

24 (Whereupon, the above-entitled matter went off the
25 record at 10:51 p.m.)

C E R T I F I C A T E

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In the matter of: American University

Before: DCZC

Date: 11-20-16

Place: Washington, DC

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