

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: :  
 :  
 Case No. 22-13 :  
 Wesley Theological Seminary :  
 of the United Methodist Church : Case No. 22-13  
 2022-2032 Campus Plan :  
 4500 Massachusetts Ave., NW :  
 (Sq. 1600, Lots 6 :  
 (A&T Lots 818 & 919, 7, 8 & 9) :  
 - Ward 3 :  
 ----- :

MONDAY

JUNE 13, 2022

+ + + + +

The Public Hearing of Case No. 22-13 by the District of Columbia Zoning Commission convened via videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- JOSEPH IMAMURA, Commissioner
- PETER MAY, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary  
PAUL YOUNG, Zoning Data Specialist

OFFICE OF PLANNING STAFF PRESENT:

STEPHEN COCHRAN, Zoning and Special Project Planner

DISTRICT DEPARTMENT OF TRANSPORTATION PRESENT:

AARON ZIMMERMAN, Development Review Program Planner  
SAYRA MOLINA, Transportation Planner

ADVISORY NEIGHBORHOOD COMMISSIONER (ANC-3D):

ELIZABETH PEMMERL, Commissioner

SPRING VALLEY NEIGHBORHOOD ASSOCIATION:

WILLIAM CLARKSON  
DERRY ALLEN

NEIGHBORS FOR A LIVABLE COMMUNITY:

ALMA GATES

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, ESQUIRE  
DENNIS LIU, ESQUIRE

The transcript constitutes the minutes from the  
Public Hearing held on June 13, 2022

T-A-B-L-E O-F C-O-N-T-E-N-T-S

OPENING STATEMENT:  
 Anthony Hood . . . . . 5

PRELIMINARY MATTERS:  
 Ms. Schellin. . . . . 7

PRESENTATION:  
 Case No. 22-13: Wesley Theological Seminary of the  
 United Methodist Church, 2022-2032 Campus Plan, 4500  
 Massachusetts Avenue, Northwest, (Sq. 1600, Lots 6  
 (A&T Lots 818 & 919, 7, 8 & 9) Ward 3 . . . . . 18

COMMENTS AND QUESTIONS:  
 Commissioners . . . . . 46

OFFICE OF PLANNING STAFF PRESENT:  
 Stephen Cochran . . . . . 103

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION:  
 Sayra Molina . . . . . 107

COMMENTS AND QUESTIONS:  
 Commissioners . . . . . 107

ADVISORY NEIGHBORHOOD COMMISSION (ANC 3D):  
 Elizabeth Pemmerl . . . . . 123

COMMENTS AND QUESTIONS:  
 Commissioners . . . . . 128

PARTY IN SUPPORT  
 William Clarkson and Derry Allen . . . . . 131

COMMENTS AND QUESTIONS:  
 Commissioners . . . . . 138

PARTY IN OPPOSITION  
 Blaine Carter, Alma Gates, Thomas Smith . . . . . 147

COMMENTS AND QUESTIONS:  
 Commissioners . . . . . 164

PUBLIC COMMENT  
Public . . . . . 184

COMMENTS AND QUESTIONS:  
Commissioners . . . . . 194

CLOSING REMARKS:  
Anthony Hood . . . . . 212

ADJOURN:  
Anthony Hood . . . . . 213

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

(4:00 p.m.)

1  
2  
3 Good afternoon, ladies and gentlemen. Today's date is  
4 June the 13th, 2022. We're broadcasting this public hearing by  
5 videoconferencing. My name is Anthony Hood, and I'm joined by  
6 Vice Chair Miller, Commissioner May, and Commissioner Imamura.  
7 We're also joined by the Office of Zoning staff,  
8 Ms. Sharon Schellin and Mr. Paul Young, who will be handling all  
9 of our virtual operations, as well as our Office of Zoning Legal  
10 Division, Ms. Hillary Lovick and Mr. Dennis Liu. I will ask  
11 all others to introduce themselves at the appropriate time. The  
12 virtual public hearing notice is available on the Office of  
13 Zoning's website. This proceeding is being recorded by a court  
14 reporter, and the platforms used are webcast live, WebEx and  
15 YouTube live. The video will be available on the Office of  
16 Zoning's website after the hearing.

17 All persons planning to testify should have signed up  
18 in advance and will be called by name at the appropriate time.  
19 At the time of signup, all participants will complete the oath  
20 or affirmation required by Subtitle Z, 408.7. Accordingly, all  
21 those listening on WebEx or by phone will be muted during the  
22 hearing, and only those who have signed up to participate or  
23 testify will be unmuted at the appropriate time. When called,  
24 please state your name and home address before providing your  
25 testimony. When you are finished speaking, please mute your

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1 audio. If you experience difficulty accessing --

2 Okay. So everybody -- if everybody can mute, because  
3 I'm hearing echo.

4 When called, please state your name and home address  
5 before providing testimony. When you are finished speaking,  
6 please mute your audio. If you experience difficulty -- that was  
7 the right timing. If you experience difficulty accessing WebEx  
8 or with your telephone call-in or have not signed up, then please  
9 call our OZ hotline number at 202-727-0789. If you wish to file  
10 written testimony or additional supporting documents during the  
11 hearing, then please be prepared to describe and discuss it at  
12 the time of your testimony.

13 The hearing will be conducted -- let me first state  
14 that tonight's -- the subject of tonight's case is Wesley  
15 Theological Seminary of the United Methodist Church, 2022-2032  
16 Campus Plan at Square 600, Lot 6, 4500 Massachusetts Avenue,  
17 Northwest. And, again, today's date is June the 13th, 2022.

18 The hearing will be conducted in accordance with  
19 provisions of 11-Z -- excuse me -- DCMR, Chapter 4, as follows:  
20 preliminary matters, applicant's case, of which the applicant has  
21 up to 60 minutes; report of other government agencies, which will  
22 be the report of the Office of Planning first and the Department  
23 of Transportation; report of other government agencies; the  
24 report of the ANC. In this case, I believe it's ANC-6. No, I'm  
25 sorry, ANC-3D. And I'm sure I'll be corrected. If not, for 3E

1 and (indiscernible). Anyway, testimony of organizations, five  
2 minutes and individuals, three minutes. And we will hear in the  
3 following order from those who are in support, opposition, and  
4 undeclared. Then we'll have rebuttal and closing by the  
5 applicant.

6 Again, the OZ hotline number is 202-727-0789 for any  
7 concerns during these proceedings. And call that number if you  
8 have not signed up, or any problems, please call that number.

9 At this time, the Commission will consider any  
10 preliminary matters. Does the staff have any preliminary  
11 matters?

12 MS. SCHELLIN: Yes, sir. A couple. We'll go with the  
13 easy ones first. So the applicant, I asked them to file a waiver,  
14 just because typically you include your initial witnesses with  
15 your pre-hearing statement, and they didn't do that. So I asked  
16 them to file a waiver to submit their list of witnesses. So if  
17 the Commission would waive not including that with their  
18 prehearing statement, then I can give you the list of witnesses.

19 CHAIRPERSON HOOD: Any objections to doing that?

20 (No audible response.)

21 MS. SCHELLIN: Okay.

22 CHAIRPERSON HOOD: Okay. We have no objections.

23 MS. SCHELLIN: So all of their experts have been  
24 previously accepted by the Commission. I'll give you those names  
25 first. Shane Dettman in planning, Jack Boarman in design,

1 William Zeid in training -- I'm sorry, transportation. If the  
2 Commission would accept them in this case as experts.

3 CHAIRPERSON HOOD: Okay, Commissioners, we have  
4 Shane Dettman, Mr. Jack Owen Boarman, and who was the other name?

5 MS. SCHELLIN: William Zeid --

6 CHAIRPERSON HOOD: William Zeid.

7 MS. SCHELLIN: -- in transportation.

8 CHAIRPERSON HOOD: Transportation. Any objections?

9 (No audible response.)

10 CHAIRPERSON HOOD: I think we will continue the status.

11 I think we've done it previously, so we'll continue that status.

12 Okay, Ms. Schellin.

13 MS. SCHELLIN: And then the last expert witness,  
14 Stephen Karcha. And he is -- appears to be, let's see, propose  
15 -- he's going to -- the scope of testimony is proposed new  
16 administration building and existing and proposed campus  
17 development. I see that he is certified CM, LEED, AP, GRP,  
18 Construction Management.

19 CHAIRPERSON HOOD: Okay.

20 MS. SCHELLIN: His resume is at 17A.

21 CHAIRPERSON HOOD: Okay. We have a request from  
22 Mr. Karcha. If I mispronounce that, Ms. Schellin started that  
23 name first, so we will give her credit.

24 MS. SCHELLIN: Blame me.

25 CHAIRPERSON HOOD: But Exhibit 17A is his resume and



1 construction management. I cannot remember. Let me hear what  
2 my colleagues have to say about making him an expert in  
3 construction management is what I believe he's being proffered  
4 in. Any objections?

5 COMMISSIONER MAY: Well, I don't know why he would  
6 qualify an expert in construction management. I mean, it's not  
7 something we would usually do. Are there particular issues  
8 associated with this project when it comes to the management of  
9 the construction effort that is likely to come up? I mean, if  
10 that were the case, then maybe there would be a need for it, but  
11 otherwise it just seems unnecessary.

12 CHAIRPERSON HOOD: Okay. Let me hear from others.

13 Commissioner Imamura, any comments on this -- Mr.  
14 Karcha?

15 COMMISSIONER IMAMURA: I'm with Commissioner May on  
16 this. I wouldn't see why we need somebody with expertise in  
17 construction management. He's certainly well qualified, but I  
18 don't think it's appropriate or necessary.

19 MS. SCHELLIN: It could be green, you know, LEED stuff.  
20 I'm not positive but --

21 CHAIRPERSON HOOD: Right. He -- I see here he could  
22 be the property's LEED. I'm not sure. Let's -- before the Vice  
23 Chair goes, let's -- Ms. Schellin, let's bring Mr. Brown or  
24 Mr. Blanchard, whoever is going to represent them. Let's bring  
25 them up, and let's bring -- yeah, let's bring them up. I want

1 to clarify that before we rule on this. Mr. Brown seems to want  
2 to take the lead.

3 Mr. Brown, good afternoon.

4 MS. SCHELLIN: Pat Brown, if he could clarify  
5 Mr. Karcha's expertise. What is he being proffered in?

6 CHAIRPERSON HOOD: Mr. Brown, you all look like you're  
7 on the ball, but I can't hear a word you're saying. Somebody  
8 -- or you have a cameraman and everything. Okay. All right.  
9 Let's see if your presentation matches your -- what you're  
10 displaying to us. So go ahead and, Mr. Brown, if you can  
11 introduce yourself, and let us know what Mr. Karcha's being  
12 proffered as.

13 MR. BROWN: All right. Can you hear me now,  
14 Mr. Chairman?

15 CHAIRPERSON HOOD: We can hear -- yes, we can hear you  
16 now.

17 MR. BROWN: All right. Good afternoon. Patrick Brown  
18 from Greenstein, DeLorme & Luchs. I'm Counsel for Wesley and  
19 have been throughout their Campus Plan history.

20 We're introducing Mr. Karcha, not really as a  
21 construction management expert, but really, given his experience  
22 on this campus and the construction of the new dorm, and the plan  
23 to construct the new administrative building, and the elements  
24 of landscaping that are being enhanced that are an outgrowth of  
25 earlier plans. So it's really based on his experience on the

1 campus and with the existing infrastructure.

2 CHAIRPERSON HOOD: Well, Mr. Brown, let me just ask  
3 this. Specifically, what is he being proffered as an expert?  
4 Other than that wide variety of expertise he has, what are you  
5 proffering him as today? Because it sounds like we could just  
6 hear his testimony, but I --

7 MR. BROWN: Right. He certainly has the LEED and  
8 construction management that are parts of the issues he's going  
9 to discuss; respecting the existing trees, the existing campus  
10 facilities, stormwater management, and some of the other  
11 challenges. But certainly, I don't want to belabor the point.  
12 His testimony is equally effective as a fact witness as opposed  
13 to an expert, if that's the Commission's view.

14 CHAIRPERSON HOOD: Okay. Unless I hear otherwise --  
15 Thank you, Mr. Brown.

16 Unless I hear otherwise, I want to ask my colleagues  
17 if we could just hear his testimony, unless I hear something  
18 different.

19 VICE CHAIR MILLER: Well, I don't mind hearing him as  
20 a LEED expert, if he's going to say something about LEED. I  
21 don't know if my architectural colleagues had a problem with that  
22 part of it.

23 CHAIRPERSON HOOD: You're on mute, and my --

24 COMMISSIONER MAY: Yeah, sorry.

25 CHAIRPERSON HOOD: And I'll tell you --

1 COMMISSIONER MAY: I didn't --

2 CHAIRPERSON HOOD: And I'll tell you -- before  
3 Commissioner May goes, I'll tell you this. The problem I have  
4 with that is Mr. Brown never told us what he was proffering him  
5 as. I could -- I was waiting for Mr. Brown to say LEED or  
6 something, but he gave us a wide variety -- he is still a  
7 landscape architecture. So I don't want to lead him down that  
8 road. I would just leave it where it is. But let me hear from  
9 Commissioner May and Commissioner Imamura.

10 COMMISSIONER MAY: He has a LEED certification, but  
11 there's nothing in the resume that indicates that he has  
12 particular expertise in LEED. Lots of people have LEED  
13 certification.

14 COMMISSIONER IMAMURA: Yeah, sorry. Mr. Chairman, I  
15 vote for hearing his testimony but not as an expert.

16 CHAIRPERSON HOOD: Okay.

17 So Vice Chair, we're going to just leave it at that,  
18 because, again, I couldn't give a straight answer about the --  
19 what we're actually going to do. And I know Mr. Brown wants to  
20 give him a cadre of things that he's going to mention, which I'm  
21 sure will be crossed at the time. So we'll leave it at that.  
22 But we will hear his testimony.

23 Anything else, Ms. Schellin?

24 MS. SCHELLIN: Yes. Just to clarify, Mr. Dettman's  
25 -- what he's being proffered on. I assumed it was planning. And

1 I think that what he's being proffered on all goes under planning,  
2 which is permitted uses under the Campus Plan, Comp Plan, racial  
3 equity, which is part of the Comp Plan. And I just want to  
4 clarify that's correct, that that's all considered part of  
5 planning, because I think that there has been some opposition  
6 noted in the record. Am I not correct that that's all going to  
7 be part of planning?

8 MR. BROWN: Yes.

9 MR. BROWN: Yes, that's correct.

10 MR. DETTMAN: Yeah, that's correct.

11 MS. SCHELLIN: Okay. That's the way I took it that  
12 that is all part of planning, and that's what he's been proffered  
13 for before and accepted before. Okay. Commission's good with  
14 that, so I'll move on to the next --

15 CHAIRPERSON HOOD: Yeah, we -- I think we -- we've  
16 already. We're going to continue our status. Thank you for --

17 MS. SCHELLIN: Okay.

18 CHAIRPERSON HOOD: -- asking -- clarifying.

19 MS. SCHELLIN: Okay. Just wanted to clarify.

20 CHAIRPERSON HOOD: Do we have anything else? I think  
21 we have party status.

22 MS. SCHELLIN: Yes, we do. There's two party status  
23 requests; one in support from Spring Valley Neighborhood  
24 Association. They did not, once again, tell me who is  
25 representing that group. That is William Clarkson and Derry

1 Allen. I believe Mr. Clarkson is going to be the lead for that  
2 group. And their exhibit is 16. The Commission would consider  
3 that request?

4 CHAIRPERSON HOOD: Okay, Commissioners, we have a  
5 request from the Spring Valley Neighborhood Association. I know  
6 in previous years when we have this one and another one is asking  
7 for status, I sometimes get them mixed up. So if I do again,  
8 please straighten me out. As I was reading, I was getting mixed  
9 up. So anyway, we have support is Spring Valley Neighborhood  
10 Association. And Mr. Clarksman (sic) is going to be taking the  
11 lead, which will -- he will be doing all of the cross-examination  
12 and everything. So any objections?

13 (No audible response.)

14 Okay. So we will give them status in support, and they  
15 will share the time of 60 or however they divvy it up between  
16 the applicant and themselves. Okay.

17 MS. SCHELLIN: Okay. And --

18 CHAIRPERSON HOOD: Ms. Schellin, let's go to the next  
19 party?

20 MS. SCHELLIN: Yes. The next party is in opposition,  
21 and it's a joint request between the Neighbors for a Livable  
22 Community and Spring Valley Wesley Heights Citizens Association.  
23 And I am not sure who's going to take the lead for this, because  
24 I've got Dennis Paul, Alma Gates, William Krebs, Blaine Carter,  
25 and Thomas Smith, who are listed to testify. So I'm not sure

1 who's going to take the lead. We may have to ask when the time  
2 comes for cross-examination, or before cross, I'll find out.

3 CHAIRPERSON HOOD: Well, let me do this. Let me bring  
4 this to Paul. I believe the submission looks like Mr. Paul, but  
5 I want to make sure that's --

6 MS. SCHELLIN: Dennis Paul?

7 CHAIRPERSON HOOD: Yeah.

8 MS. SCHELLIN: Okay.

9 CHAIRPERSON HOOD: Can we bring Mr. Paul up?

10 MS. SCHELLIN: Mr. Paul?

11 CHAIRPERSON HOOD: But it looks like Mr. Paul is going  
12 to be taking the lead for both parties. Because they -- I want  
13 to thank them for joining together. They have some of the similar  
14 issues as they've stated.

15 MS. SCHELLIN: Actually, I don't think he's on. I  
16 don't see Dennis Paul.

17 CHAIRPERSON HOOD: Well, if he -- is Ms. Gates on?

18 MS. SCHELLIN: Ms. Gates is on.

19 CHAIRPERSON HOOD: Okay. What about anybody from  
20 Spring Valley Wesley Heights?

21 MS. SCHELLIN Tom Smith is on.

22 CHAIRPERSON HOOD: Okay. Let me bring both of them up.  
23 I want to see who's going to be representing that one group. And  
24 let me go to Ms. Gates first.

25 Ms. Gates who is going to be representing the Neighbors

1 for a Livable Community and Spring Valley Wesley Heights Citizens  
2 Association?

3 MS. GATES: I will be representing Neighbors for a  
4 Livable Community. The -- I will be doing both.

5 CHAIRPERSON HOOD: Okay. So Ms. Gates will be the  
6 representative for both. You all can confer however you do it,  
7 but I just need one person to ask the question, cross-examine,  
8 and doing what you do. But I appreciate you all coming together  
9 as one group and also having a panel. I notice you have a panel.  
10 So I think that works fine, unless my colleagues object.

11 (No audible response.)

12 CHAIRPERSON HOOD: Okay. So we will give NLC and Spring  
13 Valley Wesley Heights Citizens Association party status in  
14 opposition.

15 All right. So we can take them back down as we go back  
16 to Mr. Brown and that --

17 Ms. Schellin, do we anything else?

18 MS. SCHELLIN: That's all I have.

19 CHAIRPERSON HOOD: Okay.

20 MS. SCHELLIN: Unless Mr. Brown has something, I have  
21 no other preliminary matters.

22 CHAIRPERSON HOOD: Okay. Mr. Brown, you may begin  
23 your presentation.

24 MR. BROWN: If I could, just before we actually start,  
25 have our panel members introduce themselves, unless you'd like



1 to just wait until they're individually called.

2 CHAIRPERSON HOOD: No, they can introduce themselves.  
3 That would be good. Thank you.

4 MR. BROWN: Starting to my right. Jerry?

5 MR. BOARMAN: Jerry. Oh, Jack. My name is  
6 Jack Boarman. I'm the managing partner and senior designer for  
7 BKV Group Architects officed here in D.C. and Georgetown.

8 MR. BROWN: To my left.

9 REVEREND DR. MCALLISTER-WILSON: David McAllister-  
10 Wilson, the president at Wesley.

11 MR. DETTMAN: Good afternoon, Commissioners.  
12 Shane Dettman, Director of Planning with Holland & Knight.

13 MR. KARCHA: Good afternoon, Commissioners.  
14 Stephen Karcha, Vice President of Project and Construction  
15 Management with Advanced Project Management.

16 MR. ZEID: Good afternoon, William Zeid with Gorove  
17 Slade, Traffic and Transportation.

18 CHAIRPERSON HOOD: And so, before you start, Mr. Brown,  
19 let me first of all thank Mr. -- thank everybody, but let me  
20 thank Mr. McAllister. It doesn't fall short of this Commission,  
21 whenever we have the president of any university, or in this  
22 case, the Seminary, come and take time to speak for us, we really  
23 appreciate it. And I've always acknowledged it, and I'm not  
24 going to not do it for this case as well. I've done it for all  
25 other universities. I'm going to do it here. I know presidents

1 of anything are very busy. And we understand if you have to  
2 leave, we understand that. But I -- that's my spiel that I've  
3 been doing for years, and I want to continue that. So thank you,  
4 and it does not fall on deaf ears on us that you took the time  
5 to come out and to try to explain what you're doing moving  
6 forward, so thank you.

7 Mr. Brown, you all may begin.

8 MR. BROWN: Mr. Chairman, we'd like to start with  
9 Reverend McAllister-Wilson. I would add that he's not just here  
10 tonight. He's been with us every step of this process that goes  
11 back to 2019 and behind this -- the entire campaign planning  
12 process for Wesley that goes back to 2005. So he's not making a  
13 guest appearance tonight. He's actively involved in every  
14 element of this. And with that, I'll turn it over to him.

15 CHAIRPERSON HOOD: But, Mr. Brown, let me just say  
16 this. I have to come back, because I do that for every president,  
17 whether they came tonight, three years ago, five years ago, I've  
18 all -- it's the same, so. And I understand that. So thank you.  
19 And neither were they. So anyway, go right ahead.

20 REVEREND DR. MCALLISTER-WILSON: Thank you, Chairman  
21 Hood and other Commissioners. I'll just say another word about  
22 myself. I came to Wesley and Washington 40 years ago in January,  
23 and I have been at the school those 40 years, and I'm just  
24 concluding my 20th year as president. And I want to thank the  
25 Zoning Commission for this hearing and Commissioner Pemmerl and

1 the other members of our ANC for their qualified endorsement, and  
2 to the many neighbors who have provided their feedback and shaped  
3 this proposed plan over several years.

4 We've entitled it Thrive in Place, because it enables  
5 this Washington, D.C. institution to thrive in place and achieve  
6 the inherent value of the land and preserve the park land around  
7 it without relocating or making other uses. For 120 years since  
8 this land was bare ground, it has been an academic hilltop  
9 community. For half of that time, shared by Wesley and American  
10 University. Both of these institutions were brought here by  
11 Methodist bishops. With its plan to establish a dedicated student  
12 housing facility, it enables us to remain here, but it also  
13 enables this piece of ground to remain an academic hilltop  
14 community.

15 We were brought here because we wanted to be brought  
16 to a city that is an urban center, an international center, and  
17 a national center. And so, the Thrive in Place Plan supports  
18 our distinctive mission shaped by this location and enables us  
19 to continue our dedicated commitment to educational, religious,  
20 and racial equity. Our numbers showing our inclusiveness speak  
21 for themselves, and about 200 alumni now live or work in the City  
22 as pastors and nonprofit leaders. This development places us in  
23 a strong, competitive position for faculty and students.

24 Some have raised the question about Wesley's finances  
25 and how this helps our economics. Let me say a word about that.

1 The principle economics of clergy education are that the starting  
2 salaries of our graduates are about \$40,000, and few rise to  
3 anything greater than 100,000 for their lifetime. But we have  
4 the same educational requirement as we do for doctors. And so,  
5 theological education is highly subsidized. Wesley is one of  
6 only about 30 seminaries nationwide who compete nationally and  
7 internationally for students and faculty, but we are least among  
8 them in the amount of scholarships we are able to provide.

9 This project, if it can be achieved, brings us solidly  
10 to the middle of that pack and allows us to recover our pre-COVID  
11 enrollment and indeed rise in enrollment to the level proposed  
12 in the plan, because it lets us be competitive for students and  
13 gives them the opportunity to have modern, flexible student  
14 housing. In addition, Wesley is one of the few seminaries  
15 nationally which can be really called a research Seminary. We  
16 administer millions of dollars in research money, much of it from  
17 the Lilly Endowment, in order to investigate the future of  
18 congregations and the future of seminaries. And so, we are  
19 positioned to make good use of this plan.

20 We have a strong relationship with our sister school,  
21 American University. We have always had some shared degree  
22 programs. Currently, there are two shared master's degree  
23 through the School of International Service. One is the  
24 International Peace and Conflict Resolution, the other in  
25 International Development. And we often see American University

1 students become students at Wesley, and we have a strong  
2 relationship with their campus ministry.

3 AU's formal planning process started long before ours,  
4 but President Burwell has assured us we (sic) will engage with  
5 us at the appropriate time. In this project, we will welcome AU  
6 students as part of our community as we already have. Our courses  
7 will be open to them, and we anticipate a growing connection  
8 because of this project. It enables us to have continued  
9 engagement in the D.C. community through programs and alumni. A  
10 question has been raised about inclusionary zoning. Wesley has  
11 never contested that IZ would apply. Indeed, as an institution,  
12 we have a principle of commitment to affordable housing in the  
13 District, and a number of our faculty and alumni are engaged  
14 directly in that project. In addition, this project would free  
15 up housing in the surrounding area, and we believe is -- makes  
16 it very much compatible with IZ requirements.

17 I am interested in preserving your time, so let me  
18 close by saying it is noted to me that even those who have filed  
19 in opposition to this plan have indicated they want us to remain  
20 in place. Well, this is our opportunity. It is our generational  
21 moment to thrive in place. And I pledge our continued effort to  
22 work with all legitimate concerns and further processing. Thank  
23 you for your consideration.

24 MR. BROWN: Mr. Young, if you could pull up our  
25 presentation? And if you could, progress to the slide, Campus

1 Location? There we go.

2           And just to give you -- before I turn it over to the  
3 various witnesses, I just want to give you the location and four  
4 corners of the plan. Wesley, since the late fifties, has been  
5 located at the intersection of Massachusetts Avenue and  
6 University Avenue, at the point being Wesley Circle and nestled  
7 around the existing American University campus.

8           The next slide gives you a overhead view. In the center  
9 of the picture is the surface parking lot. To the right, is the  
10 AU campus, and you'll see the existing Wesley Buildings and  
11 chapel, all surrounded by the green open space on Massachusetts  
12 and University Avenue, with the driveway leading down from the  
13 campus to University Avenue and an entrance at Mass Avenue.

14           Next slide, please.

15           Just a recent movie night on the sledding hill at  
16 Wesley, which was very successful and in cooperation with the  
17 Spring Valley Neighborhood Association.

18           Next slide, please.

19           This is the same location, different time of year, the  
20 famous sledding hill.

21           And next slide, please. And if you just go to the next  
22 picture slide.

23           And on the left-hand side is the existing campus  
24 showing the various buildings. The primary elements of the Campus  
25 Plan first is maintaining and enhancing the perimeter, open

1 greenspace along Mass Avenue and University Avenue. Nestled next  
2 to the new 2014 dorm is -- you'll see that blue, a small two-  
3 story administrative building. In the center of the campus,  
4 where the surfaced parking lot used to exist, is the proposed new  
5 dormitory, which will replace the parking lot and a small admin  
6 -- maintenance building on the edge of the parking lot. And the  
7 -- I think those are the significant elements here.

8           And then if we could, next slide. The other direction.  
9 Oh, okay. Yes.

10           We'll turn it over to Mr. Dettman.

11           MR. DETTMAN: Thank you. And good afternoon again,  
12 Commissioners. As you know, the Wesley -- the proposed Wesley  
13 Theological Seminary Campus Plan is subject to review and  
14 approval, subject to the Campus Plan provisions of Subtitle X,  
15 Section 101. What I'd like to do today is first, just note that  
16 a full discussion of the applicant's consistency with the  
17 relevant standard of review under the Campus Plan regulation is  
18 set forth in detail in the case record.

19           My testimony today will touch upon some of the most  
20 salient provisions of the Campus Plan regulations, including  
21 those related to the Comprehensive Plan, and specifically, a  
22 couple notes on the commercial use provisions of the Campus Plan  
23 regulations. To start, under Subtitle X, Chapter -- Section 101,  
24 "The applicant must demonstrate that the uses proposed on the  
25 campus are located so that they are not likely to become

1 objectionable to neighboring properties because of, among other  
2 things, noise, traffic, parking, students, other conditions."

3 I would submit that with respect to what's proposed in  
4 this current Campus Plan and primarily the proposed dormitory,  
5 its location, its size, which will be subject to further  
6 processing review, in terms of its actual final design. But the  
7 physical improvements proposed on the campus have been located  
8 such that they are tucked in the furthest corner away from the  
9 surrounding residential neighborhoods, immediately adjacent to  
10 some recently constructed dorms at AU. I believe they're about  
11 80 to 90 feet. But it's located as far as possible away from  
12 the surrounding low-density residential neighborhood along  
13 University and Massachusetts Avenue. And that very wide green  
14 buffer that's characteristic of the Wesley campus that is along  
15 University Terrace and Massachusetts Avenue in some pictures you  
16 were looking at just a moment ago, it's all being preserved. So  
17 I think that with respect to the physical improvements proposed  
18 on the campus, they are certainly located so that they do not  
19 become objectionable with respect to those aspects enumerated in  
20 Section 101.2.

21 With respect to noise, the proposed uses are not any  
22 what -- any different than what you would typically find on an  
23 institutional campus. There's an administration --  
24 administrative building, there's a student housing building. And  
25 the applicant has worked very closely through its Community



1 Liaison Committee with its transportation consultant on  
2 evaluating the transportation impacts of the proposed  
3 improvements on the campus and developing, in close coordination  
4 with DDOT, a commensurate transportation demand management plan  
5 and mitigation measures that would certainly be, should the  
6 Commission approve the Campus Plan, would be subsumed into the  
7 Commission's final order. On lighting and views on -- and other  
8 aspects of sort of planning impacts, again, given the location  
9 of the proposed dormitory and the administration building, and  
10 so light, noise use, again located away from as far as possible  
11 the surrounding neighborhood. So I do not believe that those  
12 types of impacts would become objectionable to the surrounding  
13 neighborhood.

14           The other provisions under X, Section 101 relate to,  
15 in various ways, commercial uses on the campus. And I just wanted  
16 to make a couple comments about that and then touch upon  
17 Comprehensive Plan and the racial equity lens. There's been some  
18 commentary, and we -- and the applicant did receive comments  
19 throughout the community engagement process about whether or not,  
20 specifically the proposed dormitory was a commercial use, and in  
21 connection with how the proposed dormitory would be constructed  
22 and managed. And I just wanted to put on record that from a  
23 zoning perspective, a dormitory is not a commercial use. And the  
24 manner in which a proposed dormitory is financed, constructed,  
25 and managed does not make it a commercial use under the Zoning

1 Regulations in this application. We can start to answer that  
2 question just by simply looking at the use categories in Subtitle  
3 B of the regulation. And a dormitory is expressly considered as  
4 part of the education, college education use category.

5 The regulations specifically state within the  
6 definition of that use category that that use category may  
7 include, but not limited to accessory, athletic, and recreational  
8 uses; specifically dormitories, cafeterias, ancillary commercial  
9 uses, and some other uses that you would typically find on a  
10 campus. And so, the regulations clearly categorize a dormitory  
11 as an education use. And within that same definition, it looks  
12 at dormitories and ancillary commercial uses as two different  
13 things. A dormitory is also not a type of commercial use, whether  
14 it be ancillary, customarily incidental or otherwise. In fact,  
15 it is a type of residential use.

16 You can even look at the Inclusionary Zoning  
17 Regulations and see that student housing is a type of residential  
18 use, and under certain circumstances, it is exempt from  
19 inclusionary zoning. Even Merriam-Webster has even defined a  
20 dormitory use as a residence hall, providing rooms for  
21 individuals or for groups, usually without private baths. And a  
22 residence hall is defined as a place where students live at a  
23 college or university.

24 Now, the applicant does recognize that the manner in  
25 which the proposed dormitory would be constructed is a little bit

1 different than perhaps how the existing dormitories were  
2 constructed and perhaps different than what is typically found  
3 on other campuses. However, different as it may be, it does not  
4 change the dorm use to a commercial use. The use of the land  
5 remains a dormitory under the Zoning Regulations. This is not a  
6 new issue that has been raised in the record. It's a question  
7 that actually the Office of Planning raised with the applicant  
8 as far back as 2019, where they asked Wesley to confer with the  
9 Zoning Administrator on whether the partnership and ground lease  
10 arrangement between Wesley and Landmark and the occupancy profile  
11 of the building, that includes AU students, prevented the  
12 proposed dorm from being a dormitory use under the Zoning  
13 Regulations.

14           After being briefed on the ownership structure and the  
15 occupancy profile of the proposed dorm, the ZA concluded that a  
16 new residence use project, which includes units featuring private  
17 baths and kitchens and offering occupancy to non-Wesley students  
18 can be considered a dormitory use pursuant to the Zoning  
19 Regulations. The ZA concluded his confirmation by saying that  
20 the Zoning Commission will be the final arbiter of the dormitory  
21 question during the Campus Plan review process. And that's been  
22 a question that's been put in front of the Zoning Commission for  
23 tonight's hearing.

24           Just looking at the provision that speaks to the  
25 Comprehensive Plan, I just wanted to touch upon how the proposed

1 application -- Campus Plan is not inconsistent with the  
2 Comprehensive Plan when viewed through a racial equity lens, the  
3 two-part racial equity lens that's been published to the Zoning  
4 Commission's website. With respect to the land use map and the  
5 policy map, both maps show the campus as being institutional, and  
6 that's what's being proposed and maintained on the campus. With  
7 respect to land use and transportation. Again, the proposed  
8 improvements on the campus have been so located in a manner that's  
9 going to minimize impacts on the surrounding neighborhood. The  
10 types of uses that are proposed on the campus are those that you  
11 would typically find on a college or institutional campus.

12           With respect to transportation, again, the applicant  
13 has worked very closely with DDOT, its transportation consultant,  
14 the Community Liaison Committee, on the potential impacts. It's  
15 not inconsistent with the environmental protection element and  
16 the urban design element policies. The proposed administrative  
17 building and dorm will be LEED gold, the green buffer will be  
18 maintained, and the applicant will fully comply, perhaps exceed  
19 with the green area ratio and applicable stormwater regulations  
20 that will be applicable when the building is built.

21           On education, I wanted to draw the Commission's  
22 attention to one particular policy that's in the educational  
23 facilities element, and it's related to student housing. And I  
24 think that this is relevant in what's being proposed here with  
25 the proposed dormitory, in terms of having Wesley and non-AU

1 students being able to reside within the proposed dormitory. And  
2 that policy says, "Encourage the provision of on campus student  
3 housing in order to reduce college and university impacts on the  
4 housing stock, especially the affordable housing stock, in  
5 adjacent neighborhoods. Consider measures to address the demand  
6 for student housing generated by non-District institutions with  
7 local branches."

8           And I know that the proposed dormitory will go directly  
9 to advancing what that policy is intended to achieve. And I do  
10 know that it -- just in my experience, the idea of helping to  
11 relieve the pressures on the surrounding housing stock by helping  
12 pull students out of the neighborhoods and onto a campus is  
13 something that, you know, is certainly an issue that's been  
14 commented on in past cases in the Rock Creek West area.

15           On part two -- this is the last part of the testimony.  
16 On part two of the Zoning Commission's racial equality tool, it  
17 talks about specific aspects of an evaluation, first and  
18 foremost, being direct displacement. The proposed Campus Plan  
19 will not result in any kind of direct displacement. As a matter  
20 of fact, we believe that it's going to assist in housing, in  
21 affordable housing by, again, helping to pull some of the students  
22 out of the surrounding neighborhoods and put them into a campus  
23 environment, both Wesley students and also the immediately  
24 adjacent American University. I don't know that you'll find  
25 elsewhere in the District such a unique locational characteristic

1 of these two campuses immediately adjoining.

2           On housing, again, it will assist with housing and  
3 consistent with the student housing policy and the educational  
4 facilities element. Physical. I've already talked a little bit  
5 about this -- the potential physical impacts of the proposed  
6 Campus Plan and then the proposed dorm. And then -- but I'll  
7 touch upon those very quickly again. The location of the proposed  
8 dorm, the height, the visual impacts, again, you can get a sense  
9 of what's being proposed in the Campus Plan, but a lot of those  
10 impacts will be fully vetted with the community as part of the  
11 further processing, a process that is required before anything  
12 gets built under the proposed Campus Plan.

13           And so with that, Mr. Chairman, that concludes my  
14 testimony and hand it back to Mr. Brown.

15           MR. BROWN:     If we could, I'd like to introduce  
16 Mr. Karcha.

17           And, Paul, if you could -- Paul Young, please advance  
18 to slide 13.

19           MR. KARCHA:     Good afternoon, Commissioners.     The  
20 proposed administration building and the new dormitory are  
21 located on the top of the hilltop of the campus within the central  
22 developed core of the campus. This allows for the perimeter  
23 greenspace to be preserved, including many special and heritage  
24 trees that serve as that buffer to the neighborhood. The old  
25 president's house that's located in that buffer area to the left

1 of the buildings there, will be demolished along with its  
2 driveway, curb cut, and parking spaces. And that will be infilled  
3 with new landscaping to provide additional buffer and screening  
4 of the buildings.

5           The buildings, the new administration building, which  
6 is located along the service drive there, as you come up from  
7 University Avenue, is located about 105 feet from the east curb  
8 and 139 feet from the west curb of University. The new -- the  
9 two -- excuse me, the dorm that was built in 2014 is roughly 150  
10 feet from University Avenue. The proposed dorm is 300 feet from  
11 the west curb of University Avenue. So the development that's  
12 proposed here is greatly increasing the buffer, especially with  
13 the demolition of the existing president's house, which is  
14 roughly 20 feet from University.

15           Roughly 55 percent of the campus area, or 210,000  
16 square feet is open green space, and this well exceeds the green  
17 area ratio requirements. As requested by the neighbors, the  
18 ANC 3D and DDOT, Wesley is going to install a sidewalk that will  
19 run along the east side, the right side if you -- as you look at  
20 it, the right side of University Avenue from Wesley Circle down  
21 to Rodman Street with handicapped access and ramps and sidewalks  
22 going across University.

23           Next slide, please.

24           As I just mentioned, the existing president's house  
25 area is -- the new plantings are all shown in a highlighted green

1 to -- so that they're easily identifiable. The president's house  
2 area, the old president's house is demolished. More robust  
3 landscaping will be planted there as well as surrounding the new  
4 dormitory. The new administration building is the one more  
5 visible point on the project, more visible area is the service  
6 drive. We're also planting several additional trees and other  
7 landscaping along that to help minimize the screening of the new  
8 dorm at the top of the hill.

9 Next slide.

10 As part of the Campus Plan, Wesley has agreed, at the  
11 neighbor's request, to construct a playground, roughly 3,800  
12 square feet, set back about roughly 40 feet from University  
13 Avenue. This is located in an area that is accessible to the  
14 neighborhood. As Wesley's grade differential in their property  
15 is roughly 45 feet from University Avenue, all the way up to the  
16 top of the hill, where the new dorm will be located, this is the  
17 most logical place to locate the playground. It will also allow  
18 sidewalk to be extended from that new sidewalk along University  
19 Avenue to come back to the playground, so that children with  
20 disabilities will be able to partake in the new amenity.

21 Next slide, please. Next slide, please.

22 These two -- these exhibits here just show the  
23 additional landscaping in greater detail around the new  
24 dormitory, as well as the new administration building and  
25 infilling at the president's -- former president's house.



1 Mr. Brown?

2 MR. BROWN: Okay. And I'd like to turn it over to  
3 Mr. Boarman and advance to -- what, slide 19?

4 MR. BOARMAN: Eighteen.

5 MR. BROWN: Eighteen?

6 MR. BOARMAN: Yes, please.

7 All right. Thank you, Commissioners, and those present  
8 here today. I'd just like to give a real quick programmatic  
9 summary of what's being provided for Wesley and AU students only.  
10 Obviously, this includes families, spouses, domestic partners,  
11 children, and under 18. The project is basically a seven-story  
12 structure, plus penthouse; 75 feet, eight inches in measured  
13 height, 659 beds, which is a net add of 569 beds above the beds  
14 that are currently there with the existing Wesley dorm  
15 structures. Increased top level setbacks -- well, let me stop  
16 for a second.

17 In the development of the design, there's been  
18 extensive discussions with the local neighborhood groups and  
19 extensive design studies to address many of those issues. As a  
20 part of that, the design, as we all intended, has evolved. And  
21 part of that evolution was to relate the building from University  
22 to the American University profile by stepping the building. So  
23 we've stepped back, as we'll show in later slides, and we've  
24 rotated some of the windows and all of this as a part of evolving  
25 the design to meet neighborhood discussion issues.

1           We have roughly 215 units, and these are composed of  
2 one -- of studios one, two and three and four- or five-bedroom  
3 units. It's a high-quality dorm facility with amenities, and  
4 it's well operated by ongoing ownership. Two levels of parking  
5 are in the lower levels, completely screened, 300 to 350 spaces,  
6 which includes 105 Wesley replacement spaces from the parking lot  
7 that is used to construct the building. The small ground floor  
8 grab-and-go retail will service the residents and -- of the  
9 dormitory and the Wesley students. Just -- the sustainability  
10 level is LEED, mid-rise residential Gold, green roof, and solar  
11 panels are part of the design. The design refinements and  
12 encroachments are ongoing and will be a part of further  
13 processing.

14           As we go to the basic materiality of the design.

15           Go to Slide 19, please.

16           The -- in studying the overall composition of the  
17 project for exterior design materials, we first looked to Wesley  
18 and its predominantly brick environment. So our project includes  
19 red brick panels as a part of the design. But as part of  
20 developing the overall massing of the building, the first two  
21 floors are heavily-glazed and have a lot of the amenity functions  
22 and entry functions. And then the upper five floors beyond that  
23 are mostly the residential units, and that's where the white  
24 brick and red brick composition helps to modulate the building  
25 with a base and a articulated middle, then the penthouse levels,

1 which you see in the light color above.

2           What I want to most specifically point out is to the  
3 right of -- this elevation is across from the Wesley campus and  
4 our campus buildings. And to the right, we have the stepping  
5 that was a part of our discussion earlier with the neighborhood  
6 groups, where we're stepping the building down about 30 feet and  
7 back 50 feet, and to the direct right of this elevation is the  
8 existing dorm facility, which you'll see in some of the upcoming  
9 slides, covers the vast majority of the building.

10           And go to the next slide, please.

11           This slide is along the American University side, and  
12 it illustrates the same composition of the base in the middle of  
13 the building with the penthouse above. And it's the same  
14 materiality of the -- of red and white brick and then darker  
15 composite metal panel to articulate the building on this  
16 elevation.

17           Next slide, please.

18           Then this is the slide over by the AU athletic  
19 facilities. This is the slide that also illustrates as the  
20 building design steps down the hill, we're preserving the  
21 heritage tree there and also using the same materials as shown  
22 in the other facades.

23           Next slide, please. Slide 22.

24           This is the key slide where we show how the building  
25 is being masked and stepped, as we face down the hill to

1 University Avenue. The lower five floors of this building mass  
2 -- four floors of this building mass is screened by the existing  
3 dormitory building. Then the -- you'll see one upper floor of  
4 the -- in the white and red brick area, one -- that one top floor  
5 is seen from university. And then the two white building masses  
6 that are on either side are back about 50 feet. And these  
7 are -- were developed as end walls with the windows facing the  
8 opposite direction so they wouldn't, in effect, provide a  
9 windowed view from University. And then in the center is the  
10 opposite side of our courtyard. And this part of the building  
11 is over 180 feet back from the main building facade.

12           If you go to the next slide, we have photo montages of  
13 -- as we show, the American University buildings, which are  
14 clearly the highest and then the next part of the dormitory  
15 buildings stepping down at least two floors and then it's stepping  
16 down further as you go to the right towards University. And then  
17 the Seminary, of course, is in the foreground.

18           The next slide begins at University, where -- from Mass  
19 Avenue, as you're coming up to the service drive, this illustrates  
20 the view of the new administration building, but -- and it also  
21 shows, as you look up the drive, the existing dormitory building.  
22 And then beyond that, you can see the stepped initial mass of  
23 the dormitory building.

24           Next slide, please.

25           Then as you go further down the University Avenue

1 Street and at the circle, you really -- nothing is seen. And  
2 this is, obviously, summer view. As you look at it in winter  
3 view, then you begin to pick up some elements of the design. But  
4 again, it's barely seen.

5 Slide 26. Next, please.

6 Okay. Then as you come up to the service drive, this  
7 illustrates some of the new plantings and screening vegetation  
8 that is being proposed.

9 Next slide, please. This shows the same slide as before  
10 that shows the administration building and then beyond that the  
11 stepped aspect of the dormitory building. But most important  
12 here is the intensive re-landscaping and expansion of the  
13 greenery along either side of the access drive.

14 Next slide, please.

15 This is the winter view of that without the new  
16 landscaping. Well, it shows them in winter view.

17 Next slide, please.

18 As we move further down, kind of on the midpoint of  
19 University Avenue, you can see the new administration building  
20 proposed. And then back beyond the trees, you can see that thin,  
21 top floor of the stepped dormitory housing viewed beyond the  
22 existing dorm, again, barely seen. Winter view, same condition.  
23 What you're seeing in most of this winter view is actually the  
24 existing dormitory building.

25 Next slide, please.

1           Here, as I stated earlier, the -- what you're primarily  
2 seeing here is the elevation of the existing dormitory building,  
3 and the proposed new dormitory structure is beyond that and barely  
4 seen. Further down University, you're beginning to see here  
5 again another summer view, again, where the vegetation basically  
6 screens both the existing dormitory and the proposed new  
7 dormitory beyond.

8           Next slide is the winter view. And specifically the  
9 existing dorm is three levels of brick and then one level of  
10 white. And then you can just barely see the windows and the  
11 penthouse levels of the existing dormitory -- the new dormitory  
12 beyond the existing. Again, barely seen. This is the summer  
13 view at Rodman. Again, now you're moving past and towards the  
14 athletic fields. Here's the summer view of that as well and  
15 winter view.

16           Next slide, please.

17           This is the winter view.

18           Next slide, please. Couple behind. Oops. Going in  
19 the wrong direction.

20           And then this is the summer view.

21           Next slide for the winter view. And here again, the  
22 primary view that you see is of the existing dorm and then beyond  
23 that is the top floor of the stepped part that's closest to  
24 University. And then beyond that, some 50 feet back, you see  
25 the two light-colored walls of the dormitory further behind.

1 Next slide, please.

2 This illustrates, I think, and a very important aspect  
3 of how the massing has really developed, and that is that it's a  
4 form-based massing that steps from the university profile, as you  
5 can see, the angled view line, with the existing dormitory. And  
6 then back from that, about 70 feet, is the first part of the new  
7 dormitory, which is 30 feet down and 50 feet back. You have the  
8 upper portion and then it steps again. So the building has been  
9 stepped three times as we move from University towards American  
10 U. Then the section in the opposite direction illustrates how,  
11 here again, the penthouse floor steps back as well on both  
12 facades. With that, I'll turn it back to Pat.

13 MR. BROWN: Thank you.

14 Mr. Karcha?

15 MR. KARCHA: If you could please go to slide 37.

16 The new administration building is two stories in  
17 height. It's tucked back into the hillside; so one story as you  
18 view it from the bottom of the page, two stories as you view it  
19 from University Avenue. It's situated in such that it's around  
20 the existing heritage and special trees in that area. It's  
21 residential in nature and designed with the brick facade and cast  
22 stone to match the existing campus elements.

23 This building, too, is LEED new construction Gold  
24 certification, and it'll have additional landscaping planted  
25 around it, as we have discussed. One element that will be also

1 part of this is that it'll provide screening for the trash pick  
2 up and such that was for the 2014 dorm at the neighbors' request.

3 Next slide, please.

4 This shows the elevations of the building on the top  
5 floor and part of this -- the lower floor, our administration and  
6 faculty offices. On the lower floor as well will be a small  
7 maintenance facility with an overhead door for access to it.  
8 This replaces the small maintenance facility that's located up  
9 in the parking lot that will be demolished for the new dormitory.

10 Next slide, please.

11 This is you.

12 MR. ZEID: Well, good afternoon, Commissioners.

13 We can go on to the next slide. Yeah.

14 We worked with DDOT and the community throughout the  
15 process to prepare a full, comprehensive transportation review  
16 for the project, which includes a transportation demand  
17 management plan and performance monitoring plan.

18 Next slide.

19 The site is located along the south side of  
20 Massachusetts Avenue between University Avenue to the West and  
21 American University to the East. The key aspect assessed in our  
22 study was the proposed new dorm building that would replace the  
23 existing dorms and surface parking. It should also be noted that  
24 the project includes removal of an existing curb cut on University  
25 Avenue with the relocation of the president's house. That's a



1 small curb cut sort of just south here of the main drive, one of  
2 the main access points on University Avenue.

3           The dorm building will have up to 659 beds and  
4 approximately 215 units. Nine of -- 90 of those beds will be  
5 for Wesley students to replace the 90 beds from the existing dorm  
6 to be removed. The remaining 569 net new beds will be for AU  
7 students. Approximately 145 existing surface parking spaces will  
8 be removed to make way for the new dorm. And the new dorm  
9 building will have up to approximately 350 parking spaces for an  
10 overall net impact of 205 -- approximately 205 additional parking  
11 spaces.

12           One hundred and five of the spaces in the new building  
13 will be replacement spaces for the Wesley campus. And of the  
14 245 remaining spaces in that garage, approximately 22 will be for  
15 ADA parking and visitor parking outside of the access control.  
16 And the remaining 223 will be for AU residents, coming out to a  
17 ratio of approximately 0.43 spaces per net new bed. A TDM plan  
18 and performance monitoring plan will be implemented to reduce  
19 vehicular traffic. All loading and trash storage for the new  
20 building will occur inside the building. DDOT's report is in  
21 support of the proposed projects with two conditions that have  
22 both been satisfied.

23           Next slide.

24           A full CTR assessment was prepared for the project,  
25 which indicated the project would have a negligible impact to

1 area roads. These findings were confirmed in DDOT's review. The  
2 project is estimated to add only approximately 14 net new morning  
3 and 31 net new afternoon peak hour trips. These trip generation  
4 estimates were based -- were made using rates and equations  
5 associated with other off-campus student housing facilities  
6 located adjacent to the campus that's being served. So  
7 representative sites estimates sort of the unique characteristics  
8 of a residential dorm as it relates to unit trips. These  
9 facilities do not tend to generate significant peak hour  
10 vehicular trips during these key weekday commuter peak periods  
11 that we studied.

12 The DDOT report supported the CTR findings with  
13 conditions to implement the TDM plan with some additions and a  
14 performance monitoring plan. Both of these conditions have since  
15 been met through additional coordination with DDOT.

16 Next slide.

17 Primary access currently and will continue to occur  
18 from Massachusetts Avenue, where right-in, right-out and left in  
19 access is available. Left turns out of the site are currently  
20 restricted at Mass Ave. However, at the request of the community  
21 and DDOT, the applicant will continue to coordinate with DDOT to  
22 see if that left turn restriction could be removed. An additional  
23 secondary access point is available on University Avenue that is  
24 currently restricted to outbound right turn traffic only, with  
25 the exception of some delivery vehicles that can enter there.

1           At the request of the community, the project will  
2 include a new restriction closing that driveway to all normal  
3 vehicular traffic during the morning and afternoon peak periods,  
4 still with the exception of some delivery traffic that will use  
5 it. So that's the full sort of 6:30 in the morning to 9:30 in  
6 the morning, and then 4 to 7 p.m. in the afternoon on weekdays  
7 site users will not be allowed to use that driveway, so it will  
8 be more focused towards Massachusetts Avenue.

9           Pick-up and drop-off activities for private vehicles  
10 and rideshare will occur along the new building frontage inside  
11 the campus. The project will also include a designated area for  
12 rental bike and scooter parking at the suggestion of the community  
13 to sort of keep the scooters and bike drop-offs from occurring  
14 on the street or sidewalk. There'll be an actual designated  
15 area, so it can all be picked up together and provide some people  
16 (indiscernible) at this.

17           Primary loading will occur to and from Massachusetts  
18 Avenue with head-in, head-out maneuvers from the public space.  
19 Internal loading will be provided in the new dorm building.  
20 Trucks will back into that loading space and become completely  
21 out of the circulation drive aisle on the site. Since the new  
22 dorm building will be fully-furnished, move-in and move-outs will  
23 not require sort of the typical loading conditions you see with  
24 a normal residential building.

25           Next slide.

1           As previously mentioned, there should be negligible  
2 impact from the site, only like 14 and 31 net new trips.

3           Next slide.

4           The applicant is committing to a robust TDM plan that  
5 includes charging market rate for parking, EV charging spaces in  
6 the garage, long-term and short-term bike parking exceeding or  
7 meeting zoning requirements, SmarTrip cards, and at DDOT's  
8 request, the TDM plan has been updated to include a new sidewalk  
9 that we'll show here in a second. The sidewalk will include ADA  
10 ramps and crosswalks where necessary, and also a new LEED walk  
11 at DDOT's suggestion into campus to link the campus with the new  
12 sidewalk that will be built along University. One additional  
13 note, the internal bike room for the site will include spaces for  
14 cargo and tandem spaces and charging ports for E-bikes and  
15 scooters.

16           Next slide.

17           Here, we just have a sort of pedestrian connectivity  
18 map. As you'll see, the red links are where there is not a  
19 current sidewalk. So at DDOT's request, the applicant will be  
20 constructing a sidewalk from Rodman at the south, up to  
21 Massachusetts Avenue and Wesley Circle. Where you'll see it's  
22 currently red, that will become green, and there will be a  
23 sidewalk connection into the campus at University Avenue drive  
24 aisle.

25           Next slide.

1 To measure compliance with the TDM plan, we worked with  
2 DDOT to develop a performance monitoring plan for the Campus  
3 Plan. The PMP will include vehicular troop counts, mode split  
4 surveys, and inventories of key transportation data points for  
5 the campus. The PMP will include annual monitoring in the spring  
6 semester until the trip goal has been met for two consecutive  
7 years. And it will then continue every other year for the life  
8 of the Campus Plan. Additional TDM strategies will be  
9 implemented, which would be developed in coordination with DDOT,  
10 in the event that that trip goal is not met in any given year.

11 Next slide.

12 DDOT is in support of the proposed project with two  
13 conditions that are shown here. Both of these have been met as  
14 of last Friday the 10th. We worked with them to develop those  
15 plans, and that has been submitted to the record.

16 Next slide.

17 Here we just have some additional -- and I won't go  
18 through these, but these are just some additional coordination  
19 that DDOT requested we continue with if the -- following the  
20 earlier project plans. That's all from me.

21 Pat?

22 MR. BROWN: Thank you.

23 At this point, we've concluded our direct testimony,  
24 and we'll make ourselves available to Zoning Commission  
25 questions.

1           CHAIRPERSON HOOD: I want to thank you, Mr. Brown and  
2 team. I'm going to let my colleagues go first, but I do have a  
3 question that I want to think about as you -- as they're asking  
4 their questions.

5           I realize about the commercial use, Mr. Dettman. I  
6 know we spoke about that. There was another campus where we had  
7 the same issue, something similar, is how we resolved that outside  
8 of the campus and commercial use.

9           And if -- I'm going to ask our Counsel and it might not  
10 necessarily be a apples-to-apples comparison with the University  
11 of District Of Columbia. I can't -- I was trying to  
12 remember -- recall what actually we did with that. That's the  
13 first thing. And I believe, I'm not sure who it was -- and this  
14 goes to the question about the determination that the Zoning  
15 Administrator has given to us, which I appreciate that, so we can  
16 sense some guidance.

17           The other issue that I have is -- it's not an issue.  
18 I'm just trying to understand. And I looked at the count of the  
19 659 residents that are going to be possibly locating or moving  
20 to this location, 90 of them are Wesley students. And just  
21 quickly, what -- the other students and families -- are there  
22 families and students or just students and -- what is their  
23 purpose? I'm trying to figure out what we're doing here. If  
24 you just answer that right quick as my colleagues ask their  
25 questions. I'm just trying to think through that.

1           Mr. Brown, I'm not sure who can -- maybe the president  
2 or someone can tell me the other -- yeah, if somebody could just  
3 tell me what's that other subset after the 90 students who are  
4 Wesley students, the other group that are coming from American  
5 and their -- I heard and their families.

6           MR. BROWN: Well, and if I could, Mr. Chairman, the  
7 need for family housing is particular to Wesley. It's a graduate  
8 school and an older student body with families. We didn't want  
9 to preclude the opportunity for AU students to -- who also had  
10 families, particularly in light of the fact that AU offers no  
11 campus housing for its graduate students. But the likelihood is  
12 that most of the families would be related to Wesley students.

13           CHAIRPERSON HOOD: So -- okay. So, that answers my  
14 question, but it also changes the testimony I heard. You said  
15 90 students are Wesley students, and the remainder would be  
16 American and -- American University students and families. So  
17 you really -- to help me understand, unless I'm misinterpreting  
18 it, so what would -- what -- the families will be Wesley families  
19 as well as American University families. Is that a correct  
20 statement?

21           MR. BROWN: It's correct. Again, the likelihood of  
22 there being AU student families is not significant, but we didn't  
23 want to preclude that in the building.

24           CHAIRPERSON HOOD: Okay. Okay. Okay.

25           MR. BROWN: And, particularly in Wesley's case, when

1 they're demolishing the 19 -- late '50s, '60s dorms, those were  
2 -- provided in many cases family housing, which they need to  
3 replace in this new dormitory. So that was the direct Wesley  
4 interest.

5 CHAIRPERSON HOOD: Okay. And I will say that I'm  
6 looking at something that the Zoning Commission approved a while  
7 back, and actually my wife pointed it out to me, but one of the  
8 buildings we did on a certain street in this city, two of the  
9 buildings look good, and the others, one that we approved look  
10 dated. And I'm just concerned about some of the materials on  
11 the rendering I saw. But anyway, I don't want it to look dated.  
12 But anyway, let's -- those are some of the things when it comes  
13 my turn, I'll have some further comments on that.

14 So let's go to Commissioner May. Any questions or  
15 comments?

16 COMMISSIONER MAY: Yeah, a few questions.

17 So I'm really confused about how this new dorm building  
18 is going to work. So maybe you want to explain that to me. I  
19 mean it's -- I understand what the distribution is between the  
20 Seminary and the University, but I mean, is this -- this is going  
21 to be -- it's going to be built by an outside entity based on a  
22 ground lease, and then will they be doing individual leases or  
23 at lease to the university? And maybe that was covered in the  
24 submission, but I missed it.

25 MR. BROWN: Yeah. The -- you're correct. The land



1 will be ground leased to Landmark as a private developer and  
2 operator of the dormitory. They will build the dormitory. They  
3 will operate the dormitory, subject to a ground lease and  
4 restrictions imposed by Wesley and the deal, and then they will  
5 market the units to Wesley students. Wesley will have first  
6 priority on units to meet their needs, and then they'll be  
7 marketed to American University students in need of housing.

8 REVEREND DR. MCALLISTER-WILSON: And the building will  
9 be operated as a student residence hall. There will be covenants  
10 applied to all students living in the dorm, and the leases are  
11 student leases, running as any student dormitory lease runs.

12 COMMISSIONER MAY: Okay. So it's individual leases -  
13 -

14 REVEREND DR. MCALLISTER-WILSON: Correct.

15 COMMISSIONER MAY: -- the students would have, and the  
16 lessor would be Landmark.

17 MR. BROWN: Correct.

18 REVEREND DR. MCALLISTER-WILSON: That's correct.

19 COMMISSIONER MAY: Right. And so, there -- there's  
20 this discussion of inclusionary zoning, and I find that kind of  
21 confusing too. Because if it's truly a dormitory, why would IZ  
22 apply?

23 MR. BROWN: Yeah.

24 MR. DETTMAN: Commissioner May, that -- if you look at  
25 the IZ regulations, the exemption provisions specifically state

1 that student housing constructed by or on behalf of a college or  
2 university exclusively for its students is exempt from  
3 inclusionary zoning. As we've already discussed, this is going  
4 to be student housing, but it's not going to be constructed  
5 exclusively for Wesley students. So it -- so the proposed  
6 dormitory would not qualify under that exemption. The IZ Act  
7 passed by Council and then as promulgated in the DHCD  
8 administrative regulations regarding inclusionary zoning, do --  
9 does speak to both of those. They do speak to applicability of  
10 IZ to students.

11           What it says is that a student is not able to occupy  
12 an IZ unit unless their parents qualify -- unless the income of  
13 their parents qualifies, or else they're part of a household that  
14 would otherwise qualify through the DHCD IZ lottery system. I  
15 only mention that because it's -- the Zoning Regulations do  
16 contemplate applicability of IZ through student housing. And  
17 since it's not being built exclusively for the students, it's not  
18 exempt. And the administrative regulations do talk about  
19 applicability of a full-time -- ability for a full-time student  
20 to occupy an IZ unit. So provided that the student's parents'  
21 income qualify, or that particular student is part of a household  
22 that would income qualify, they are able to occupy an IZ unit  
23 that would be located in the proposed dormitory.

24           COMMISSIONER MAY: So well, how do you limit the  
25 applications to only students?

1 MR. DETTMAN: That -- you broke up.

2 COMMISSIONER MAY: IZ is a program, you have to apply  
3 through the program, but only students should get into this  
4 building?

5 MR. DETTMAN: Yeah, to our knowledge. To our knowledge,  
6 this is probably the first student housing development that would  
7 come under this question that we're discussing, which is why in  
8 our filing, when we addressed the question that's been raised,  
9 we had mentioned that this -- there are some questions that we  
10 need to work through with the DHCD and OP on the administrative  
11 side about how the DHCD household registration and lottery system  
12 is set up, as it relates to students. And how when DHCD runs a  
13 lottery, I don't know if that's the right way to describe it.  
14 When they run a lottery for a particular building, and they  
15 deliver a qualified pool of potential tenants to a landowner, we  
16 don't know how DHCD is set up, in terms of being able to filter  
17 households, students in the lottery process for a development  
18 like this. Again, we talked about -- these are some  
19 administrative questions that we'll be fully prepared to discuss  
20 at further processing, once we have an opportunity to discuss  
21 this with OP and DHCD.

22 COMMISSIONER MAY: How long have you been working on  
23 this idea of the ground lease?

24 MR. BROWN: I think it's been five years.

25 COMMISSIONER MAY: So -- I mean, it seems like it's a

1 pretty essential question on how this is operated. And we're  
2 five years in. I'm a little surprised that you haven't figured  
3 it out. And I'm a little concerned that we would push this off  
4 to further processing. So I'm just -- it's a really puzzling  
5 thing. Is there a reason -- I mean, how long do you think it  
6 might take to get clarity on those administrative questions?

7 MR. BROWN: I don't know. We can certainly initiate  
8 these specific questions around the DHCD administrative process  
9 as soon as possible and see how long it takes DHCD to provide  
10 guidance and to resolve any kind of issues there might be.

11 COMMISSIONER MAY: Well, let me ask that question in a  
12 different way. How soon were you planning on coming back for  
13 further processing?

14 MR. BROWN: You're breaking up, Mr. May.

15 COMMISSIONER MAY: How soon for further processing?  
16 How soon would you expect to be coming back for further  
17 processing? Did you hear that?

18 MR. BROWN: Yes. I mean, once the Commission has  
19 approved the master plan, then we would proceed with further  
20 processing. You know, I can't give you an exact time frame. But  
21 we're not going to sit around dormant. We're going to -- it --  
22 with the original approval, we're going to process the new dorm.  
23 I mean the expectation is --

24 COMMISSIONER MAY: So is -- go ahead.

25 MR. BROWN: Given where we are now and our proposed

1 timeline to open the new dormitory fall of 2025, would require  
2 us to get through this phase and move fairly quickly into further  
3 processing of the new dormitory.

4 COMMISSIONER MAY: Yeah. If you're planning to open  
5 in fall of 2025, yeah, you would have to be back at -- back with  
6 us very shortly.

7 Okay. Can we pull up slide number 22, please? Thank  
8 you, Mr. Young. Wait. Oh, there we go. Yes. Okay, that's the  
9 one. Can we zoom in just a little bit so we're only seeing the  
10 building? Thank you. There's an awful lot of white space there.  
11 Thanks. That's perfect.

12 So the second note from the left says, 'composite metal  
13 panels,' and it's pointing to a large black -- blank expanse of  
14 building. And then there's the same sort of condition on the  
15 opposite side. So I assume those are apartments on the other  
16 side of those that just don't have windows. Is that right?

17 MR. BOARMAN: That's correct. The concept of expanding  
18 the penthouse material look to be three stories here was to  
19 reorient the windows in the two opposite directions so that the  
20 view of the building, as you viewed it from University Avenue,  
21 would not have, you know, two to three floors of windows of  
22 supposedly projecting window, light and whatnot into the view  
23 from University Avenue. That having the building -- having these  
24 panels lighter, even though they might have texture in the panels  
25 to articulate them, they wouldn't be lit windows, they would be

1 viewed more as penthouse levels.

2 COMMISSIONER MAY: Okay. Well, I don't think that's a  
3 very good strategy. You spent a lot of time trying to explain  
4 how this building isn't going to be that visible from University  
5 Avenue, and I could see how that would be the case, given that  
6 the building -- there would be a building between this and  
7 University Avenue. And it's -- I mean, I'm not even sure that  
8 you would -- from University Avenue how much of this you would  
9 see at all.

10 MR. BOARMAN: Right.

11 COMMISSIONER MAY: So I find it a little puzzling. And  
12 it's, you know, it's frankly quite unattractive.

13 Can we go to slide 28? Yeah.

14 So I mean that's where it really caught my eye. Right?  
15 You got basically this multi-section three-story-tall blank  
16 facade on top of your building. And I -- you know, I'm not saying  
17 that there need to be a lot of windows on that, but it certainly  
18 would look better if there were windows on it. I mean you could  
19 do some other gimmick to break up that mass by having sort of  
20 recessed panels or things like that.

21 But that's really unsatisfying, and particularly since,  
22 you know, people are going to be living in that space. And I  
23 think that some sort of window treatment there would be helpful.  
24 And I think that you're far enough from University Avenue that  
25 it's not likely to have any significant effect on the people

1 living on or across the street from University Avenue. I just  
2 -- this this a pretty significant design boo-boo, for lack of a  
3 better word.

4 MR. BROWN: Commissioner May, if I could interject?  
5 That issue in those façade areas is something that the -- has  
6 come up with the community in that process that they'd like to  
7 see further design work on, as we approach further processing.  
8 So I don't know what that means, but it's been identified as  
9 something that we need to think and work together about with the  
10 community.

11 COMMISSIONER MAY: But you don't know whether they want  
12 to have windows, or they don't want to have windows? They just  
13 think that that mass is bad?

14 MR. BROWN: I think they're reluctant on windows, and  
15 that's why we made the change. But then I think they're concerned  
16 that without some more design work, that it presents that blank  
17 space that you're highlighting. So there's a balance that needs  
18 to be struck that the architects and the community will have to  
19 work together on that. But it's already been identified as an  
20 issue for their further processing.

21 COMMISSIONER MAY: So at what point in the design  
22 process were those removed, because I don't see it in the earlier  
23 submissions that I have.

24 MR. BROWN: They were removed prior to the application  
25 being filed. So -- and, again, we had a very active CLC process

1 throughout 2021. And so, somewhere in the latter part --

2 COMMISSIONER MAY: Okay. Well, I lost Mr. Brown.  
3 Anybody else lose him?

4 MR. BROWN: -- one in 2022.

5 COMMISSIONER MAY: I'm sorry. Mr. Brown, I lost you  
6 there for a minute.

7 MR. BROWN: The windows were rotated as part of the CLC  
8 process late in 2021 and early in 2022 before the application was  
9 filed. So we've not presented the original designs to the  
10 Commission at any phase.

11 COMMISSIONER MAY: Okay. Well, I think just -- I mean,  
12 I understand we're not dealing with the further processing of  
13 this. And typically at this stage, we don't see much more than  
14 massing for buildings at a Campus Plan level, so I'm not going  
15 to press too hard on this question at the moment. But I think  
16 that it would be helpful to know what you were thinking before  
17 you changed it to this really unattractive solution. So I would  
18 appreciate if you could just submit that into the record, so we  
19 could take a look at what it was before. I'm not asking for a  
20 redesign right now. Just show us what you had before.

21 I think that's it for me, Mr. Chairman.

22 CHAIRPERSON HOOD: Okay. Thank you, Commissioner May.  
23 Commissioner Imamura, you have any questions or  
24 comments?

25 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I just



1 have a few. Some of them are built off Commissioner May's  
2 comments. One of the -- let's start with the top of the view.  
3 The Photoshop renderings that you all provided, I think helps us  
4 get to this point, to have a conversation about some of these  
5 design elements that will probably (indiscernible). I think we  
6 might be in agreement here that these -- the massing that  
7 Commissioner May had pointed out to me appeared to be sort of  
8 this two-story mechanical penthouse space. So to his point about  
9 it'd be helpful to see what was the design intent before, at  
10 least gives us an understanding of sort of the design thought how  
11 it arrived to this point.

12 So as I've said before, group design is not easy, but  
13 I think that it's safe to say that there's two different sort of  
14 buildings that are happening there. Right? The articulation,  
15 the expression, all the elevations with the red brick, I thought  
16 was a nice touch how you pulled that into it. But then you get  
17 to that -- the penthouse there that's entirely sort of, obviously,  
18 material there, and it looks incongruent with the form and  
19 articulation of the elevations overall. So I appreciate form-  
20 based massing approach to it, but perhaps it might be it just  
21 needs a little closer attention.

22 I think the unique arrangement here is what is giving  
23 everybody pause and concern. So it's really sort of out of the  
24 box thinking that can -- that, that obviously, have happened  
25 before. So whether good or bad here, I think that's something

1 to mark on sort of this creative partnership.

2 I'm curious though about the program. How did you all  
3 arrive at the program? Maybe I missed it, but if somebody could  
4 open that format. If there are 90 beds for Wesley students, how  
5 did we arrive at the remainder for AU students?

6 MR. BROWN: Well, one, and I think -- and I'll turn it  
7 over to Reverend McCallister-Wilson. But we're replacing at  
8 least 90 beds from the demolished buildings. One of the things  
9 that was spoken about in the introduction was that part of this  
10 is the expectation and desire and aspiration to bring more Wesley  
11 students on campus. So the number isn't fixed at 90, and the  
12 advantage of this building is -- and it gives them first priority  
13 on additional beds.

14 So it's not limited to 90. And it may fluctuate up and  
15 down depending on any particular demand, but it gives them a lot  
16 of flexibility. And part of their process is the formation of  
17 community, which is best done with people in residence.

18 REVEREND DR. MCALLISTER-WILSON: I think maybe your  
19 question is about the total number of beds.

20 COMMISSIONER IMAMURA: Right.

21 REVEREND DR. MCALLISTER-WILSON: What I'd say to that  
22 is, as Wesley began to look at our long term, what was clear to  
23 us is that our most valuable asset is the property we own, which,  
24 by the way, was purchased from American University for the grand  
25 sum of \$10 in 1958. And so the question is, what's the highest,

1 best use of the property? If we looked -- we started looking at  
2 that and realizing we could achieve perhaps the maximum allowed  
3 under zoning, but that would cause us to do some things to the  
4 campus that we would not like and that the neighbors would not  
5 like.

6 We wanted to preserve the parkland. And what we noticed  
7 was that the market potential simply for American and Wesley  
8 students in this area is huge. There's a great need for student  
9 housing, even beyond that which American University has  
10 contemplated in its master plan. And so, the number of beds in  
11 the original conception was predicated on a fraction of the need  
12 that is among both AU, upper classmen and graduate students in  
13 our area. Then we reduced that number to the number that you  
14 currently see. So that's the total number of beds that you see.  
15 And then we arrive at the AU -- I mean, at the Wesley number in  
16 the way that Mr. Brown just described.

17 COMMISSIONER IMAMURA: Okay. What I can say is that I  
18 appreciate the variety of units that you're offering, but I'm  
19 still not understanding where is the data to drive the  
20 (indiscernible) that drove these decisions? So is there some  
21 sort of dataset the AU has that says -- you know, I certainly  
22 appreciate that this is going to relieve the pressure of, you  
23 know, surrounding housing stock, that there's a greater need for  
24 student housing, so I can certainly appreciate that.

25 I'm just curious why did you land on 569? What is the

1 data behind that that says we have X number of students that are  
2 out there approximately, and we think that this is the right  
3 number that balances it out on our campus?

4 MR. BROWN: Yeah. And I think market research was done  
5 and not your typical market research, but looking at AU Campus  
6 Plan that you just approved, and the housing provided currently  
7 and the housing proposed, and also looking at the number of beds  
8 on campus, number of students, the fact that no graduate students  
9 are eligible for AU housing on campus, and then looking at the  
10 surrounding major buildings, we came up with a demand that, quite  
11 frankly, the 569 or so additional beds is about 10 percent of  
12 what we consider to be the demand for student housing that's  
13 currently unmet on the AU campus.

14 Now we could be off by a few, but the beds being offered  
15 is a relatively almost minuscule amount of what we consider to  
16 be the demand. And certainly, Landmark has factored that into  
17 their interest in this and the viability of this project from  
18 their perspective.

19 COMMISSIONER IMAMURA: That's what I -- thank you. I  
20 appreciate that answer. That's a little closer to what I was  
21 getting at. So obviously, there's, you know, determining  
22 viability is what would -- obviously, is worthwhile.

23 I'm curious about the occupancy rates. So as  
24 enrollments fluctuates, and it was suggested that Wesley's  
25 students have priority, so what would the occupancy rate be to

1 allow for that fluctuation for attrition or expansion?

2 MR. BROWN: I'm not so sure I'm understanding the  
3 question.

4 COMMISSIONER IMAMURA: So we've set aside 90 beds  
5 approximately for Wesley students. So perhaps one semester there  
6 may be more or fewer students with priority given to Wesley  
7 students. So if you have 100 percent occupancy, but then your  
8 enrollment grows, and most of the students that are occupying  
9 this are AU students, how do you accommodate for that?

10 REVEREND DR. MCALLISTER-WILSON: Got you. Well, first  
11 off, occupancy for us tends to be annual, not by semester. So I  
12 envision that once a year, well in advance of signing up students,  
13 we indicate what -- the hold we need to have on a certain number  
14 of beds based on our projected enrollments, and then Landmark  
15 would market the remaining beds to this vast sea of potential AU  
16 students.

17 Let's suppose there comes a time where we're in the  
18 middle of the semester, and we have a surge of students, and we  
19 need more beds. That's a nice problem to have, I have to tell  
20 you. And you want to remember that we have also our existing  
21 dorm, which we call the new dorm. And so we have space to scoot  
22 back and forth between facilities.

23 COMMISSIONER IMAMURA: Okay. So I was just curious.  
24 If I'm a AU student, I may not be guaranteed a spot the following  
25 year.

1 REVEREND DR. MCALLISTER-WILSON: Oh, okay. I think  
2 that's correct. But as a practical matter, we're interested in  
3 100 percent occupancy, and I'm sure Landmark is interested in  
4 100 percent occupancy. And as I've spoken with them over the  
5 last couple of years, my sense is they calibrate that looking  
6 forward pretty well and know how to manage those kind of occupancy  
7 issues. Of course, my main concern will be to make sure we have  
8 enough space for our students.

9 COMMISSIONER IMAMURA: Sure. Just kind of looking for  
10 some insight on those mechanics at that level. I appreciate the  
11 response.

12 REVEREND DR. MCALLISTER-WILSON: And for us, at a  
13 certain point, it becomes an economic calculation. We are the  
14 proverbial church mice, so the -- any Wesley students living in  
15 this building are going to be subsidized fairly heavily by Wesley.  
16 And so, we'll be looking at the economics of that at every turn.

17 COMMISSIONER IMAMURA: Very good. All right.  
18 Reverend, thank you very much for your answers.

19 Mr. Brown, you as well.

20 With that, Mr. Chairman, I yield back.

21 REVEREND DR. MCALLISTER-WILSON: Thank you.

22 CHAIRPERSON HOOD: Thank you.

23 MR. BROWN: Thank you.

24 CHAIRPERSON HOOD: Thank you. Vice Chair Miller, any  
25 question or comments?

1           VICE CHAIR MILLER: Thank you, Mr. Chairman. I think  
2 I'll reserve more comments. Well, first of all, I agree with -  
3 - well -- first of all, thank you, Wesley, Reverend  
4 McAllister-Wilson, the entire team for your presentation today.

5           And thank you to my colleagues for covering a lot of  
6 questions and issues, which I share all of the concerns and  
7 questions that each of my colleagues has raised. And I think  
8 I'll have more questions after we hear from the Office of Planning  
9 and the neighborhood parties, both those in support and  
10 opposition.

11           But let me just ask a couple questions. Well, I think  
12 we -- we're going to need more advice from everybody beyond what  
13 they've -- well, we're going to need more advice from the Office  
14 of Planning and the applicant and our own Counsel about this  
15 whole issue that the Chairman raised at the outset of commercial  
16 -- whether this is commercial use of a -- that is not related to  
17 the Wesley Campus Plan. It's related to -- obviously, related  
18 to the AU Campus Plan. And they're adjacent, and this is, as  
19 has been remarked upon, it's kind of a creative solution to  
20 providing on campus, even though it's an adjacent campus, housing  
21 for students.

22           Because we don't -- there's been the -- one of the  
23 overarching concerns in that -- in the surrounding neighborhood  
24 has been the spillover effect of having housing in the  
25 neighborhood occupied by students. So this takes care of that

1 problem, although there are ancillary effects, in terms of  
2 traffic and other issues.

3 But I just think we need more information of -- well,  
4 whether -- how unprecedented this is. Are there any other  
5 off-campus dorms, which are part of another Campus Plan? And if  
6 it gets classified as a dormitory under the Zoning Regulations,  
7 that obviously has advantages to both AU and Wesley. But I'm  
8 wondering whether the City is disadvantaged. And it, obviously,  
9 takes -- it frees up housing that might be rental housing that  
10 might be a limited supply of rental housing in the neighborhood  
11 that -- it frees up that housing for other residents, as opposed  
12 to AU students. So I think that has a general positive effect.  
13 And if we're applying inclusionary zoning to it, that has a  
14 positive effect.

15 But I'm wondering if it's a dormitory use, even though  
16 not a dormitory for the applicant in this case for that particular  
17 building, it -- there seems to be a lot of -- well, there -- it  
18 might be taking, for example, a rental housing property off the  
19 property tax rolls of the City that otherwise would be taxed,  
20 because it's being considered as a nonprofit use. So suddenly  
21 we're -- the City is getting zero dollars.

22 So I think it's part of the Office of Planning's further  
23 report or report today and further report. I think I want  
24 something from the CFO about this issue about property being  
25 taken that is being used for rental housing, not for the owner



1 of the property, taking it off -- if it is -- well, confirming  
2 whether it's being taken off the tax rolls and then whether that's  
3 a good precedent. So that's one. There's that whole issue that  
4 the Chairman raised at the outset, which we need a lot more  
5 information on.

6 But I shouldn't have started on being a negative. I  
7 don't like that. I should have started on positive things. This  
8 was a creative solution to a on-campus housing need of AU and a  
9 revenue need of Wesley, which we want to remain -- an institution  
10 of high value, that we want to retain in the City. And we've  
11 seen religious institutions having to come up with various  
12 alternate -- various solutions, usually recently, especially in  
13 Southwest, partnering with residential developers to develop  
14 private housing, and then they get the zoning for that and that  
15 helps support.

16 That's not being done in this case. That might have  
17 been another alternative route, although the zoning, I guess,  
18 would have been changed unless they were going to do single-family  
19 housing development, since I think we're in R-1 zone, but somebody  
20 can correct me and clarify that as well. But I commend you on  
21 the design refinements you did make apparently in response to  
22 neighborhood concerns about the height and the setbacks that  
23 you've done. I don't like that penthouse design look that  
24 Commissioner May, particularly, highlighted. But you apparently  
25 did reduce the height and added setbacks and step-backs.

1           Can you just say exactly how much you reduced the height  
2 from the front before neighborhood -- neighbors asked -- your  
3 express concerns about that? I think they still have concerns  
4 about that. But how much you reduced the height from the original  
5 proposal and what the exact -- what the, if you can show us -- I  
6 don't know if there's a slide that shows us what the change was  
7 from previous to now on terms of setbacks, step downs, height  
8 reduction. I guess that's to the -- to anyone on the applicant's  
9 team.

10           REVEREND DR. MCALLISTER-WILSON: They're asking you.

11           MR. BROWN: Yeah.

12           Well, and it's evolved over time. But I mean, we  
13 started at 90 feet. We're down 75 feet and change. I don't know  
14 the actual reduction. We can find it out on the penthouse changes  
15 that were made most recently.

16           VICE CHAIR MILLER: I mean, 90 to 75 gives me good a  
17 ballpark. I don't need the exact amount.

18           MR. BROWN: But just the setback of the penthouse units  
19 that we -- we've focused in on, I think was a loss of 20 units -  
20 - beds, 20 beds. So -- and there was a setback, physically  
21 setback. I believe it was set back almost 40 feet from the edge  
22 of the building previously and a loss of 20 beds. We can confirm  
23 that.

24           VICE CHAIR MILLER: So, how many beds or -- and -- or  
25 units with how many -- how many units with how many beds are

1 going to be on the penthouse now versus before?

2 MR. BOARMAN: Fifty percent are reduced on the  
3 penthouse, so.

4 MR. BROWN: Yeah, 50. Half the units were lost on the  
5 penthouse level.

6 VICE CHAIR WILSON: And the square footage of what's  
7 currently proposed on the penthouse level is approximately?

8 MR. BOARMAN: We're looking at a (indiscernible).

9 VICE CHAIR MILLER: And it's that penthouse residential  
10 habitable space that is triggering the inclusionary zoning  
11 requirement that you are acknowledging applies for the remainder  
12 of the building? So I would just want to know, in addition to  
13 what the square footage is of the penthouse habitable space, what  
14 the trigger -- what the minimum triggered requirement is. I  
15 think it's 50 percent median family income, which you said the  
16 parents of the students and the students would have to qualify  
17 for under a new procedure that I guess has never been employed  
18 before by a District agency, DHCD, that administers the program,  
19 which hasn't shown particular rapidity in implementing  
20 regulations in this entire inclusionary zoning area in the past  
21 when there needed to be some, but -- so that's a delay. So I  
22 encourage you to kind of work, as Commissioner May did and others,  
23 to work -- kind of work this all out before -- if you're hoping  
24 to get these units occupied by the date that you're saying.

25 Anyway, so I guess I don't need it right here, but the

1 square footage of the IZ space that is triggered by the penthouse,  
2 habitable space square footage. I just wanted to have in the  
3 record if it isn't already there, or just point me to where it  
4 is.

5 MR. BROWN: I don't think we have that in the record.  
6 And one of the -- particularly with the penthouse habitable space,  
7 further design and where it would appear at further processing,  
8 will be the determining factor about how the -- that -- the IZ  
9 habitable penthouse formula is applied and what the obligation  
10 is. It's -- that's a different calculation than the remaining  
11 part of the building.

12 The other thing, Commissioner Miller, I'd point out,  
13 is the Wesley on the ground lease, the Wesley property will remain  
14 tax exempt for the land, but the building will be become taxable  
15 to the operator, owner-operator of the building. So there's  
16 actually a net increase in tax revenue than exists currently. I  
17 mean, this thing I --

18 VICE CHAIR MILLER: Thank you for that information.  
19 I'd like to get more information, just a little bit more  
20 information on that. That's helpful.

21 MR. BROWN: Fine. Yeah, we'd be happy to do that. But  
22 it is a net tax gain, because the entire Seminary now is tax  
23 exempt.

24 VICE CHAIR MILLER: Right. So this would be -- the  
25 land will be tax exempt, but the building, you're saying, will

1 be taxed?

2 MR. BROWN: That's correct.

3 CHAIRPERSON HOOD: Okay. So I -- I'd be interested in  
4 knowing where that conclusion comes from and what the amount of  
5 revenue is, and if it's -- if this situation exists comparably  
6 or semi-comparably in other university situations where there's  
7 nearby housing, that's effectively acting as a dorm for the  
8 university, as opposed to the applicant in this case.

9 I meant to commend you also for the community  
10 playground commitment and the sidewalks and all of the 47 or some  
11 odd conditions that I think you've agreed to. I think that's  
12 all -- they're all important. And most -- many of them are a  
13 response to Office of Planning, DDOT, and ANC and neighborhood  
14 concerns. So I appreciate all those commitments and conditions  
15 that would become part of the zoning order, if we were to go  
16 forward with this.

17 How -- I -- so I'm going to close very quickly. But  
18 how many -- how much -- how tall is that chapel? The -- you're  
19 saying this building, the new dorm would be 75 feet. How tall  
20 is -- and you're saying it's 35 feet taller than the highest  
21 building on the Seminary? But it -- it's -- the chapel, I guess,  
22 is higher or similar or what is the chapel height?

23 REVEREND DR. MCALLISTER-WILSON: Could you give us a  
24 moment? I think that the tallest building on campus from the  
25 ground is 45 feet, and that's the new dorm, not the chapel. But

1 --

2 VICE CHAIR MILLER: And the chapel is how much? How  
3 tall is the chapel?

4 REVEREND DR. MCALLISTER-WILSON: Well, that's what you  
5 caught me on, how tall my chapel is.

6 VICE CHAIR MILLER: Well, I don't need it right now.  
7 Just -- I think we're going to get more information beyond today  
8 anyway, so I just would like to know that for the record.

9 REVEREND DR. MCALLISTER-WILSON: Yes.

10 VICE CHAIR MILLER: So I just would close by thanking  
11 you. I thank the Wesley Seminary president for being here, as  
12 the Chairman thanked him.

13 I didn't know about the Disney movie night at MONA,  
14 that you had there recently. I'm on the AU, even though I'm  
15 not an adjacent neighbor, a little bit away, but I'm on the AU  
16 Community Engagement email list. But I don't know if Wesley has  
17 a community engagement list, but if I'd known about the MONA one,  
18 and it would have coordinated with Archie's non-naptime schedule,  
19 we might have been over there, because that's one of his favorite  
20 Disney musical movies, so I applaud you for that.

21 REVEREND DR. MCALLISTER-WILSON: Well, there's still  
22 time to get your wish in for the next movie night.

23 VICE CHAIR MILLER: Okay. Well, I'll go on your site.  
24 You don't need to send me anything. Don't send me anything;  
25 please don't send me anything outside of this case.

1 REVEREND DR. MCALLISTER-WILSON: I promise.

2 VICE CHAIR MILLER: I will look on your site and find  
3 it. Thank you. And I would reiterate Commissioner May's concern  
4 about the design of the mechanical penthouse. The -- just the  
5 harshness of that facade right now.

6 So thank you, everybody, for your participation. And  
7 we look forward to -- I look forward to hearing from others  
8 tonight.

9 CHAIRPERSON HOOD: Okay. Thank you. Let me -- and I  
10 just have a few follow up questions. I do like in your  
11 presentation where you have "Wesley's tranquil campus is inviting  
12 for many visitors," and you have three deers on it, who also  
13 invited themselves there.

14 I will say I thought about you, Vice Chair, when I saw  
15 movie night. I was wondering why you and Archie didn't attend.

16 So that's all I'm going to say on those two issues. I  
17 do want to echo the comments of my colleagues on the penthouse.  
18 We have to do more about that. I notice they didn't say anything  
19 about the -- what I said the dated. But let's look at that, too.  
20 I personally have to look at it -- something that we've done on  
21 another street, three buildings we have approved. I think the  
22 BZA may have done one, but I think we could have chosen materials  
23 a little better. But that's something I would actually look at.  
24 We don't want things to be outdated before we even get them done.  
25 That's just kind of where I am on that.

1 I do have a question for President McCallister. And  
2 I'm trying to figure this out. Because I notice clergy and  
3 religious institutions in the City now have gotten into  
4 development. I've talked to many pastors of churches and clergy,  
5 and I'm kind of getting the sense of the same thing here when I  
6 read about the approximately 550 to 659 beds in the new dorm that  
7 will be rented to AU students, and the payment will come back to  
8 Wesley.

9 And in other cases in religious institutions, I'll say  
10 that this will offset the tithes and offerings. I've had many  
11 ministers say, "Hood, I got to offset my tithes and offerings."  
12 And what they've done is they've gotten into development. They're  
13 doing senior housing development. So when I read this analogy,  
14 and this description is in front of us tonight, I'm reading that  
15 similar. Is it -- am I reading it wrong, or am I getting it?  
16 And I know this is going on in a lot of places in the City to be  
17 able to sustain. Is that a fair accounting --

18 REVEREND DR. MCALLISTER-WILSON: That's --

19 CHAIRPERSON HOOD: -- of what I'm seeing that's being  
20 presented here, or am I totally off base?

21 REVEREND DR. MCALLISTER-WILSON: No, you're not totally  
22 off base, but it's a really -- it's an interesting study, because  
23 you correct. A lot of the -- a lot of our graduates or some of  
24 our current students and a lot of pastors we're connected to in  
25 the District, one thinks of Joe Daniels, for example, where



1 they're building -- they're taking advantage of the inherent  
2 value of their property in several ways.

3           Sometimes it's to sell it or to convert it effectively  
4 to replace, as you say, to replace tithes and offerings. Other  
5 times, it's to make use of it for their own sense of their  
6 mission. And affordable housing, senior housing is a very big  
7 piece of that. One thinks of what Shiloh Baptist has done, and  
8 a number of other churches over the last few years. In this  
9 case, there's just a strong, theological impetus for our  
10 institution to engage in mission. But we recognize our mission  
11 is to -- I think you'll understand if I say we train people to  
12 fish. We teach the teachers.

13           And so, the challenge for us is how do we continue this  
14 mission to prepare these waves of graduates coming out so they  
15 do not have high student debt, that they're able to afford a  
16 theological education. And while here, be prepared to understand  
17 what it is to be a missional pastor in this day and age. And so  
18 many of the churches you know of in the District and I know of  
19 that are doing this kind of thing, as well as around the country  
20 and around the world, are learning congregations for our  
21 students, so they can figure out how can we do this ourselves.

22           Now, in Wesley's case, our mission is education. And  
23 so, this is in support of the mission of education, enabling us  
24 to provide as low a cost as possible to the student, both for  
25 tuition and for housing, so that when they go into the ministry,

1 they can thrive. You may know that the -- one of the biggest  
2 challenges right now is rising student debt, and that's  
3 especially true for Seminary students. And this will help us  
4 counteract that tremendously.

5 CHAIRPERSON HOOD: Thank you. And I also think that  
6 that goes to our racial equity lens as well. So I really  
7 appreciate that. And I thank Mr. Dettman, because he knows. He  
8 obviously, is -- well, I was going to go down the list, but he  
9 went down the list for me on that racial equity tool. So I thank  
10 you. May -- do I call you Reverend President?

11 REVEREND DR. MCALLISTER-WILSON: Oh, I --

12 CHAIRPERSON HOOD: Or do I call you Reverend Doctor?  
13 President McCallister? How do you -- because I know that most  
14 ministers like to be called Reverend Doctor whatever their name  
15 is.

16 REVEREND DR. MCALLISTER-WILSON: I'm all of those  
17 things, but I'd prefer David. But President McAllister also  
18 works okay.

19 CHAIRPERSON HOOD: Okay. Thank you. And I ask that,  
20 because I know I've been around -- well, I don't know if you --  
21 sometimes -- I'm not very much into titles, but I notice a lot  
22 of people like their title --

23 REVEREND DR. MCALLISTER-WILSON: I --

24 CHAIRPERSON HOOD: -- and I want to be respectful.

25 REVEREND DR. MCALLISTER-WILSON: I -- no. I understand

1 that, and I appreciate it, but I don't care.

2 CHAIRPERSON HOOD: Yeah, you're like I am. I -- titles  
3 don't mean anything. Okay. So thank you. I'm not going to ask  
4 any other the questions. I think I'm looking forward to hearing  
5 -- oh, I do have one other one, and I'm not sure if this is for  
6 you, President McAllister. But whomever, Mr. Brown, you see fit.  
7 I noticed that when I was reading the record, I see some qualified  
8 support. And it's not a numbers game for us. I see some qualified  
9 support. And I see that there's, obviously, a lot of people has  
10 given dialogue, and there's been a lot of communications. I need  
11 everybody on mute, because I'm hearing some feedback. I'm not  
12 sure. But either way, I saw a lot of qualified support. And  
13 the opposition is there too, especially when it comes to how it's  
14 being presented and used. I think overall, though, and I'm  
15 waiting to hear from the party in opposition, I thought two ANCs  
16 weighed in. I may be reading -- I think maybe this is one and  
17 one off the top of my head, which is dangerous. But it looks to  
18 me like there's a lot of support, and the opposition may be of  
19 concern. Is that your reading? And I know I can ask Ms. Gates  
20 when she comes up, but is that your read on it that it's not  
21 necessarily all opposition, it's opposition with concern.

22 REVEREND DR. MCALLISTER-WILSON: All I've heard is  
23 everyone who has opposed it in our conversations, and I think it  
24 would be fair to say in formal submissions to you, have also  
25 qualified to say they want Wesley to thrive in place. And so,

1 the issues that are raised in my perception, some of them are  
2 these definitional issues having to do with commercial. And I  
3 must tell you, that's above my pay grade. It seems like a strong  
4 argument to me, but set that aside.

5           The other issue, interestingly, is -- and I don't want  
6 to put words into other people's mouths -- they say, well, will  
7 this really allow you to do that? They're saying, what -- will  
8 you be economically viable? Will you thrive for the next 60, 99  
9 years? I don't know; I'm 67. But as we look at this very  
10 carefully with an extraordinarily strong board of governors, we  
11 believe this plan gives us the best chance to be -- not just  
12 survive, but to thrive and be one of the competitive seminaries,  
13 not only nationally, but internationally. And a lot of that is  
14 economic, but it's also predicated on the fact that if you think  
15 about Washington, D.C., that is a destination city. And not just  
16 because it's the national capital, but because it's a major urban  
17 center and an international capital. And so this lets us thrive  
18 in place. That's what brought us to this campus.

19           You know, the people that brought us to this campus  
20 built the campus for three times the number of students they'd  
21 ever seen. They built it on faith, and we lived into that. We  
22 see this as another one of those Kairos moments, those liminal  
23 moments, when we think this can really cause us to rise to the  
24 point of being able to thrive over the next period. And that's  
25 what this is predicated on. And while I appreciate the

1 opposition's concern about us and our future, I want to assure  
2 you we've given a lot of thought of that here at Wesley.

3 CHAIRPERSON HOOD: Okay. Thank you. And I agree that  
4 when you say you built it on faith, the things I'm seeing. So I  
5 get that. So thank you, President McAllister, for your comments  
6 and helping me as we move forward.

7 REVEREND DR. MCALLISTER-WILSON: Thank you.

8 CHAIRPERSON HOOD: I'm looking forward to hearing from  
9 the community.

10 Any follow up questions to my colleagues?

11 (No audible response.)

12 CHAIRPERSON HOOD: Okay, great. Let's go to ANC -- is  
13 it 3D? I think it's 3D. Hold on. Let me find it.

14 Ms. Schellin, I'm going to need your help. When I go  
15 off the top of my head, I get mixed up. I think it's 3D. Did I  
16 get that right? Hold on one second. Well, if somebody can help  
17 me, if it's 3D. I can't --

18 COMMISSIONER MAY: 3D.

19 VICE CHAIR MILLER: 3D.

20 CHAIRPERSON HOOD: 3D. There we go.

21 All right. Ms. Schellin, do we have anyone here from  
22 3D that may have some cross-examination?

23 MS. SCHELLIN: I'm looking.

24 CHAIRPERSON HOOD: Okay. And 3D is the only ANC,  
25 correct?

1 MS. SCHELLIN: For now, yes.

2 MR. BROWN: Mr. Chairman, they're the only one who  
3 participated. 3E is across the street, but they've chosen not  
4 to participate, even though we met.

5 CHAIRPERSON HOOD: Okay. I know I --

6 MR. BROWN: Commissioner Campbell --

7 CHAIRPERSON HOOD: I know I saw 3 -- another ANC too.  
8 Thank you, Mr. Brown.

9 MR. BROWN: Commissioner Pemmerl -- Elizabeth Pemmerl  
10 is the ANC 3D spokesman. I suspect she's out there.

11 CHAIRPERSON HOOD: Okay. We're trying to locate her.  
12 Once we locate her, they'll let me know. Staff -- okay.  
13 Commissioner Pemmerl from 3D-02 is here.

14 And Commissioner, this is our time for, as you know,  
15 this is time for cross-examination of the applicant. And we have  
16 seen your submission, but do you have any cross for the applicant?

17 MS. PEMMERL: Thank you, Commissioner. I do not have  
18 cross for the applicant.

19 CHAIRPERSON HOOD: Okay. If you can just hold tight,  
20 we'll be back to you shortly.

21 Let's go to the party in support. Let's see, which one  
22 is this? Let's see, this is -- I get it mixed up.

23 MS. SCHELLIN: Mr. Clarkson.

24 CHAIRPERSON HOOD: Hold on just one second.  
25 Mr. Clarkson. Let me write that down.

1           Mr. Clarkson, do you have any cross-examination  
2 questions?

3           MR. CLARKSON: No. No cross-exam for us. Thank you  
4 very much.

5           CHAIRPERSON HOOD: Okay. Thank you. Let's go to the  
6 party in opposition.

7           Ms. Gates?

8           MS. GATES: Thank you.

9           President Wilson -- McAllister-Wilson --

10          REVEREND DR. MCALLISTER-WILSON: Yes.

11          MS. GATES: -- you mentioned some parkland that you're  
12 preserving. Could you maybe on one of the slides show us where  
13 the parkland is, or is this just a terminology for green space?

14          REVEREND DR. MCALLISTER-WILSON: That's my terminology  
15 for green space.

16          MS. GATES: Okay. When the time is appropriate, what  
17 will you be discussing with President Burwell at AU? We've heard  
18 -- I don't know how many meetings we've been to and heard about  
19 they're not ready to discuss, but when the time comes you will.  
20 What is it that we're waiting to hear about?

21          REVEREND DR. MCALLISTER-WILSON: I think some of the  
22 issues that we'd be discussing with AU are the logistical issues  
23 about how students can traverse back and forth between this  
24 building and the main AU campus. I think other aspects of the  
25 transportation issue. I think the CLC group has raised

1 appropriate concerns about security in -- on the campus and the  
2 perimeter of the campus. We talk regularly about other issues  
3 having to do with joint programs and are -- both of us are related  
4 to the same denomination. But it's mostly to do with the -- how  
5 the community is established between this building and the rest  
6 of the AU campus.

7 MS. GATES: And as you know, AU just finished its campus  
8 plan, and I think security there was fairly well taken care of.  
9 They have their own police force, et cetera. So -- I -- and I  
10 do know that security has been a topic of conversation with the  
11 Seminary CLC.

12 REVEREND DR. MCALLISTER-WILSON: Yes.

13 MS. GATES: So are -- I mean, for instance, are you  
14 considering asking AU's police to patrol the Seminary campus,  
15 that sort of thing?

16 REVEREND DR. MCALLISTER-WILSON: I don't know that we  
17 contemplated that specifically, but that -- how the AU security  
18 forces interact with this campus would be a big question. And  
19 as before, the question of parking and how AU enforces its parking  
20 restrictions around the neighbors would be a lively discussion  
21 again. We haven't had the conversation to know the specific  
22 question about AU's security. As I believe is in one of the  
23 conditions, we've -- I'll paraphrase, we have agreed to establish  
24 security cameras and a security system. How that might interact  
25 with the AU security and the way they might interact with this



1 dorm has yet to be discussed.

2 MS. GATES: Okay. You say that you're committed to IZ,  
3 and this certainly dovetails nicely with the Seminary's DEI, I  
4 guess, program or policy. And so, what percentage of units are  
5 you considering setting aside for IZ?

6 REVEREND DR. MCALLISTER-WILSON: Well, we don't have a  
7 percentage in mind. That's something we'd have to do in further  
8 processing as we consider how IZ applies to this building. We  
9 just have never thought of this as necessarily being exempt from  
10 IZ. And beyond that, the principles in IZ, which have to do with  
11 improving the stock of affordable housing, is something we are,  
12 in our DNA are committed to. And as a matter of fact, and not  
13 necessarily as a matter of process, every -- I dare say every  
14 Seminary student living in this dorm would actually qualify and  
15 would qualify for several years after they left this dorm.

16 So it is an important question for us to work with the  
17 government agency, whose initials I've forgotten, but we'll have  
18 to work on what that means as far as what percentage of the  
19 building is IZ and how that gets allocated and how that gets  
20 enacted. But it's never been a question for us. And it was  
21 interesting, and it came up very recently in the opposition.

22 MS. GATES: Well, I -- I'm not so sure I understand  
23 you or understood what you just said about every student in the  
24 dormitory qualifying for IZ. Are you talking about AU?

25 REVEREND DR. MCALLISTER-WILSON: Well, I -- I was saying

1 that -- no, I was saying if you look at the Wesley students now  
2 living on our campus and who would live in this dorm, every single  
3 -- most of them, by the way, are no longer dependent on their  
4 parents, but every single one of them, I think, would have --  
5 would satisfy a needs test. So I have no doubt that somewhere  
6 in the gap between now and when this is resolved, we're going to  
7 find a happy way to accomplish not only IZ requirement, but the  
8 spirit of that law in the first place.

9 MS. GATES: So why are you waiting for further  
10 processing to discuss it? Is your plan to meet the IZ  
11 requirements by contributing to the Affordable Housing Fund, or  
12 are you committed to IZ units?

13 REVEREND DR. MCALLISTER-WILSON: No, we don't have a  
14 plan, because we don't know yet the exact size of the building  
15 and the number of units, and we don't know how it's going to  
16 apply. So that gets worked out during further processing.

17 MS. GATES: But I guess my question wasn't clear.  
18 Rather than contributing to the housing fund, you will commit to  
19 having IZ units in the dormitory.

20 MR. DETTMAN: Go ahead.

21 REVEREND DR. MCALLISTER-WILSON: I don't think we have  
22 a choice, and we haven't contemplated that we have a choice.

23 MR. DETTMAN: Ms. Gates, this is Shane Dettman. If I  
24 could just add to what President McAllister has said. The  
25 building is not able -- as programmed, that the building would

1 not fall into an IZ exemption related to student housing. So  
2 it's subject to inclusionary zoning. It -- there is not a  
3 provision in the Zoning Regulations that allows for, or for any  
4 development, that allows for a buyout, if you will, from the IZ  
5 regulations through a contribution to the Affordable Housing  
6 Trust Fund. So whatever the IZ set-aside requirement is for this  
7 particular project, which, as you know, the IZ regulations  
8 dictate the IZ set-aside. It's dictated by construction type.  
9 So it'll range between eight and 12 and a half percent, depending  
10 upon the construction type. It's rental housing. It'll be at  
11 60 percent MFI.

12           Some of the mechanics about, as I mentioned earlier,  
13 the mechanics in terms of how the administrative side of things  
14 happens for this particular project, being a student housing  
15 development, just needs to be worked out with the DHCD and OP.  
16 I don't think that the intention was to wait until further  
17 processing. I think it's our intent, as you -- as fast as  
18 possible to begin those discussions with DHCD and to be fully  
19 prepared at the time of further processing when it lands in front  
20 of the Commission to talk through all of those administrative  
21 technical details.

22           MS. GATES: Thank you.

23           Has there ever been any consideration to selling off  
24 some of the land to AU?

25           REVEREND DR. MCALLISTER-WILSON: Oh, over the last 40

1 years, I think AU has suggested it several times. It's never  
2 really been a consideration for us.

3 MS. GATES: Oh, thank you. And I think this is my last  
4 question. Somewhere in the documents that have been filed, there  
5 was a sentence that read that the plan is to, you know, have your  
6 students and AU students for now, but it sort of left open the  
7 future. And you have certainly made it clear to us in the CLC  
8 meetings that only AU students would be housed in this dormitory.  
9 So was that just a mistake in a statement, or are you going to  
10 have to go elsewhere if you don't get enough AU students?

11 REVEREND DR. MCALLISTER-WILSON: No, we never  
12 contemplate going beyond Wesley and AU students. And I'll pour  
13 through the document again, but I don't recall a phrase like  
14 that.

15 MR. BROWN: No. And in the set of proposed conditions  
16 that we've offered, it's crystal clear that it's Wesley and AU  
17 students only.

18 MS. GATES: Okay. Thank you. That was my  
19 understanding, but when I read it, it sort of hit me hard.

20 So when you look at Slide 28, how high is this  
21 penthouse?

22 CHAIRPERSON HOOD: Let's give Mr. Young a moment.

23 Mr. Young, if you can bring up slide 28.

24 Let's give him a moment to bring that up, Ms. Gates.

25 MR. YOUNG: Hold on. Now it's up.

1 CHAIRPERSON HOOD: Thank you.

2 MS. GATES: It's the one Commissioner May had up.

3 MR. BOARMAN: Yeah.

4 MR. BROWN: Okay. I think Mr. Boarman can answer that  
5 question.

6 MR. BOARMAN: The penthouse level, which is at the top  
7 of the building, is approximately 12 to 14 feet high.

8 MS. GATES: Well, it looks much higher than that here.  
9 I honestly thought this was the mechanical penthouse when I looked  
10 at it.

11 MR. BOARMAN: That -- that's -- if I could add, this  
12 illustration is really the end of two floors that we removed the  
13 windows from in earlier discussion. So that's about --  
14 approximately 20 feet high, 22 feet high.

15 MS. GATES: Oh, so this is the residential and the  
16 mechanical together?

17 MR. BOARMAN: No, it's the end of two residential floors  
18 that we've removed the windows from.

19 MS. GATES: But aren't you only entitled to one  
20 residential level in your penthouse?

21 MR. BOARMAN: Yes -- ma'am, we're probably mixing up  
22 two issues. And I do apologize for even using the word penthouse  
23 in this condition. The penthouse floor, which is on the very  
24 top of the building, is a single-level, and it's approximately  
25 12 to 14 feet. What you're seeing here is not the penthouse

1 floor, but it is the side wall of the top two floors.

2 MS. GATES: Oh, okay.

3 MR. BOARMAN: That's the floor of the penthouse.

4 MS. GATES: Thank you.

5 MR. BOARMAN: Yeah.

6 MS. GATES: Okay. And I have some questions for  
7 Mr. Dettman.

8 CHAIRPERSON HOOD: Mr. Young, I believe we can take  
9 that down. I think Ms. Gates is finished with that.

10 MS. GATES: Yeah, I am. Thank you.

11 CHAIRPERSON HOOD: Okay.

12 MS. GATES: And actually, these are general questions,  
13 and anybody on the panel is free to answer. Does Landmark offer  
14 different brand levels for its housing, as in good, better, best,  
15 or what type is being offered at Wesley?

16 MR. BROWN: There's no distinction among Landmark's  
17 products. They're all first-class student housing. There's not  
18 a, you know, A, B, or C level. There's no distinction.

19 MS. GATES: And what would the price differential be  
20 between the student housing in the 2014 building and the new  
21 building?

22 MR. BROWN: I don't think we can answer that at this  
23 point. Two -- and also two very different products. The 2014  
24 dormitory is your much more traditional single- or  
25 double-occupancy rooms and don't include, you know, common space

1 and kitchens and private bathrooms. So it's an apples and orange  
2 comparison.

3 MS. GATES: Oh, I thought because they have families,  
4 there were kitchens.

5 MR. BROWN: That's in Carroll Hall. That's in Carroll  
6 Hall that's going to be demolished. There are no kitchens.  
7 There's -- there are no -- but there's a kitchen facility on the  
8 floor at -- in the new building, but not individual rooms. A  
9 communal kitchen.

10 MR. KARCHA: Correct.

11 MS. GATES: Has Landmark ever entered into a similar  
12 agreement with a college or university to build housing on a  
13 college campus?

14 MR. BROWN: I'm told no.

15 MS. GATES: Okay. How does housing American University  
16 students, graduate and undergraduates, and their families meet  
17 the stated mission of Wesley Theological Seminary?

18 REVEREND DR. MCALLISTER-WILSON: Oh, I'm sorry. It's  
19 -- it meets it in two ways. One is this dorm enables us to  
20 fulfill our mission. And we are sisters institutions in  
21 Methodism, and these students would be welcomed into our  
22 community at whatever level they wish. And that includes some  
23 of the degree -- joint degree programs we already have with  
24 American University.

25 MS. GATES: So does the finance goes toward that?

1 REVEREND DR. MCALLISTER-WILSON: Yes. Well, it goes  
2 towards the mission of the Seminary.

3 MS. GATES: Since the proposed Landmark student  
4 apartment building located on the Wesley Theological Seminary  
5 campus is being marketed to American University students, whose  
6 ages may range from 17 to the mid-twenties, is there any plan to  
7 segregate renters by floors or location within the building  
8 according to age?

9 REVEREND DR. MCALLISTER-WILSON: There is not a plan  
10 to do so by age. I very much doubt there will be any 17-year-  
11 olds in the building. I think this building is very clearly for  
12 upperclassmen and graduate students.

13 MS. GATES: Is that because of price?

14 REVEREND DR. MCALLISTER-WILSON: No, because American  
15 University has its own requirements to house the undergraduate  
16 students.

17 MS. GATES: It must provide housing, but it doesn't  
18 require that they live in the housing.

19 REVEREND DR. MCALLISTER-WILSON: That's a good  
20 distinction. But I note, in answer to your broader question,  
21 there's not currently a plan to divide the building by age.

22 MS. GATES: Since the Wesley Campus Plan cites in  
23 Exhibit 3, page 32 that the Landmark student apartment building  
24 will compete with nearby commercial rental unit housing, excuse  
25 me -- rental housing, that is the Berkshire and the Avalon at



1 Foxhall, like those apartment buildings, will non-university  
2 associated individuals reside in this proposed building?

3 REVEREND DR. MCALLISTER-WILSON: No. Only AU students  
4 and Wesley students.

5 MS. GATES: So like the Berkshire and the Avalon, in  
6 an individual -- or would an individual leasing be able to share  
7 their apartment with a friend, cousin, significant other, spouse,  
8 et cetera? We know that the families are there, so we can drop  
9 that, but the rest of it?

10 REVEREND DR. MCALLISTER-WILSON: No. The building  
11 would be exclusively for students.

12 MR. BROWN: You have to be enrolled and --

13 REVEREND DR. MCALLISTER-WILSON: Enrolled students.

14 MR. BROWN: -- and establish that you're enrolled.

15 MS. GATES: Enrolled at AU?

16 REVEREND DR. MCALLISTER-WILSON: Or Wesley.

17 MR. BROWN: Or Wesley. Or both.

18 REVEREND DR. MCALLISTER-WILSON: Or both.

19 MS. GATES: On page 33 of Wesley's May 23rd statement,  
20 under Student Housing, preferences one of the bullets states, "Up  
21 to four- and five-bedroom units offering different rental price  
22 points." Is this terminology used in normal dormitory housing,  
23 or is this further proof Landmark is running a commercial  
24 building?

25 REVEREND DR. MCALLISTER-WILSON: No. This is the kind

1 -- this is the nature of modern student housing across the  
2 country. This is language that's to be found in the Washington  
3 area and across the country in student housing facilities --  
4 dedicated student housing facilities.

5 MS. GATES: So there -- there's no longer any link  
6 between tuition, room, and board?

7 REVEREND DR. MCALLISTER-WILSON: I think I understand  
8 your question, and the answer is no.

9 MS. GATES: Okay. Has (indiscernible) Hall been used  
10 for any administrative or faculty offices?

11 REVEREND DR. MCALLISTER-WILSON: Yes.

12 MS. GATES: And did Wesley seek Commission approval to  
13 do that, change the use of the building?

14 REVEREND DR. MCALLISTER-WILSON: It's been doing that  
15 for 60 years.

16 MR. BROWN: And I think it's embedded in the various  
17 iterations of the Campus Plan prior to this here.

18 MS. GATES: That you would have administrative offices  
19 in the dormitories?

20 REVEREND DR. MCALLISTER-WILSON: Yeah.

21 MR. BROWN: And my recollection is that the drawing  
22 showed that in some of the previous versions, yes. It was  
23 primarily a dormitory, but there was clearly disclosed and  
24 approved to some administrative use.

25 MS. GATES: Why don't we see a stormwater management

1 plan?

2 MR. BROWN: That would be part and parcel of further  
3 processing. Again, we're at the conceptual phase, and the  
4 stormwater management plan, as well as many other elements of  
5 this, would only really take shape when we're talking about, you  
6 know, the details of a specific building and the level of planning  
7 that further processing requires.

8 MS. GATES: Are you planning to build all the  
9 (indiscernible) at one time.

10 MR. BROWN: No.

11 MS. GATES: Is all this construction going to happen  
12 at the same time?

13 REVEREND DR. MCALLISTER-WILSON: No.

14 Steve, would you speak to that?

15 MR. KARCHA: What? The?

16 REVEREND DR. MCALLISTER-WILSON: The administrative  
17 building.

18 MR. KARCHA: When would that be built?

19 REVEREND DR. MCALLISTER-WILSON: Not at the same time.

20 MR. KARCHA: Okay. So the dormitory would be  
21 constructed first for a fall of -- I always forget -- 20 --

22 REVEREND DR. MCALLISTER-WILSON: '25.

23 MR. KARCHA: '25. Occupancy for that fall semester.  
24 And subsequent to that, the administration building would be  
25 constructed. They would not to be concurrent construction --

1 operations.

2 MS. GATES: Okay. So now I'm going to turn to  
3 Mr. Dettman. You state the building will revert to Wesley  
4 ownership at the end of the ground lease? Are you referencing  
5 the 99 years?

6 MR. BROWN: Yes, he was.

7 MR. DETTMAN: Yes.

8 MS. GATES: And you --

9 MR. BROWN: I'm saying that, ma'am, Ms. Gates.

10 MS. GATES: What?

11 MR. BROWN: This is Patrick Brown. I'm saying that the  
12 building would -- the improvements would revert under the 99-year  
13 lease to Wesley at the conclusion.

14 MS. GATES: Okay. You say the building is not  
15 commercial use under the Zoning Regulations. Do you acknowledge  
16 that the activity of this building is commercial?

17 MR. DETTMAN: No.

18 MR. BROWN: No.

19 MS. GATES: Why not?

20 MR. DETTMAN: Well, I think I said it in my testimony.  
21 A dormitory, as cited to in the Zoning Regulations under  
22 Subtitle B for the college education or, I'm sorry, College  
23 Institution Education use category, and even as defined in  
24 Merriam-Webster's, it is a residential -- a type of residential  
25 use. It's not a commercial use.

1 MS. GATES: Well --

2 MR. DETTMAN: Even though we -- I'll just expand upon  
3 it quickly. We knew that this was a question again that came  
4 up, even as far back as 2019 by the Office of Planning. We did  
5 dig a bit deeper into those provisions of the Campus Plan  
6 regulations that refer to general commercial uses, ancillary  
7 commercial uses. And as you know, there was a multiyear effort  
8 to develop ZR16, and those provisions are a result of ZR16.

9 The Zoning Commission specifically, prior to even  
10 looking at any specific language around ZR16, focused on a number  
11 of concepts, one of which was the campus and institutional  
12 concept, where the Commission and the Office of Planning and the  
13 Commercial Institution Working Group specifically addressed the  
14 idea of commercial uses on campuses. And if you look at that  
15 regulatory record in that case, which is 0806-7, the entire focus  
16 was on the regulation and limitation of non-residential uses on  
17 campuses, specifically in that record, referring to office  
18 buildings, bookstores, cafes, eating and drinking establishments.  
19 There was no mention about dormitories. And again, a dormitory  
20 is looked at under the Zoning Regulations as a -- as an education  
21 use, as a type of residential use.

22 MS. GATES: I believe that this is a question that  
23 probably the Attorney General needs to look at, because in his  
24 memo, the Zoning Administrator never --

25 COMMISSIONER MAY: Ms. Gates, are you asking a

1 question? Because it sounds like you're making an argument.

2 MS. GATES: Thank you. You're right. Would it be --  
3 would you consider going -- getting an opinion from the Attorney  
4 General on this commercial use of the building?

5 MR. BROWN: Well, I don't think the Attorney General  
6 is the appropriate party to request. The Office of Zoning has  
7 their own lawyers who specialize in the area. So the Office of  
8 -- I mean the Zoning Commission is certainly well within their  
9 jurisdiction to ask their lawyers for advice. But it's not for  
10 me to ask. I certainly don't think the Office of Attorney General  
11 is the appropriate legal representative.

12 MS. GATES: Well, he's taken on more of a role, as you  
13 know, in zoning issues, which does make it seem appropriate to  
14 me. But in reading the memo from the Zoning Administrator, he  
15 never stated the use was not commercial.

16 MR. BROWN: But he made it very clear the -- what the  
17 use was, which was a dormitory. So --

18 MS. GATES: So they party has --

19 MR. BROWN: So having defined it as a dormitory, he by  
20 -- you know, his conclusion is that it's not commercial.

21 MS. GATES: I don't think so. But we don't need to  
22 get into that right now.

23 CHAIRPERSON HOOD: Let me -- Ms. Gates, let me just  
24 comment right there. Let --

25 Everybody just hold on a second. The office of the

1 Attorney General now has a new role which they're doing. They  
2 used to represent us, as everyone knows. Now that they doing --

3           So, Ms. Gates, let me just -- I would implore you to  
4 go and your organization to go and ask the OAG for that  
5 information that you're trying to seek. And if the applicant  
6 choose to do that, they can do it as well. But what I'm going  
7 to do is look at the legislative history. I'm going to ask our  
8 Counsel, as Mr. Brown has already mentioned. There's already  
9 some precedent out there. And Ms. -- Councilmember Cheh wrote  
10 me a letter, and we responded to it, and we dealt with it. That's  
11 why it was done in ZR16. And it comes from Councilmember Cheh's  
12 pushing this that we dealt with.

13           And I want to make sure we're consistent. And I don't  
14 know if others agree. I just want to make sure we're consistent  
15 in our actions. So, I think we get that point, and I'm just  
16 trying to help you move things along. You might want to go to  
17 your next question. We get it. But everyone can go to who they  
18 need to go to and get a ruling. But I know that the OAG now is  
19 helping a lot of residents or preparing to be the advocate to  
20 help residents who may need some assistance.

21           But I'm going to go to our Counsel and my colleagues,  
22 and we're going to go to our counsel and also look at the  
23 legislative history. So I just want to put that in that point  
24 -- at that point there. So you all may continue.

25           MS. GATES: Thank you.

1           Mr. Karcha, You have been proffered as an expert in  
2 construction management.

3           MR. BROWN: I don't think they actually finalized that.  
4 He was just offered as a fact witness.

5           MS. GATES: Okay. All right. Thank you. Nevertheless,  
6 he has some expertise in construction management.

7           But can you explain your expertise for the basis of  
8 your testimony regarding green area ratio? And do you have any  
9 expertise on stormwater management?

10          MR. BROWN: I'm not --

11          Mr. Chairman, I'm not so sure how relevant these  
12 questions are. We're getting pretty far afield. She -- I mean,  
13 she's asking about --

14          CHAIRPERSON HOOD: (Indiscernible).

15          MR. BROWN: -- issues around the substance of his  
16 testimony.

17          CHAIRPERSON HOOD: Okay. Mr. Brown, if you let me just  
18 --

19          I think Mr. Brown is raising an objection. We've  
20 never cleared him as an expert. So if you could just ask him  
21 questions pertaining to his testimony, I think that would be more  
22 adequate.

23          MS. GATES: Okay.

24          Can you explain your expertise for the basis of your  
25 testimony regarding green area ratio?



1 MR. DETTMAN: He didn't say anything about green area  
2 ratio.

3 MR. BROWN: No, there weren't. Again, he wasn't offered  
4 as an expert witness. He provided factual testimony, but not  
5 expert witness testimony.

6 MS. GATES: All right. Can you please explain your  
7 testimony for the -- regarding green area ratio? What is your  
8 background to make that appropriate?

9 MR. DETTMAN: That was me. That was me.

10 MR. BROWN: You're asking -- maybe it'll be helpful.  
11 I think Mr. Dettman testified on that point specifically. So  
12 can -- now, he is an expert, so we can direct the question to  
13 him, not Mr. Karcha.

14 MR. DETTMAN: Sure. And the scope of my testimony on  
15 GAR and stormwater management was simply, when addressing the  
16 consistency of the project with the environmental protection  
17 element of the Comp Plan, simply said that the project would  
18 comply, possibly exceed with GAR -- Green Area Ratio. I know  
19 that was a comment by DOEE that was attached to OP's report and  
20 that it will need to fully comply with the D.C. stormwater  
21 regulations at the time of permitting.

22 MS. GATES: Okay.

23 Mr. Boarman, slide 14 only provides the view from Mass  
24 Avenue entrance driveway as the proposed structure towers over  
25 the existing two-story structure. Would you show us a view of

1 the proposed building from Mass Avenue, including both the chapel  
2 and the bell tower, iconic images that presently represents the  
3 Seminary? Why are there no photos of how this building will  
4 interface with the two iconic images for which the Seminary is  
5 best known?

6 MR. BROWN: Yes. Can we maybe refer to slide 24, you  
7 -- I think, you meant, Ms. Gates?

8 MS. GATES: Okay.

9 MR. BOARMAN: Slide number 24 --

10 MS. GATES: Yes.

11 MR. BOARMAN: -- is from Massachusetts Avenue and looks  
12 directly with the chapel at the right and the two-story building  
13 in the mid-ground, and then the new structure in the background.  
14 So I think there's an effort there to accurately scale the new  
15 building with the existing. So I think it's a pretty accurate  
16 depiction. There's significant distance between, like, the face  
17 of the chapel that faces Massachusetts and the proposed building.  
18 It could be well over seven or 800 feet.

19 MS. GATES: What is the height of the building, the new  
20 building that is shown in the foreground here?

21 MR. BOARMAN: 75 feet. In the background, right?

22 MS. GATES: Background.

23 MR. BOARMAN: The new building is 75 feet.

24 MS. GATES: Well, I think this slide is very deceiving,  
25 because the front of the chapel is not that tall. And yet it

1 looks, in this picture, as if the chapel is much taller than the  
2 new building. And I think it's just the other way around.

3 MR. BROWN: Mr. Chairman, I -- Ms. Gates is testifying  
4 rather than asking cross-examine questions.

5 CHAIRPERSON HOOD: She -- I think -- I'm going to  
6 formulate that into a question. Is it or is it not? That's --  
7 if you -- if you're --

8 MS. GATES: Is it or is it not --

9 CHAIRPERSON HOOD: No, let -- Ms. Gates, let me finish.

10 MS. GATES: Okay.

11 CHAIRPERSON HOOD: If you're -- if it's to scale, then  
12 just answer the question. If -- either it's to scale or it's  
13 not scale.

14 MR. BOARMAN: It's to scale.

15 MR. BROWN: It is to scale.

16 CHAIRPERSON HOOD: Okay. So it's a correct  
17 representation. That's the question.

18 That's the answer, Ms. Gates.

19 MS. GATES: Yes.

20 CHAIRPERSON HOOD: Next question.

21 MS. GATES: Okay.

22 Mr. Zeid, are you aware that all AU students already  
23 benefit from a special Metro pass?

24 MR. ZEID: I do not have the know the specifics of  
25 that, but that -- but that does sound accurate, yes.

1 MS. GATES: But that's one of the benefits for living.  
2 Is that one of the benefits you're offering for living --

3 MR. ZEID: That's one of the benefits. Yes, you're  
4 -- in reference to the TDM. The TDM plan, one of the items that  
5 will be included in the TDM plan is that all new residents of  
6 the building -- of the dorm building will be offered a free Metro  
7 card so sort of to get them started. And if they already have  
8 one, they can decline it.

9 MS. GATES: Okay. About the annual monitoring reports.  
10 What type -- who's going to receive those?

11 MR. ZEID: Those will go to DDOT and the LEED. The  
12 Office of Zoning will also receive those.

13 MR. BROWN: ANC.

14 MR. ZEID: And they will be distributed to ANC as well.

15 MS. GATES: Mr. Chairman, I'm finished. Thank you.

16 CHAIRPERSON HOOD: Okay. Thank you, Ms. Gates.

17 So I would implore you to make sure that the community  
18 gets that, the ANC, I think you mentioned. Because I think some  
19 of these questions are -- some of the questions that Ms. Gates  
20 had, I thought were thoughtful, but also I thought that they  
21 could have been answered prior to this proceeding. So I think  
22 it's important.

23 And my next question, I was getting ready to go back  
24 here and look and see who was on the CLC, because I don't want  
25 to touch the CLC. That's working we hear, apparently. But I'm

1 just curious, do we have a list of members who's on the CLC, or  
2 can somebody tell me who's on the CLC. I'm just curious.

3 MR. BROWN: Well, Ms. Gates was a regular participant,  
4 Derry Allen, Mr. Clarkson, Tom Smith, Jeff Kraskin --

5 MS. GATES: Ms. Pemmerl.

6 MR. BROWN: Yeah, of course, ANC Commissioner Pemmerl  
7 was there.

8 REVEREND DR. MCALLISTER-WILSON: Dennis Paul.

9 MR. BROWN: Dennis Paul. The Scholzs, Mr. and  
10 Mrs. Scholz participated regularly. Others, Mary Leonard  
11 participated from time to time. Blaine Carter was a last-minute  
12 participant, wasn't previously involved, but he has. I don't  
13 want to leave anybody out. Mr. Krebbs has participated from time  
14 to time. Shelly Repp from AU Park has participated from time to  
15 time. I don't want to leave anybody out.

16 CHAIRPERSON HOOD: Okay. So what I would suggest,  
17 Mr. Brown, that you all -- when was the last time the CLC met?

18 MR. BROWN: May 24th.

19 CHAIRPERSON HOOD: Oh, okay. I see.

20 MR. BROWN: We -- yeah, and in our conditions that we  
21 proposed, it's very clear across various issues that the CLC  
22 process will continue and that specific items, like the  
23 transportation monitoring and others, that they would be part of  
24 that process. So we've worked long and hard with the CLC.

25 CHAIRPERSON HOOD: Okay. I -- the reason I -- let me

1 just say this Mr. Brown. I'm going to move on. I don't want to  
2 have a discussion. I want you all to continue to work long and  
3 hard with them, because some of the discussions here, I felt like  
4 I was at an ANC meeting. That's what I felt like. I felt like I  
5 was at one of my community meetings. Some of these questions  
6 should have been answered then to give Ms. Gates and them some  
7 predictability. But also I understand that maybe Ms. Gates was  
8 asking those questions to get them on the record as well.

9           So I want to make sure that we conquer both ways. It's  
10 fine to come here, but some of the questions I ask, there was  
11 some uncertainty, and people want predictability. So I know the  
12 Seminary has been a good neighbor. It's in the record. I didn't  
13 say it, it's in the record. But let's continue to do that. Let's  
14 nail down who's on the on the CLC, and let's make it work, and  
15 that will probably cut down on some of the questions you have  
16 when you come in front of the Commission. That's just a  
17 suggestion. Okay.

18           MR. BROWN: Thank you.

19           CHAIRPERSON HOOD: All right. Thank you. Thank you  
20 all.

21           MS. GATES: Mr. Chairman? Mr. Chairman?

22           CHAIRPERSON HOOD: Yes?

23           MS. GATES: I want to commend the Seminary for the  
24 numbers of hearings they had. Really. I think the CLC is working  
25 nicely. And so, your suggestion that it continue is a good one

1 and necessary, but good. But it is working very nicely.

2 CHAIRPERSON HOOD: Okay. Good. I'm glad to hear that.  
3 Thank you, Ms. Gates.

4 All right. Let's move on to the Office of Planning and  
5 District Department of Transportation.

6 Let's bring them up. Okay, we got Mr. Cochran and --

7 MR. COCHRAN: Thank you, Mr. Chairman.

8 CHAIRPERSON HOOD: Mr. Zimmerman. There you go.

9 Okay, Mr. Cochran, you may begin.

10 MR. COCHRAN: Sure. Let me just get back to the  
11 beginning. Okay. Thank you. I'm Steve Cochran. I'm  
12 representing the Office of Planning in this case for the Wesley  
13 Theological Seminary Campus Plan application. OP recommends the  
14 Commission approve the application by the Seminary for a new  
15 Campus Plan to cover the years 2022 to 2032.

16 If you could flip to the next slide, Paul, that will  
17 be great.

18 MR. YOUNG: All right.

19 MR. COCHRAN: Thanks.

20 And this is essentially the only one that we have,  
21 unless you want to compare the existing and the future Campus  
22 Plan that they're asking you to consider, which is the only other  
23 slide. OP's recommendation incorporates the conditions proposed  
24 by the applicant and supported by the ANC with the addition of  
25 two new conditions and the modification of one condition that the

1 applicant had proposed. The additional conditions OP came up  
2 with reinforce the Seminary's responsibility to construct  
3 sidewalks and ramps along University Avenue, require the Seminary  
4 to address the IZ requirements for the new dormitory and its  
5 penthouse use at the dorms further processing, and permit the new  
6 dorm to house only those types of American University students  
7 that are not otherwise required to reside on the AU campus.

8 The proposed plan sets out the changes to the campus  
9 and the composition of those using the campus that the Seminary  
10 believes are needed to support its mission to educate students  
11 for future ministry and theological pursuits. As the applicant  
12 just noted in its testimony, the main component of this plan is  
13 the new dormitory. The dormitory and the income it would generate  
14 are projected to be critical to the continued ability of Wesley  
15 to maintain its academic program and other programs.

16 As I believe you've heard from Mr. Dettman with  
17 whom -- oh, one of the first things OP did when reviewing the  
18 plan was to consult with the Zoning Administrator about that  
19 proposed new dormitory. The Zoning Administrator noted that if  
20 there's any question about definition in the Zoning Regulations,  
21 the regs tell them to consult Webster's Dictionary, which he did.  
22 And he also explored similar types of buildings on campuses  
23 outside of Washington. Because I'm not aware of there being a  
24 similar arrangement within the D.C. boundaries. Webster's and  
25 maybe some of the other examples, reinforced the Zoning



1 Administrator's determination that the building would be a dorm,  
2 which is a use permitted in a residential zone with appropriate  
3 review, even though the majority of students living there would  
4 not be enrolled on the campus where the dorm is located.

5           Those non-Wesley students would be limited to AU  
6 students and their immediate families. The dorm would actually  
7 be adjacent to AU, as far from the neighborhood as is possible  
8 within the Wesley site. Overall, there would be no change in  
9 the existing cap on Wesley student enrollment. There would be a  
10 net increase of 569 beds from the current bed count and an  
11 increase of between 197 and 227 parking spaces. The final design  
12 of both the dorm and the faculty administration maintenance  
13 building would be reviewed by the Commission at further  
14 processing. The applicant has already indicated and intends to  
15 consult closely with the neighborhood on those refinements to  
16 those dorms and the other building.

17           Other built aspects of the plan include the  
18 undergrounding of parking and the new faculty admin maintenance  
19 building that I mentioned. The elements that don't include  
20 buildings per se, at least, it would include enhancements, such  
21 as additional landscaping on 55 percent of the campus that would  
22 remain as open space and a community playground near University  
23 Avenue.

24           Now, the first 13 pages of our report compare the  
25 existing and proposed Campus Plans. Pages 13 through 20 discuss

1 how the plan would be not inconsistent with the various elements  
2 of the Comprehensive Plan and its maps, even when viewed through  
3 a racial equity lens. Pages 21 to 27 of the report evaluate the  
4 plan's compliance with the criteria that Subtitle X, Section 101  
5 of the Zoning Regulations set out for a review of the Campus  
6 Plan. There are elements in the plan that may be able to be  
7 enhanced during further processing. These include increasing the  
8 LEED level of the dorm; considering additional traffic control  
9 measures suggested by the ANC, but not yet recommended by DDOT;  
10 refining the design of the upper stories of the new dorm to reduce  
11 its visibility from the residential neighborhood; and considering  
12 a possible convenience area within the new dorm for the residents  
13 in the new dorm. But those are in the future. For the Campus  
14 Plan that's before you know, OP simply recommends their support.  
15 And that concludes our testimony.

16 CHAIRPERSON HOOD: Thank you, Mr. Cochran. We're --  
17 if you hold tight, we're going to hear from DDOT.

18 MR. COCHRAN: Sure.

19 CHAIRPERSON HOOD: I don't know if Mr. Zimmerman,  
20 Mr. Molina, I'm not sure who's going to be presenting, but I'll  
21 turn it over to Mr. Zimmerman and let him take it from there.

22 MR. ZIMMERMAN: Good evening, Chairman Hood and members  
23 of the Commission. I'm Aaron Zimmermann, Development Review  
24 Program Manager at DDOT. I'd just like to introduce to you our  
25 newest transportation planner on our development review team,

1 Sayra Molina, who will be giving DDOT report today. You'll be  
2 seeing a lot more of her on some of the upcoming zoning cases.  
3 So I'll just turn it over to you, Sayra.

4 MS. MOLINA: Thank you, Aaron.

5 Good evening, Chairman Hood and members of the  
6 Commission. As Aaron noted, my name is Sayra Molina. I'm with  
7 the District Department of Transportation. DDOT is supportive  
8 of the applicant's proposal for the Wesley Seminary campus  
9 10-year plan. As you heard in the applicant's presentation, we  
10 have come to an agreement with the applicant on a robust  
11 transportation demand management and performance monitoring plan  
12 to mitigate the project's impact to the transportation system.  
13 This revised TDM and PMP plan was revised -- was received and  
14 documented on June 10th, 2022, Gorove Slade response to DDOT the  
15 memo, which is Exhibit 34 on the record with the agreed to TDM  
16 and PMP plan included in the final zoning order. DDOT has no  
17 further objections to approval of this Campus Plan, and we'd be  
18 happy to answer any questions you may have. Thank you.

19 CHAIRPERSON HOOD: Thank you. Thank you,  
20 Mr. Zimmerman. And Ms. Molina, I want to welcome you to the  
21 Zoning Commission of the District of Columbia. We're looking  
22 forward to working with you. I don't know -- that's probably  
23 the nicest we're going to be -- no, I'm just joking.

24 All right. So let's see if we have any questions of  
25 either OP or DDOT.

1 Commissioner May?

2 COMMISSIONER MAY: I do not have any questions. Thank  
3 you.

4 CHAIRPERSON HOOD: Great.

5 Commissioner Imamura.

6 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

7 CHAIRPERSON HOOD: Any questions --

8 COMMISSIONER IMAMURA: I have no questions, but just  
9 want to compliment Ms. Molina. Welcome. You did a great job.

10 Mr. Cochran, as always, thank you for your thorough  
11 report as well. Appreciate the side-by-side.

12 And Mr. Zimmerman, thank you very much for introducing  
13 Ms. Molina.

14 CHAIRPERSON HOOD: And Vice Chair Miller?

15 VICE CHAIR MILLER: Thank you, Mr. Chairman.

16 And thank you, Mr. Cochran, Mr. Zimmerman, and  
17 Ms. Molina.

18 Welcome, Ms. Molina. Glad to have you here. Look  
19 forward to seeing you in the future.

20 So I appreciate your reports.

21 Mr. Cochran, I agree with all of your recommended  
22 conditions and encouragements to -- in terms of the -- this case  
23 and the further processing case. I understand what you're saying  
24 about the Zoning Administrator's interpretation of dormitory use.  
25 You answered before when -- or maybe I've asked it. I don't

1 know. But do you -- does the Office of Planning have its own  
2 independent opinion on what a dormitory use should be? Should  
3 it include dormitory use for students that aren't on the campus  
4 which -- on which it's located?

5 MR. COCHRAN: Obviously, we had that question, or we  
6 wouldn't have asked the Zoning Administrator. The Zoning  
7 Administrator is the person who is charged with interpreting the  
8 Zoning Regulations. We defer to the Zoning Administration in all  
9 such instances.

10 VICE CHAIR MILLER: And you're being a --

11 MR. COCHRAN: We don't have our own separate opinion  
12 on this. There have been instances where regulations that I have  
13 written, I didn't agree with the Zoning Administrator's  
14 interpretation, but we go with the Zoning Administrator's  
15 interpretation. In this instance, there was not disagreement  
16 between the -- our office and the ZA's anyway.

17 VICE CHAIR MILLER: So you're saying that there was not  
18 disagreement in this case on that interpretation?

19 MR. COCHRAN: That's correct, because we don't  
20 interpret.

21 VICE CHAIR MILLER: Because you don't interpret. And  
22 you acknowledge what the Zoning Administrator said, that it's  
23 ultimately, obviously, up to us, the Zoning Commission, to make  
24 that determination on the use, right?

25 MR. COCHRAN: I don't feel completely comfortable

1 saying whether the Zoning Administrator or the Zoning Commission,  
2 in all due respect, has the ultimate determination on  
3 interpreting something like that. You would improve -- you would  
4 approve or not the Campus Plan. I'm not sure that it's not the  
5 Zoning Administrator who actually says it's a dorm or not. It's  
6 a -- it's another use that's permitted in a residential zone.  
7 It's not like it's an office building or a food processing plant.  
8 It's a residential use, you know, as long as it's appropriately  
9 reviewed as part of the Campus Plan.

10 VICE CHAIR MILLER: Right. I think it would be useful  
11 to me and maybe to others on the Commission and maybe the public,  
12 and maybe yourselves, to just have a brief, very brief kind of  
13 summary of what our Zoning Regulations permit, in terms of off-  
14 campus, off AU campus we're talking about, use of buildings for  
15 the -- for that campus's university purposes, just to -- as a  
16 refresher --

17 MR. COCHRAN: Sure.

18 VICE CHAIR MILLER: -- reminder --

19 MR. COCHRAN: Yeah.

20 VICE CHAIR MILLER: -- what the -- we've had discussions  
21 about this in other context. Not -- don't think that there is a  
22 precedent of another adjacent Campus Plan where --

23 MR. COCHRAN: I don't know whether this would be a  
24 precedent or not, but the AU Campus Plan actually deals with the  
25 master lease that AU has at 4000 Brandywine. And that's actually

1 considered to be on campus according to the order that you all  
2 approved.

3 VICE CHAIR MILLER: Right. So I need to understand  
4 what we've done in the past --

5 MR. COCHRAN: Okay.

6 VICE CHAIR MILLER: -- what you've -- how OP's position  
7 on that was in the past and what we're -- how we're proceeding  
8 in this case so that I understand what ground we're breaking or  
9 not breaking by allowing this. And I think -- I got the answer  
10 on the tax question from the applicant. There was a -- I asked  
11 a question about whether this would take a rental -- what would  
12 normally be considered a rental housing building, basically, if  
13 it wasn't on the campus of Wesley being used for a campus adjacent  
14 by AU.

15 MR. COCHRAN: Question.

16 VICE CHAIR MILLER: But I questioned -- I -- so I had  
17 -- I got a question that -- I got an answer that it's not being  
18 taken off the building improved -- the building tax rolls. It's  
19 only the land tax rolls that are affected because of Wesley's  
20 non-profit status. I think I just want a little bit more  
21 information about what the City's position is on this, given that  
22 it's kind of -- it seems to be new territory. I just want to  
23 know what --

24 MR. COCHRAN: I'd be happy to look into that. Again,  
25 I'd note that all of the conditions are that it's restricted to

1 students at Wesley or at American University and their immediate  
2 families.

3 VICE CHAIR MILLER: Yeah, I know. I --

4 MR. COCHRAN: And it's all part of the AU Campus Plan.  
5 It's not required housing for AU, et cetera.

6 VICE CHAIR MILLER: Yeah. And on that point, is it a  
7 condition that you're recommending or that we can agree to that  
8 none of this housing would be counted toward -- it's on -- housing  
9 on campus. AU -- none of this housing would be considered as  
10 part of its obligation to -- of percentages for on-campus housing?

11 MR. COCHRAN: AU you did not enter into the discussions  
12 on the Wesley Campus Plan. What's proposed -- sorry. Let me  
13 get rid of something.

14 VICE CHAIR MILLER: Just clarification.

15 MR. COCHRAN: Sorry, my screen just disappeared for a  
16 second. No, this -- AU wasn't part of the discussions on this,  
17 so the proposal was from Wesley.

18 VICE CHAIR MILLER: Right. So I just need clarification  
19 as to how enforceable the relationship between this housing and  
20 AU's commitment to provide on campus housing is.

21 MR. COCHRAN: I see. Yeah. I think I can tell you  
22 now that this does not impact the order. The -- for instance,  
23 AU is required to provide housing to accommodate 100 percent of  
24 the freshmen on campus. The freshmen, obviously, don't have to  
25 live there, but AU has to provide it, and this wouldn't affect



1 that kind of a condition at all. The same thing would be true  
2 for the percentages. I think it's 87 percent for another tranche  
3 of undergraduate students and so on and so forth. This has no  
4 impact on those requirements. This would have no impact on those  
5 requirements.

6 VICE CHAIR MILLER: Thank you for that. That's helpful.

7 MR. COCHRAN: Is there anything -- do you still want  
8 me to follow up on something with -- in a supplemental?

9 VICE CHAIR MILLER: I kind of would be interested in  
10 what the CFO's perspective is on this. But -- and I -- in terms  
11 of the property tax rolls of the City. Just -- not a big analysis  
12 of all the non-tax-exempt properties in the City, but I don't  
13 know. I -- it's something that's gnawing at me. But so, yes.  
14 I would like a little bit of follow up, not a big thesis on this  
15 issue.

16 MR. COCHRAN: And there was also -- what was it, again,  
17 that you wanted me to do with respect to the history of the ZA's  
18 interpretation?

19 VICE CHAIR MILLER: I just wanted to understand where  
20 we have landed --

21 MR. COCHRAN: Okay.

22 VICE CHAIR MILLER: -- on our regulations, in terms of  
23 off-campus, like the Brandywine case that you mentioned, or the  
24 -- where we -- what governs the off-campus, which is -- which  
25 this is, off AU campus use of buildings for the campus.

1 MR. COCHRAN: Okay.

2 VICE CHAIR MILLER: I just want to know where we've  
3 landed, what the regulations currently provide, so I understand  
4 what precedent, if any, we're creating. So, yeah. I --

5 MR. COCHRAN: Okay.

6 VICE CHAIR MILLER: I just don't remember.

7 MR. COCHRAN: Sure, thanks. Thanks for clarifying.

8 VICE CHAIR MILLER: Thank you. Do you have any opinion,  
9 Mr. Cochran, on -- maybe you've said this in the record for -- I  
10 missed it -- the ANC's recommendation on the -- on removing the  
11 fence between the AU campus and the Wesley campus so that the  
12 new AU students in the dorm on Wesley can more easily access the  
13 pedestrian flow? Did you -- have you commented on that or did  
14 -- do you --

15 MR. COCHRAN: I haven't commented on it. That seems  
16 to be an issue that --

17 VICE CHAIR MILLER: Further processing?

18 MR. COCHRAN: That -- either further processing or, as  
19 the applicants indicated, something that would be probably best  
20 discussed between the applicant, AU, and the neighborhood.

21 VICE CHAIR MILLER: Okay.

22 And the parking, I guess that goes to you, Ms. Molina  
23 or Mr. Zimmerman. There seems to be a lot of parking. Wesley -- I  
24 mean there's always a balance working. I mean you're providing  
25 the on-campus parking on -- Wesley campus parking here in this

1 case, so that they're not parking in the neighborhood. Then  
2 there are restrictions on these students getting residential  
3 permit parking to mitigate any impact. So you obviously -- you  
4 -- you're approving with all of your conditions, the  
5 transportation with all your TDM conditions. Do you think any  
6 parking or traffic mitigations are sufficient that we don't need  
7 any further restrictions on this number of parking or on further  
8 restrictions on who is using that parking?

9 MS. MOLINA: Thank you for that question. Yes. So  
10 we -- as a part of our request to provide a clear form or report  
11 on the TDM, we also asked for our PMP plan, which is the  
12 performance monitoring plan to help understand future impacts and  
13 also help minimize the auto or vehicle trips to the campus by  
14 providing different modes of transportation for the campus, such  
15 as making sure that the students are provided with also bicycle  
16 facilities in the campus and also providing them different,  
17 again, modes of transportation for the campus. And so, we asked  
18 for those plans so that they can continue to coordinate with the  
19 DDOT to minimize the vehicle parking and use for the campus. But  
20 I'm going to ask Aaron to add anything if I missed on the  
21 statement.

22 MR. ZIMMERMAN: Yeah. Thanks for the question,  
23 Commissioner Miller. Yeah. I mean, you've seen me here talking  
24 with the Zoning Commission on a lot of cases about -- that have  
25 a lot of extra parking. And we always note in our reports that,

1 you know, it has the, you know, having extra parking has the  
2 potential to induce additional demand for driving. So as Sayra  
3 mentioned, we we're having them -- we work with them to develop  
4 a robust TDM plan, all the different strategies that you would  
5 expect to see in a TDM plan for a campus or a university. But  
6 on top of that, with the performance monitoring plan, there's a  
7 -- an actual trip cap in there. And so, they have to work to  
8 stay under that trip cap, which I believe in the last iteration  
9 of this, I think, in 2006, or somewhere around there, it was set  
10 at somewhere around, like 80 or 85 trips for the whole campus.

11 And this time around, we've worked with them to set it  
12 at 101, because 101 is what their projection of traffic would be  
13 in and out of the site during the busiest time of the day. So  
14 kind of just help mitigate that that extra parking that, you  
15 know, it's a little bit higher than DDOT would normally like to  
16 see. But they are taking actions not just with performance  
17 monitoring, but with adding in some sidewalks and things like  
18 that to help reduce the amount of driving.

19 VICE CHAIR MILLER: Thank you for that response.

20 And my final question. So I think the AU Campus Plan,  
21 and someone can correct me if I'm wrong, requires that all AU  
22 students get -- have access to the Metro shuttle access to the  
23 campus. Does that need to be reiterated for these? Are these  
24 students -- or I mean these students are living on -- adjacent  
25 to the campus, so they don't need -- they're not coming from

1 somewhere else. But is there going to be a -- but they might be  
2 going to Metro, I guess. So you don't want them driving, we --  
3 calling Uber, if possible. Is there anything in your conditions  
4 or -- I guess this is to the applicant or the applicant's  
5 conditions or to OP, your recommendations, that would require  
6 there be Metro shuttle access for the students who are going to  
7 be on the Wesley campus. The Metro Shuttle access goes right to  
8 this area. Are they going to be stopping nearby this dorm that's  
9 going to be 600, or whatever it is, AU students?

10 MR. COCHRAN: Aaron, do you want to address it, or you  
11 want me to say something?

12 MR. ZIMMERMAN: Yeah, I'll address it. So in the TDM  
13 plan and performance monitoring plan that was uploaded to the  
14 record, we did -- have them include a strategy in the TDM plan.  
15 And I'll just quote it. It says, "We'll work with American  
16 University to allow WTS students, faculty, employees to use the  
17 AU Shuttle to the Metrorail station." So that was an important  
18 thing for us to, you know, to make sure that those conversations  
19 are going on between the two campuses. I'm not exactly sure  
20 where they've landed on that, but that bullet that I just read,  
21 that's our suggested wording for a condition as part of the TDM  
22 plan.

23 MR. COCHRAN: And Mr. Miller, I believe that we asked  
24 the applicant whether all people resident on the campus, in  
25 addition to what -- the people that Aaron just mentioned, would

1 have access to the AU Shuttle. I think we were told yes. I  
2 don't recall whether that's actually a condition of the report,  
3 that the -- a condition that the applicant proffered. But it  
4 would be -- just be the students? It would be -- if it's their  
5 immediate families, it would also include them. And we've -- if  
6 it's not in the report, we'd be happy to address it at further  
7 processing. Excuse me if it's not in their proposed conditions.  
8 Sorry.

9 MR. ZIMMERMAN: Right.

10 VICE CHAIR MILLER: Right. I think it might -- to the  
11 extent it can be nailed down at this stage that the access will  
12 be provided period --

13 MR. COCHRAN: Yeah.

14 VICE CHAIR MILLER: -- or just more than work with AU  
15 and waiting for further processing. I think it would be helpful  
16 to know that that's going to be -- that's just off the table,  
17 it's taken care of. And I think it'll be helpful if it all could  
18 be worked out. And that's not addressed to necessarily you,  
19 Mr. Cochran or Mr. Zimmerman, but also mostly to the applicant  
20 to work that out and include that as a proffered condition. Thank  
21 you.

22 CHAIRPERSON HOOD: Okay. Thank you.

23 And also, Mr. Cochran, since you're going to do a  
24 little research on what we've done with commercial areas outside  
25 of the campuses, I've stated earlier about the UDC issue and the

1 Mary Cheh letters, so I want us to revisit all that, because I  
2 can't -- I cannot remember what we did. I don't have any  
3 questions. I want to thank both you, Mr. Cochran, as well as  
4 Mr. Zimmerman, and Ms. Molina.

5 And let's see if any -- we have any cross-examination  
6 from the ANC, ANC 3D.

7 Any cross-examination, commissioner?

8 MS. PEMMERL: No cross-examination.

9 CHAIRPERSON HOOD: Okay. Thank you.

10 Mr. Williams -- is it Williams? Mr. Williamson? I  
11 don't take great notes. Party in -- the party in support, I'm  
12 sorry.

13 MS. SCHELLIN: Mr. Clarkson.

14 CHAIRPERSON HOOD: Mr. Clark.

15 MS. SCHELLIN: Clarkson.

16 CHAIRPERSON HOOD: Okay. Clarkson.

17 MR. CLARKSON: No cross-exam for either agency here.

18 CHAIRPERSON HOOD: Okay. I actually have your names  
19 on the other page. Mr. Clarkson. Okay, thank you.

20 Ms. Gates?

21 MS. GATES: I do have some questions here. And --

22 CHAIRPERSON HOOD: Okay, go right ahead.

23 MS. GATES: -- for DDOT. Mr. Zimmerman, are you aware  
24 that one of the -- I guess it's a request the CLC made was to  
25 put a fully-operational traffic signal at the entrance of Mass

1 Avenue and the Seminary?

2 MR. ZIMMERMAN: The applicant's transportation team did  
3 reach out to us and inquire about that, and they brought that  
4 idea to us. Our initial concern was just with how close it is  
5 to University Avenue. And that's the first concern. And the  
6 second concern was about the amount of traffic volumes that would  
7 use it would -- what we call the side street approach to that  
8 intersection if it were signalized. It would not have enough  
9 traffic to warrant a traffic signal. So that was not something  
10 that we were interested in along with this project.

11 MS. GATES: A short, very short distance from that  
12 site, DDOT found that the warrants did exist to put in a HAWK  
13 signal. So why wouldn't the same warrants apply to the traffic  
14 light, or are they different warrants?

15 MR. ZIMMERMAN: Yeah, they're completely different  
16 warrants with different traffic volumes, different standards.  
17 You know, we follow the manual on uniform traffic control devices,  
18 which is, you know, carries the weight of law. We have to follow  
19 that. That's put out by the federal government. And when it  
20 comes to traffic signal warrants for vehicles, it's different  
21 criteria and different things that are taken into consideration  
22 for the HAWK signal. So that's possible why the -- it may have  
23 been warranted for a different type of signal elsewhere as opposed  
24 to a full traffic signal for vehicles at this driveway.

25 MS. GATES: So if somebody does exit onto



1 Massachusetts Avenue, and their only alternative is to make a  
2 right turn, but they really need to go left, what is their  
3 recourse?

4 MR. ZIMMERMAN: I'm just trying to like -- just trying  
5 to look here on the map on my screen to try to -- give me a second  
6 to pull this -- pull it up on my screen. And you're referring  
7 to the existing driveway today to Massachusetts?

8 MS. GATES: Well, it will remain, I believe.

9 MR. ZIMMERMAN: Yeah. Exactly. And so, okay. So  
10 right now it's a right out only. I mean, technically, vehicles  
11 can travel to the east and go southbound, eastbound on  
12 Massachusetts, and go around the circle and come back up, or more  
13 likely, just go out the driveway at University Avenue and then  
14 go to the circle at Massachusetts Avenue --

15 COMMISSIONER MAY: Yeah.

16 MR. ZIMMERMAN: -- and so -- and complete that movement  
17 that they're looking to do to go either west or north.

18 MS. GATES: I'm not quite sure going left or north how  
19 I get going south again or north again. I want to go to Maryland.

20 MR. ZIMMERMAN: Yeah. I mean, you should be able to  
21 go out University Avenue. There's a circle there, Wesley Circle,  
22 and go around the circle. And you can go T-bound (phonetic) out  
23 of the City to the west and north.

24 MS. GATES: Okay. Thank you.

25 For the Office of Planning, I don't have any questions

1 other than to perhaps stand with Commissioner Miller and his  
2 questions and our discomfort on the commercialization of this  
3 building. So it would be interesting to have an opinion. I  
4 would reiterate the importance of the opinion. Would you be  
5 willing to do that?

6 MR. COCHRAN: Ms. Gates, I don't think I would be able  
7 to give an opinion. I would try to solicit an opinion --

8 MS. GATES: Well, no.

9 MR. COCHRAN: -- from the people that it's appropriate  
10 to get an opinion from.

11 MS. GATES: Right. Correct. Thank you. That was what  
12 I meant. I'm through.

13 CHAIRPERSON HOOD: Okay. I hope you all were not  
14 waiting on me, are you?

15 MS. GATES: Yes.

16 MR. ZIMMERMAN: Yes.

17 CHAIRPERSON HOOD: Okay. I had a issue out front that  
18 I had to deal with, so.

19 Vice Chair, whenever you don't see me, take over.

20 VICE CHAIR MILLER: I know you're a few seconds away  
21 no matter what.

22 CHAIRPERSON HOOD: All right. So where did we leave  
23 off? Did everybody finish answering the questions?

24 So let's go to -- Ms. Gates, I know was doing cross.  
25 So we finished with Ms. Gates. Ms. Gates finished, correct?

1 MS. GATES: Yes.

2 CHAIRPERSON HOOD: Okay. Thank you.

3 Let's go to -- give me one second. Get my bearings  
4 again.

5 MS. SCHELLIN: The ANC.

6 CHAIRPERSON HOOD: Yeah, the ANC.

7 Let's go to the ANC, Ms. -- let me see if I get her  
8 name right. I wrote it down. Commissioner Pemmerl. Commissioner  
9 Pemmerl.

10 MS. PEMMERL: Very good, Chairman. Thank you. Yes.

11 CHAIRPERSON HOOD: I got -- did it get it right?

12 MS. PEMMERL: You nailed it.

13 CHAIRPERSON HOOD: Good.

14 MS. PEMMERL: Thank you. Yes.

15 CHAIRPERSON HOOD: All right.

16 MS. PEMMERL: Hello everyone. Hi Commissioners. Hi.  
17 I see the Wesley team. Hello. Hi, neighbors. My name is  
18 Elizabeth Pemmerl, and I'm the ANC representative for SMD 3D02.  
19 That's the area of Spring Valley that's bordering Wesley  
20 Seminary. And I'm joining you tonight with qualified support for  
21 the Wesley Seminary Campus Plan. And that's consistent with the  
22 points shared by ANC 3D in our letter to the Zoning Commission,  
23 dated June 3rd, 2022.

24 A bit of insight on the letter. It was sent to the  
25 Zoning Commission and prior to that was posted on the AMC website

1 for one week prior to the June meeting, where it was discussed.  
2 We received feedback in writing from 12 members of the community  
3 and fellow commissioners. A redline copy of the letter was posted  
4 on the ANC website prior to the meeting. And then during that  
5 meeting, I offered a brief presentation on the overall Campus  
6 Planning process and the structure of the letter. ANC 3D then  
7 invited comments and questions from commissioners and members of  
8 the community. We held a roll call vote, and the motion to  
9 approve the letter passed unanimously.

10 I share that because the process to produce the ANC  
11 letter is a sound representation of the overall Campus Planning  
12 process, which was inclusive, collaborative, iterative. There  
13 have been 12 community liaison meetings held by Wesley Seminary  
14 since 2019. They were noticed by mailings to the community and  
15 posted on local email listservs, and we shared the upcoming  
16 meeting dates at the ANC meetings.

17 The CLC meetings consistently included immediate  
18 neighbors and representatives from the Spring Valley Neighborhood  
19 Association, the Spring Valley Wesley Heights Citizens  
20 Association, and Neighbors for a Livable Community. In addition  
21 to those CLC meetings, we had the Seminary present at ANC 3D on  
22 three separate occasions: February 3rd, 2021, November 3rd, 2021,  
23 and March 3rd of this year. And in those presentations, they  
24 offered detailed renderings of the new construction,  
25 representatives from the developer, Landmark, and from the

1 Seminary's transportation consultant, Gorove Slade, were there  
2 and answered questions from the community.

3           Separately, I provided updates on the Campus Planning  
4 progress and process at meetings on six separate occasions and  
5 really encouraged neighbors to participate in those CLC meetings  
6 and to provide feedback to ANC 3D. So in addition to being very  
7 involved in this process, I'll note I have strong personal  
8 connections to the campus. I've lived a block away for 10 years.  
9 I walk the campus almost daily with my family, including my dogs.  
10 We sled there on snow days, enjoying our neighbors. And on days  
11 my daughter and I walk to Horace Mann Elementary, we walk right  
12 through that University Avenue entrance and cross the Seminary  
13 campus.

14           In fact, just this morning, I ran into President  
15 McAllister-Wilson on that journey with my little one. So I  
16 certainly understand how the changes in the proposed Campus Plan,  
17 particularly the dormitory construction, could impact the  
18 immediate neighbors in our Spring Valley community.

19           The CLC discussion we covered a range of topics,  
20 including but not limited to traffic, parking, noise, light,  
21 pedestrian flow, campus safety, community amenities, like the  
22 proposed playgrounds. The community and the Seminary worked  
23 through many of these issues in the CLC process. The agendas  
24 for those meetings were largely wide open for any issue that a  
25 community member wanted to bring forward. So we covered many,

1 many questions in those series of meetings.

2           The ANC letter focused specifically on the issues we  
3 identified as most important for Zoning Commission consideration,  
4 primarily related to neighborhood impact and the proposed  
5 dormitory's relationship to the District's commercial use  
6 provisions. That latter topic was covered on several CLC  
7 meetings, and, obviously, has been extensively discussed this  
8 evening. Wesley shared legal analysis on the topic with all CLC  
9 members on May 10th of this year. Neighbors have provided their  
10 own analysis.

11           The ANC reviewed these materials and applicable  
12 regulations, and given that we don't find any contemplation of  
13 this specific scenario, we emphasized in our letter, and I quote,  
14 "that the proposed dormitory should be reviewed carefully by  
15 experts from the appropriate District agencies, as there is a  
16 possibility of new precedents being set by this ownership  
17 structure and use case." End quote. We recognize the Office of  
18 Planning memo sent to the Zoning Commission, which was released  
19 just following the meeting we held on June 1st.

20           Also discussed at these meetings, as has been touched  
21 on tonight, is the relationship between American University and  
22 Wesley Seminary. And given the two institutions share a property  
23 line and that the majority of residents in the Seminary's proposed  
24 dormitory will be American University students, it's particularly  
25 disappointing to us that the Seminary and the University had no

1 public collaboration in the creation and submission of their  
2 respective Campus Plans.

3           There are many issues to coordinate across the two  
4 campuses. We've discussed them, and we addressed some of the  
5 specific issues that need coordination at several points in the  
6 letter. We would very much appreciate the assistance of the  
7 Commission in encouraging collaboration between the parties by  
8 ever -- by whatever means you deem appropriate.

9           It was mentioned briefly earlier that of particular  
10 interest to stakeholders in the Seminary Campus Plan is the issue  
11 of the fence surrounding and separating the two campuses. Today,  
12 only limited pedestrian flow between the two campuses is  
13 permitted. We think it is important to allow students to freely  
14 move through the gate located at what is now the back of the  
15 Seminary parking lot that is, it would be adjacent to the new  
16 dormitory. I'll note specifically, we are interested in flow  
17 through that gate, not necessarily a removal of the entire fence.

18           Without this access point, these students will instead  
19 have to walk down the Seminary exit to Massachusetts Avenue, then  
20 back up to the American campus, which is a significant  
21 inconvenience to them. So again, we'd request Zoning Commission  
22 instruction to the two institutions that they should reach  
23 agreement on pedestrian flow between the campuses in consultation  
24 with the neighborhood.

25           So in summary, although ANC 3D believes this Campus

1 Planning process has been very thorough and very inclusive, the  
2 plan and the proposed conditions reflect dozens of hours of input  
3 and discussion by the community. The potential impacts to  
4 neighbors have been mitigated in the proposed conditions, and the  
5 ongoing monitoring and reporting structures proposed will ensure  
6 continued collaboration and oversight. So again, ANC 3D offers  
7 its qualified support for the Wesley Seminary Campus Plan. Thank  
8 you for your consideration, and I'd welcome any questions.

9 CHAIRPERSON HOOD: Thank you, Commissioner. Very, very  
10 detailed testimony and recap to us. I really appreciate your  
11 thoughtful comments as well.

12 Let's see if we have any questions or comments.

13 Commissioner May.

14 COMMISSIONER MAY: I do not have any comments. Thank  
15 you very much for your testimony of your work on this.

16 CHAIRPERSON HOOD: Okay.

17 And Commissioner Imamura.

18 COMMISSIONER IMAMURA: I do not have any comments, but  
19 would like to underscore the importance of just pedestrian  
20 connectivity between the two campuses. So thank you,  
21 Commissioner Pemmerl for the recap.

22 CHAIRPERSON HOOD: And Vice Chair, you have any  
23 questions or comments?

24 VICE CHAIR MILLER: Thank you, Mr. Chairman. No. Just  
25 to thank the commissioner for all her work on this project and



1 the many meetings that occurred. And I share your record here,  
2 concerns, and suggestions for how can it be further improved, so  
3 thank you.

4 CHAIRPERSON HOOD: Okay. Let's see if the applicant  
5 has any questions of Commissioner Pemmerl.

6 MR. BROWN: No, Mr. Chairman, just thank you to the  
7 commissioner and the entire ANC 3D Commission.

8 REVEREND DR. MCALLISTER-WILSON: Yes.

9 CHAIRPERSON HOOD: And Ms. Gates, do you have any  
10 questions of Commissioner Pemmerl?

11 MS. GATES: My only question is, do you feel that  
12 opening the gate or the fence between the two campuses to allow  
13 students to access the Wesley dorm might be a safety concern?

14 MS. PEMMERL: Ms. Gates, I'd have to ask you to clarify  
15 whose safety is potentially jeopardized by that.

16 MS. GATES: If the fence is down, it could leave -- it  
17 would leave the campus open. Currently there's a gate there.  
18 Taking this down would leave the campus open.

19 MS. PEMMERL: Ms. Gates, I'm not sure which campus  
20 specifically you're referencing. But generally speaking --

21 MS. GAGES: Okay.

22 MS. PEMMERL: -- I would say that limited access via a  
23 gate and a keycard, as is implemented today, would likely not  
24 materially impact the safety of either campus.

25 MS. GATES: Thank you.

1 CHAIRPERSON HOOD: Okay. Thank you.

2 And I've forgotten Mr. Clarkson. So let's go to Mr.  
3 Clarkson.

4 Do you have any questions or comments?

5 MR. CLARKSON: No. No, Mr. Chairman, thank you.

6 CHAIRPERSON HOOD: Okay. All right. Thank you.

7 All right. I think we've come to the point now where  
8 we're going to have the party in support. Ms. Schellin will  
9 tell us how much time they have. And before we start with the  
10 party in support, as you make yourself ready, I'm going to ask  
11 you we take a three-minute break, give everybody a chance to take  
12 about a three-minute break, because we've been here for a while.  
13 So we'll come back with the party in support, and Ms. Schellin  
14 will help us with the timings on that. So thank you.

15 MS. SCHELLIN: Mr. Clarkson --

16 (Off the record.)

17 (On the record.)

18 CHAIRPERSON HOOD: I think that's about three minutes.  
19 Let's see if everybody -- we can get all the Commissioners back.  
20 All right.

21 MS. SCHELLIN: Mr. Young, you're going to bring up  
22 Mr. Clarkson and Derry -- can't find his last -- Derry Allen.

23 And they have 14 minutes; however, Chairman Hood,  
24 they've advised it should be maybe 10.

25 CHAIRPERSON HOOD: All right. Okay. All right. So

1 I'm sure Commissioner May is close by, so we're going to go ahead  
2 and start, Ms. Schellin. So when they come up, Mr. Clarkson,  
3 and you and your team, you all may begin. You have 14 minutes  
4 as noted by Ms. Schellin.

5 MR. CLARKSON: Thank you. Thank you very much. Can  
6 you all hear me? Great.

7 CHAIRPERSON HOOD: Yes, we can.

8 MR. CLARKSON: Chairman Hood and Commissioners, my name  
9 is William Clarkson, and I'm testifying on behalf of the Spring  
10 Valley Neighborhood Association, SVNA. SVNA is composed of  
11 residents of Spring Valley, the neighborhood bordering Wesley  
12 Theological Seminary. The association has been an active  
13 participant in the Seminary's Community Liaison Committee. We  
14 greatly appreciate the opportunity to take part in this important  
15 proceeding. We believe the Seminary has made a concerted, good  
16 faith effort to proactively engage with community stakeholders  
17 regarding its proposed Campus Plan and to address concerns raised  
18 by potentially affected individual neighbors. While it is  
19 important to note that our elected ANC 3D representatives voted  
20 unanimously to support Wesley's Campus Plan application,  
21 Commissioner Pemmerl, in particular, should be commended for her  
22 tireless efforts to keep neighborhood residents informed and for  
23 working to foster meaningful dialogue among the various  
24 stakeholders and community interests.

25 Again, as I say, SVNA supports Wesley's Campus Planning

1 application, subject to the proposed conditions listed in  
2 Exhibit 12(a)(7), described in the ANC 3D report. The proposed  
3 conditions are the result of numerous meetings and discussions  
4 involving the CLC, ANC 3D, multiple neighborhood organizations,  
5 and individual neighbors. In particular, SVNA appreciates  
6 Wesley's support for and commitment to the construction of a new  
7 neighborhood playground, the new sidewalk along University  
8 Avenue, and the designation of an on-campus ride sharing  
9 pick-up/drop-off location and bike scooter parking area. We also  
10 appreciate Wesley's ongoing efforts to appropriately address  
11 immediate neighbors' concerns regarding building design plans.

12           Moving forward, the Seminary must continue to work  
13 closely with the CLC, as described in Proposed Condition 41,  
14 ANC 3D and other affected community stakeholders to ensure that  
15 it follows through on its commitments to mitigate adverse impacts  
16 from the proposed Campus Plan. As others have noted in their  
17 testimony, American University's reluctance to substantively  
18 engage with Wesley and the community on this matter is a real  
19 concern. We believe meaningful and substantive communication and  
20 coordination between Wesley, American University, ANC 3D,  
21 community stakeholders is essential to the ultimate success of  
22 the Campus Plan.

23           All of us are here today because we care deeply about  
24 our community and recognize the importance of participating in  
25 this process and working together in good faith. We look forward

1 to continuing the open and collaborative process that has been  
2 followed by the Seminary, ANC 3D, and the surrounding community  
3 organizations. I will now turn to my neighbor and friend, Derry  
4 Allen, who also deserves a great deal of credit for bringing the  
5 various community stakeholders together and facilitating the CLC  
6 process with respect to this Campus Planning application. Thank  
7 you.

8 MR. ALLEN: Thank you.

9 Can you hear me, Mr. Chairman? Good.

10 Good evening, Mr. Chairman and Commissioners. I'm  
11 Derry Allen. I live in Spring Valley, and I've been a close  
12 neighbor of the Wesley Seminary for over 40 years. First, across  
13 the street, directly in front of the Seminary, and now two blocks  
14 away. And in the past four decades, I've served the neighborhood  
15 in a variety of capacities. Over the past months, I've been  
16 active on the Community Liaison Committee, as you've heard, and  
17 our discussions about the draft Campus Plan.

18 I'd like to make three brief points, all relating to  
19 possible actions by the Zoning Commission. First, I'd like to  
20 support the comments by ANC 3D, and I hope that you will give  
21 them great weight. The letter makes the right point. It's an  
22 offer of qualified support, subject to the -- a detailed series  
23 of conditions and concerns described in the letter. In this  
24 connection, I want to say that a number of neighbors worked hard  
25 with Wesley in the meetings of the CLC, and the ANC 3D letter

1 fairly represents the general feeling among those actively  
2 participating when we had our most recent meeting on May 24th.

3           When the letter was presented to ANC 3D in draft form,  
4 as you've heard, the only neighborhood comments were positive,  
5 and it was approved unanimously by the Commissioners who were  
6 present.

7           The second point I want is I want to emphasize that  
8 there's a good deal more work for Wesley, the neighbors, and the  
9 Zoning Commission on this case, mostly in the form of issues left  
10 for further processing. There is, as you've heard, virtually  
11 unanimous agreement in the neighborhood that we're all best off  
12 with Wesley thriving in place.

13           Frankly, the alternatives of not having Wesley here are  
14 not nearly as good. We're all glad that the open space that  
15 faces Spring Valley is being preserved. And in fact, we all want  
16 to thrive in place in our neighborhood, as you can, I'm sure  
17 understand. The trick here, of course, is how to balance what  
18 Wesley says it needs to thrive in place with impacts on neighbors.  
19 And we've made some progress with the CLC, but the reality is  
20 that there's a lot of work that remains.

21           Wesley's plan leaves far more details to further  
22 processing than I would like to see. That is a weakness in the  
23 plan. The reason for that weakness is that Wesley has moved this  
24 plan forward at a pace that would allow them to open the dorm on  
25 what I think is an understandable but still optimistic schedule.

1 I mention this, because we're going to need to -- we're going to  
2 need time to address these issues and this -- and the schedule  
3 for further processing will need to allow for this, and you should  
4 make this point very clearly to Wesley. There's a lot of work  
5 to be done here.

6 Please pay attention also to what the letter says about  
7 the mass of the proposed dormitory and encouraging the Seminary  
8 to reduce the size. This is a major factor that affects the  
9 neighborhood, and the letter discusses that.

10 On the issue of commercial use, as you heard, the letter  
11 identifies the issue and concludes that the proposed dormitory  
12 should be reviewed carefully by experts from the appropriate  
13 District agencies. That's all I'm going to say about that.

14 Third, and lastly, it'd be very useful if the Zoning  
15 Commission could help bring American University to the table for  
16 open and neighborly collaboration to address a set of risks that  
17 are entirely avoidable and help Wesley plan to work as best it  
18 can to the benefit of Wesley, to AU, and to the neighbors. There  
19 are a lot of risks that could affect the success of this plan;  
20 risks that affect Wesley and the neighborhood. Some of the risks  
21 fall most immediately on the Landmark company. But those risks  
22 are ultimately risks to Wesley and the neighborhood. And  
23 remember, Landmark does not live here, we do.

24 As I've told the CLC and ANC 3D, there's a lot of  
25 wanting a large building at stake here. We need to get this

1 right the first time. There's one set of risks though that should  
2 be avoidable, and those are the ones that depend in whole or in  
3 part on collaboration with American University, such as the fence  
4 that you've heard about, security, parking, traffic, pedestrian  
5 flow, student life issues, just to name the most obvious ones.  
6 More generally, it's very clear that good planning and zoning  
7 will work best when we think about these two contiguous  
8 institutions together. The ANC letter urges you to take this  
9 wider view as the plans for AU and Wesley move forward.

10           Unfortunately, as you heard, AU has, so far, chosen not  
11 to participate, at least openly, in their discussions about  
12 Wesley's plan. Unless there's something else going on here that  
13 they haven't told about, this is a very selfish and unneighborly  
14 approach. If AU opposes Wesley's plan and will impede its  
15 success, we should hear that now. The lack of collaboration is  
16 a major weakness in Wesley's plan. It's unavoidable to Wesley,  
17 but it's a weakness, nevertheless.

18           Wesley is going ahead without AU at this point, but  
19 that cannot continue into further processing. AU's statement  
20 that they will commence talking when the time is right, does not  
21 begin to address the substantive issues that need to be addressed.  
22 And I really don't think we can go through further processing if  
23 the necessary issues with AU have not been worked out  
24 collaboratively.

25           ANC 3D's letter asked you for help on this problem.



1 You can help by making it clear to AU that you urge and expect  
2 them to collaborate with Wesley and the neighbors. And if it  
3 comes to it, don't be afraid to hold back your approval of --  
4 when they come to you for further processing on their plan. Just  
5 don't be shy. Please make it clear to AU that you want them to  
6 be a good neighbor and collaborate openly and in good faith to  
7 address risks that are avoidable. We would all benefit. Thank  
8 you, Mr. Chairman, and members of the Commission.

9 CHAIRPERSON HOOD: Thank you, Mr. Derry Allen and also  
10 Mr. Clarkson. I appreciate -- we appreciate your testimony. I  
11 just want to comment on Mr. Derry Allen. I think AU and everybody  
12 knows how this Commission is. We might not always agree. We  
13 always believe in what we call the "good neighbor policy." This  
14 is nothing new to us. And one of the things that I did not  
15 mention, because I kept hearing it, and I appreciate you for  
16 bringing it up, and I think I've heard -- it seems as though some  
17 of the questions that are being asked, I will say, looks like  
18 we're kicking it down the road -- kicking the can down the road.

19 So I would employ everyone, AU, Wesley, everyone, the  
20 community, let's solve some of those unresolved issues sooner  
21 than later, because when we get to further processing, that just  
22 -- that -- we just kick it down the road, and then we have to -  
23 - really, all of us have to work even harder at that point. So  
24 let's try to do everything we can now. I know we're going to  
25 look at what's before us in the statue, but, you know, and I hear

1 what Mr. Derry Allen is saying about holding out.

2           Sometimes I grapple with that, because I also know that  
3 legally, if it meets the standards and the regulations, then it's  
4 not a whole lot I can do. But I can't hold it down, because  
5 everyone just simply don't like the way it's working together.  
6 I know you didn't infer that, I'm just saying that. So we're  
7 going to make sure we do -- which we always do, a full-fledged  
8 review of the application, tie it to the regulations, and also  
9 in our decision-making process. Let me just leave it at that.

10           Let's see if we have any questions or comments to the  
11 party in support.

12           MR. ALLEN: Thank you, Mr. Chairman. I appreciate your  
13 comments in support of neighborly collaboration.

14           CHAIRPERSON HOOD: That's -- I do that in every case,  
15 and I've always done it in Campus Plans over the -- my 24 years  
16 of being here. So thank you. And thank you both.

17           Let's see if we have any questions or comments.

18           Commissioner May?

19           COMMISSIONER MAY: No, I do not. Thank you very much  
20 for your testimony.

21           CHAIRPERSON HOOD: Commissioner Imamura?

22           COMMISSIONER IMAMURA: I do not. Thank you very much,  
23 Mr. Clarkson and Mr. Allen, for your testimony. You brought up  
24 some very good points. Appreciate it.

25           CHAIRPERSON HOOD: And Vice Chair Miller.

1 VICE CHAIR MILLER: Thank you, Mr. Chairman.

2 Yes, the chairman is Mr. Neighborhood Collaboration.  
3 That's been his mantra for decades, so that is our charge to  
4 Wesley, AU, and the neighbors and Office of Planning and other  
5 agencies in this case. So thank you to Mr. Clarkson and Mr. Allen  
6 for your testimony here today in support -- as a party in support.

7 I just want to clarify. Are you still asking that in  
8 further processing or right now that you're asking for a reduced  
9 size, Mr. Allen? You mentioned that, and what would that reduced  
10 size be approximately? And what is that -- what adverse impact  
11 is that mitigating that you -- period. Well, what adverse impact  
12 would that reduced size, if you're advocating that, would  
13 mitigate?

14 MR. ALLEN: And it's a very fair question,  
15 Commissioner. I was simply reiterating a point that was made in  
16 the ANC letter. And that, of course, in, as we know, the way  
17 that further processing works that issues like that can come up.  
18 I don't have a specific size in mind, but I just want to remind  
19 everyone that the size and the capacity of this building are in  
20 direct relation to the impact. And we have to just keep that in  
21 mind. But I don't have a specific recommendation as you're asking  
22 about.

23 VICE CHAIR MILLER: Okay. Well, I appreciate that  
24 response. And what -- and is the -- but is the general  
25 recommendation for a reduced size on further processing --

1 was -- or what is that reduced impact that -- what is the adverse  
2 impact that you want to see reduced, if that's necessary, at  
3 further processing?

4 MR. ALLEN: Well, as you've heard, Commissioner, the  
5 impacts are basically of two types. One is visual and the other  
6 is just impact of adding many hundreds of new people in close  
7 proximity to the neighborhood and just what that means for foot  
8 traffic and other kind of traffic and so forth. And the -- it's  
9 fairly clear that the impacts are in direct relation to the size  
10 that we're talking about. But again, I support what was in the  
11 ANC letter, and I don't have a specific recommendation beyond  
12 that. But, you know, that's something that could get discussed  
13 in the -- in further processing. And if -- I bring it up, because  
14 if the Commission has any thoughts on that, you know, this would  
15 be a -- an opportunity for you all to make that known.

16 VICE CHAIR MILLER: Okay. Well, I appreciate you  
17 throwing that back to us. And I appreciate all of your work on  
18 this project. Thank you.

19 MR. ALLEN: Well, thank you, sir.

20 CHAIRPERSON HOOD: Okay. Let me ask Mr. Clarkson. And  
21 this is not necessarily germane. It's something I probably should  
22 have asked a long time ago. And I may have asked it. I just  
23 forgot it. What is the difference with the Spring Valley  
24 Neighborhood Association and the Spring Valley Wesley Heights  
25 Citizens Association? I -- you know, I know some of -- one may

1 be covered under the charter, and one -- and I know we might have  
2 been through this before, but I'm just curious, because I get  
3 them confused quite a bit.

4 MR. CLARKSON: Yeah. So it's two separate  
5 organizations, Chairman Hood. And, obviously, we were found --  
6 we're an unincorporated non-profit association comprised of  
7 about, I would say, 150 Spring Valley residents, who are all, you  
8 know, we don't claim to represent all of every home, every  
9 resident of Spring Valley. But among our membership, you know,  
10 we represent a group of 100, 150 residents, who agree in the  
11 principles. And I can provide the Commission, again, the four,  
12 in other cases, you know, smart growth development, working  
13 closely with the neighboring institutions on zoning issues and  
14 other issues, whether it's ABRA, the local educational  
15 institutions, transportation traffic issues.

16 And frankly, we've taken positions in the last, I  
17 guess, the last -- the AU Campus Plan and further processing  
18 cases, we've taken the position of supporting those applications,  
19 whereas Spring Valley Wesley Heights Citizens Association, I  
20 believe, has been a party in opposition and NLC as well. But  
21 we're happy to provide any additional background.

22 CHAIRPERSON HOOD: No, no. I actually don't want it.

23 MR. CLARKSON: Okay.

24 CHAIRPERSON HOOD: I just was trying to remember. And  
25 you're right, you have provided it. And I -- when you started

1 mentioning it, I remember we went through something like that  
2 before, so I can't scratch my question, but I want to scratch  
3 it. But I -- so I -- but I know that different neighborhoods  
4 have different organizations, like where I live, Woodridge Civic  
5 Association. I was the former president. So we have Woodridge  
6 North. We have Woodridge South. But the association is the  
7 charter. So I get it. I was just trying to equate that to how  
8 we do things too. And I understand different communities in this  
9 City, we all do that, so. You're no different. Don't give us  
10 anything else on that, so.

11 MR. CLARKSON: Okay.

12 CHAIRPERSON HOOD: All right. Let's see if there are  
13 any questions -- other questions from the other parties and the  
14 applicant. Does the applicant have any questions of Mr. Clarkson  
15 and Mr. Derry Allen?

16 I didn't hear you, Mr. Brown.

17 MR. BROWN: On behalf of the applicant, no, we don't  
18 have any questions. Thank them for their participation.

19 CHAIRPERSON HOOD: Okay. And Commissioner Pemmerl, do  
20 you have any questions of Mr. Clarkson and Mr. Derry Allen?

21 MS. PEMMERL: No questions.

22 CHAIRPERSON HOOD: Okay.

23 And Ms. Gates, do you have any questions of  
24 Mr. Clarkson and Mr. Derry Allen?

25 MS. GATES: I do have a question for Mr. Allen, and it

1 is, you talk about resolving the issues, but what happens when  
2 the issues can't be -- I mean, for example, AU you may not want  
3 to open its campus. So is it fair for the Seminary to expect  
4 that, because I get the sense that you feel AU should be giving  
5 up things to make this campus, the Wesley campus, the new  
6 building, et cetera, work; am I correct?

7 MR. ALLEN: Well, I'm a little unsure exactly what the  
8 question is. But on the question of the fence, for instance, as  
9 I think you're aware, 30 years ago, I was one of the people right  
10 in the middle of the negotiations with the American University  
11 to create that fence. And that fence solved an important problem,  
12 and that was that there was a lot of -- there were a lot of  
13 students parking on the neighborhood streets, and they were  
14 leaving a lot of trash and making a lot of noise. And to -- and  
15 that together with the parking enforcement that AU instituted at  
16 that time, which we worked out in an agreement with AU, and it  
17 was made part of their Campus Plan at that time in the late 1980s,  
18 early 1990s, whenever it was.

19 And I think that what we need to do today is to take a  
20 fresh look at that. I do not want to see the fence go. I think  
21 we continue to need the same preparation. And people who are  
22 saying that well, maybe we can get rid of the fence, just either  
23 weren't here 30 years ago or have forgotten what happened. But  
24 it -- but there -- I think there's really room to be creative,  
25 and that's what neighborhood collaboration should be about. And

1 it shouldn't be just sticking to our positions from 30 years ago.  
2 It should be let's get creative and solve the problems that we  
3 have today, remembering what our history is, but also looking  
4 forward together as a neighborhood.

5 MS. GATES: So what are the problems we have today?

6 MR. ALLEN: Well in relation to the fence, the fence  
7 and the enforcement program have worked well, so there is not a  
8 problem. And the -- so the issue would be how do we make sure  
9 that that problem does not reoccur?

10 MS. GATES: Can you say with certainty that those same  
11 -- I mean, of course, they're different now, but that students  
12 aren't parking elsewhere in the neighborhood, because that's not  
13 what I've heard. I've heard that they are parking elsewhere in  
14 the neighborhood. So the fence may have solved the problem over  
15 on University, but it moved it elsewhere.

16 MS. GATES: Well, if that is the case, then I think  
17 it's incumbent upon the neighbors who are affected by that to  
18 contact American University and to ask them to go and conduct  
19 enforcement there. And if they don't, they are not availing  
20 themselves of an opportunity that they have.

21 MS. GATES: Do you know that they haven't done that?

22 MR. ALLEN: I do not know. I -- this is not something  
23 that I keep track of, you know, all the details of their parking  
24 enforcement. No, I just don't.

25 MS. GATES: Okay. Thank you. No more questions.



1 CHAIRPERSON HOOD: Okay. Thank you.

2 I want to thank you both for your testimony. We  
3 appreciate it.

4 Ms. Schellin --

5 MR. ALLEN: Thank you.

6 MR. CLARKSON: Thank you.

7 CHAIRPERSON HOOD: Do we have anyone who's here to  
8 testify in support? Any individuals?

9 MS. SCHELLIN: No, sir.

10 CHAIRPERSON HOOD: Okay.

11 MS. SCHELLIN: So next is the party in opposition.

12 CHAIRPERSON HOOD: Okay. Could you let the party know  
13 how much time they have?

14 MS. SCHELLIN: Yes, sir. They have -- well, I got to  
15 find my paper here. Fifty-four minutes.

16 CHAIRPERSON HOOD: Okay, Ms. Gates --

17 If you would bring Ms. Gates' panel up.

18 Ms. Gates, your team has 54 minutes. When -- you can  
19 begin, when you're ready.

20 MS. GATES: Thank you. Mr. Carter is going to start  
21 off.

22 CHAIRPERSON HOOD: Okay. Once everybody gets up, we'll  
23 just start.

24 You are bringing the panel up, Ms. Young?

25 MS. SCHELLIN: Again, that's Blaine Carter.

1 MR. YOUNG: Yes, chair.

2 MS. SCHELLIN: Shelly Repp, Thomas Smith,  
3 William Krebs.

4 Who else, Ms. Gates?

5 MS. GATES: That's all I'm aware of.

6 MS. SCHELLIN: Okay.

7 MS. GATES: I wasn't aware that Mr. Repp was testifying  
8 as part of our team.

9 MS. SCHELLIN: Okay.

10 MR. REPP: That's correct. That's correct. I'm not.

11 MS. SCHELLIN: Okay. So take him down. Okay. My  
12 fault.

13 MS. GATES: That's okay.

14 MS. SCHELLIN: So just Mr. Smith and Mr. Krebs.

15 MS. GATES: I'm not sure Mr. Krebs is here.

16 MR. KREBBS: Hello. I am here.

17 MS. GATES: Oh, good.

18 MS. SCHELLIN: He's here.

19 MS. GATES: Thank you.

20 MR. KREBBS: I was not planning on saying anything.

21 MS. SCHELLIN: Okay. So we can take him down?

22 MR. KREBBS: Yes.

23 MS. SCHELLIN: Okay. Then I guess it's you and  
24 Mr. Smith. That's it?

25 MR. CARTER: No, it's me also, Blaine Carter. Can you

1 hear me?

2 MS. SCHELLIN: And Mr. Carter, yes.

3 MR. CARTER: Yeah. I'll try and keep this short and  
4 sweet.

5 MS. SCHELLIN: Okay. That's it.

6 MR. CARTER: Okay.

7 MS. SCHELLIN: Three of you.

8 MR. CARTER: Yeah. Good evening, Chairperson Hood and  
9 members of the Zoning Commission. Thank you for your opportunity  
10 to testify on behalf of NLC and Spring Valley Wesley Heights  
11 Citizens Association. My name is Blaine Carter, and I currently  
12 live at 3718 University Avenue in Spring Valley, where I have  
13 lived for the past 20 years. My house is just outside the  
14 200-foot radius for Wesley Theological Seminary, WTS.

15 I was born in the District of Columbia, and I've been  
16 a resident and taxpayer for at least 40 years, and I've worked  
17 as a project manager in the commercial real estate industry for  
18 38; first at JBG Properties and then at Louis Dreyfus Property  
19 Group, PGP Development. For the past 22 years, my work has been  
20 on the following downtown projects: the Washington Convention  
21 Center, the SEC Headquarters at Station Place, and the Capitol  
22 Crossing project, over a portion of I-395. Both Station Place  
23 and Capitol Crossing required PDUs -- PUDs, excuse me, that came  
24 before the Zoning Commission.

25 I'm testifying today is a board member of NLC, and I'm

1 asking you to reject the Wesley Theological Seminary Campus Plan  
2 application. We believe that the plan is not in harmony with  
3 the general purpose and intent of the Zoning Regulations, fails  
4 to comply with the commercial provisions in Subtitle X,  
5 Section 101 of the Campus Plan rules, and if approved, will result  
6 in conditions objectionable to neighboring property. Even more  
7 importantly, we believe approval of this plan will set a precedent  
8 that may harm residential neighborhoods across the City where  
9 colleges and universities are located.

10 If this plan is approved, the Zoning Commission will  
11 give colleges and universities a green light to commercialize  
12 their on-campus tax exempt property located in residential zones  
13 for the sole purpose of increasing their financial prospects and  
14 their bottomline. The centerpiece of this plan is a 659-bed  
15 commercial student apartment building that will be built, owned,  
16 leased, and managed by Landmark Properties, a commercial  
17 developer of off-campus student apartments. If this project is  
18 approved, the City will be subsidizing a commercial developer and  
19 giving that commercial developer an unfair advantage in the  
20 marketplace, because they will be able to build and profit from  
21 tax exempt land reserved by the City solely for colleges and  
22 universities have the privilege of advancing the public's  
23 interest in higher education.

24 NLC and the Spring Valley Wesley Heights Citizens  
25 Association have jointly submitted two filings in this case,

1 which focus in detail on the zoning issues surrounding commercial  
2 use of campus -- college campus. My testimony will focus on  
3 compliance with Chapter 1, Section 101.4 and 101.3 of Subtitle X  
4 of the 2006 Zoning Regulations. Wesley is proposing a 306,  
5 517 square foot student apartment building as part of its plan,  
6 primarily to house AU students. Only a nominal number of Wesley  
7 students are expected to use the building. Wesley's own declining  
8 enrollment and housing numbers indicate that it is likely to be  
9 far more nominal use than Wesley states in its application.

10 This single purpose building will comprise 73 percent  
11 of the gross floor area of the total campus buildout. To say  
12 this building will dominate the campus is an understatement.  
13 Again, the building will be constructed, owned, leased, and  
14 managed by a commercial developer of student apartment housing.  
15 Beds and rooms will be leased directly to individuals that happen  
16 to be enrolled as students of American University or WTS and  
17 possibly their families.

18 Landmark has transformed a typically institutional  
19 function of constructing student housing by privatizing it into  
20 a commercial function. Although their properties have been  
21 located off campus in the past, this building will be on campus,  
22 but primarily serving residents not of Wesley, but of AU. WTS  
23 intends to enter into a 99-year ground lease with Landmark  
24 Properties for an upfront fee and recurring periodic rent  
25 payments. Neither WTS nor AU will be involved in the transactions

1 between the end users and Landmark Properties. These will be  
2 private commercial agreements and leases.

3 This is a commercial apartment building for students  
4 that is cloaked under the moniker or veil of student dormitory,  
5 because the only stipulation for renting the rooms or beds to  
6 these individuals is that they be enrolled students of WTS or  
7 American University. As WTS already has a surplus of on-campus  
8 housing and its student body, the development is clearly targeted  
9 to American University student body. WTS's application did not  
10 even address the issues covered in the D.C. Zoning Code sections  
11 regarding commercial uses in this case. That changed on Friday  
12 in response to the NLC, Spring Valley Wesley Heights Citizens  
13 Association filings.

14 There is not a single reference to this building of  
15 commercial activity in the Wesley application. There's not even  
16 a single reference to the word commercial or to commercial uses  
17 or even whether this building is permitted use under the  
18 regulations in their application. Wesley would have you consider  
19 this project as if the commercial use was not an issue at all.  
20 That is simply not the case. And it's incorrect interpretation  
21 of the Zoning Regulations.

22 To me, it confounds reality to suggest this building  
23 is not a commercial activity or development. I say that if it  
24 looks like a commercial development and quacks like a  
25 development, it probably is a commercial development. Let me be

1 very clear. Although we agree the regulations consider housing  
2 to be an allowable use on campus, we do not believe the  
3 regulations intend to grant any college or university unlimited  
4 authority to commercialize and/or monetize its campus land use.  
5 And if there was any doubt as to the intent of the Zoning  
6 Regulations in this regard, Subtitle X, Section 101.4 makes it  
7 clear that any and all commercial uses on campus are limited.

8           In reviewing allowable land uses on campus, we believe  
9 Subtitle B, Section 200 can be interpreted as limiting commercial  
10 uses on a campus only to ancillary uses. Subtitle X,  
11 Section 101.3, which focuses on customarily and incidental  
12 commercial uses seems to support that argument. In other words,  
13 the regulations establish a commercial category, but they limit  
14 it to ancillary and customarily incidental uses. As Wesley  
15 testified tonight, there are students serving businesses on  
16 campus, and they are allowed under the commercial use designation  
17 both in Subtitle B and Subtitle X. And they are typical of  
18 commercial activities allowed and taking place in college  
19 campuses across the City.

20           While Wesley argues that this dorm is not a commercial  
21 activity, they then pivot to arguing that, well, if it's  
22 commercial activity, it's still allowable, because it needs the  
23 money. And the money resulting from this project will help to  
24 achieve its mission. If the Zoning Commission believes that  
25 Subtitle B and Subtitle X do not limit commercial uses to

1 ancillary and customarily incidental uses, Subtitle X, Section  
2 101.4 should get your attention. This provision clearly states  
3 that the Campus Plan process shall not serve as a process to  
4 generate general commercial activities or developments unrelated  
5 to the educational mission of this applicant. In that regard,  
6 Wesley suggested the building is an allowable commercial use,  
7 because a nominal number of college students live there.

8 In fact, Wesley's declining enrollment makes that  
9 circumspect that even a number -- nominal number of Wesley  
10 students will be housed in the new apartment building. Wesley  
11 would have us believe that 185 of its students will live on a  
12 campus split between the new proposed building and existing  
13 facility built in 2014. Less than 100 Wesley students have been  
14 housed at the Wesley dorms annually since 2014, and only 66 were  
15 housed on campus during the 2018-2019 academic year, filling only  
16 40 percent of the available housing. These are pre-COVID numbers.

17 It's simply unrealistic. In fact, it's an exaggeration  
18 to suggest that Wesley will house 185 of its students on campus,  
19 including 109 in the commercial apartment building. In fact, the  
20 5 to 1 ratio of AU students to Wesley students in the new proposed  
21 student apartment building best demonstrates this is not intended  
22 to meet Wesley's -- the needs of Wesley students. It is not  
23 being built for the students, and therefore, it is unrelated to  
24 Wesley's educational mission.

25 In fact, the size and scale, which is contributing to



1 the objectionable conditions of the neighbors, has been  
2 determined on the basis of housing AU students, is not aligned  
3 with Wesley's housing needs. It is aligned with earning profits.  
4 That is what this comes down to, money. This is not a plan of  
5 meeting Wesley's educational mission. It is a plan of how Wesley  
6 can achieve its financial mission. Not about if it will be able  
7 to educate its students, but how they can capitalize on their  
8 proximity to AU to transform the campus into a student housing  
9 village for a nearby and expanding AU.

10 This is a plan intended to bolster Wesley's financial  
11 resources and leverage its land in Spring Valley next to American  
12 University for financial gain. As students of Spring Valley --  
13 as resident -- excuse me, as residents of Spring Valley, we value  
14 Wesley's presence in our neighborhood, but this proposal is one  
15 we cannot support. Contrary to assertions made tonight by Wesley,  
16 which would broadly define Wesley's educational mission, we  
17 believe the zoning rules speak otherwise. The regulations  
18 provide guidance to the Commission to assess whether this project  
19 is related to Wesley's educational mission.

20 Since the zoning rules regulate land use, we find the  
21 final piece of this jigsaw puzzle and the definition of use in  
22 Subtitle B, Chapter 1. The word 'use' is unambiguously defined  
23 in Subtitle B, Chapter 1 as, "The purpose or activity for which  
24 the building is occupied." The purpose or activity for which  
25 this proposed building is occupied is for housing students, who

1 happen primarily to be enrolled at another institution, not  
2 Wesley. It is that use, the purpose of which it is being  
3 occupied, as the regulation states, which determines whether it  
4 is related to Wesley's educational mission.

5           As proposed in this Campus Plan application, the use  
6 of a commercial housing -- building housing 659 students, the  
7 vast majority of which are AU students, is not related to Wesley's  
8 education mission, nor necessary for Wesley to meet its own  
9 housing needs. For Wesley to suggest that the money it will earn  
10 makes this project compliant with 101.4 is simply not supported  
11 in the totality of the Commission's rules. Compliance with 101.4  
12 must be evaluated on the basis of the purpose or activity taking  
13 place in the building, and that is housing. Any other purpose  
14 or activity other than housing, including Wesley's revenue gain,  
15 falls beyond the scope of the regulations and is irrelevant. It  
16 is not a standard for review.

17           As we point out in our detailed compliance analysis  
18 submitted for the record in this case, and contrary to what you  
19 may hear from the applicant, Wesley's financial needs are not a  
20 relevant factor in determining the outcome of the special  
21 exemption land use case, according to the 2016 regulations. It's  
22 not -- this case is not about whether Wesley, as a tax-exempt  
23 college, needs revenues from the business deal or what it might  
24 do with the revenue it earns from this commercial venture. After  
25 all, Wesley is not claiming hardship.

1           As we have stated the decision before, the Commission  
2 on the special exemption application should be decided on the  
3 basis of whether a commercially-owned and operated residential  
4 apartment building, which primarily serves students from another  
5 university, is permitted on Wesley's tax-exempt land. We  
6 encourage the Zoning Commission to reject this application, and  
7 direct Wesley to develop a new Campus Plan in harmony with the  
8 2016 Zoning Regulations. Thank you.

9           MS. GATES: Thank you, Mr. Carter.

10           My name is Alma Gates, and I, too, am a board member  
11 of NLC. I currently live at 4911 Ashby Street, Northwest in the  
12 District and have lived here my entire life. Let me follow up  
13 on Mr. Carter's testimony with some additional comments.  
14 Mr. Dettman has not opined on the evidence in this case, but  
15 rather has argued the points of law that were never included in  
16 Wesley's application. And he has done this as an advocate for  
17 his client under the guise of expert testimony. But let's be  
18 clear and cut through the confusion shown by Mr. Dettman and what  
19 can only be considered Wesley's rebuttal. What Wesley is asking  
20 this Commission to do is rewrite the 2016 Zoning Regulations on  
21 Campus Plans.

22           Let me address some issues that Mr. Dettman simply gets  
23 wrong. Wesley would have you believe this commercial development  
24 should be approved on the basis of two precedents. The first is  
25 the Commission's approval in 2016 for Wesley to house a limited

1 number of non-Wesley students on its campus. Of course,  
2 Mr. Dettman ignores the order in this case in which the Commission  
3 justified this action on the basis it was a small number of  
4 students, around 50, not the nearly 569 that are likely under the  
5 new commercial apartment building. And he ignores the  
6 Commission's explanation that it would be limited in duration,  
7 only through 2019, when Wesley's Campus Plan would expire. That  
8 hardly measures up to a precedent.

9           Approval also demonstrated an attempt by the community  
10 and ANC 3D to bring the Seminary into compliance with its Campus  
11 Plan, as the non-Seminary students were already living on campus.  
12 Thus, he references the Georgetown University MedStar case. We  
13 concur it is a precedent in how the Commission should handle this  
14 -- such cases. The Georgetown proposal before the Commission was  
15 not ambiguous. The project involved a direct connection between  
16 the hospital and the educational mission of the university, since  
17 the hospital is a teaching hospital that would further the  
18 training of students enrolled at Georgetown's medical school.  
19 Approval was not justified on the basis of Georgetown  
20 University's financial need. If the GU Medstar precedent is used  
21 to justify the Wesley proposal, there is no choice but to say no  
22 to Wesley's on-campus commercial student apartment building.

23           Using Wesley's rationale, a college or university could  
24 justify any commercial activity on its campus if it helps fill  
25 the institution's pocketbook. For the Commission to apply that

1 standard, the Commission would have to know how the money is  
2 being spent over the length of the plan. This is simply beyond  
3 the purview of the Zoning Commission, because, in fact, as Title  
4 IX Section 101.4 makes clear, the regulations were never intended  
5 to allow a university unlimited commercial uses to grow its  
6 revenue.

7           In this hearing, the Commission is presented with two  
8 very different interpretations of its zoning rules. One, NLC  
9 believes this project is a commercial use of Wesley's land.  
10 Wesley argues it is not, because any allowed use cannot be  
11 commercial, even if it is a commercial use. Two, NLC also  
12 believes that the only reference to permitted commercial uses in  
13 Subtitle B, Section 200, Use Categories, is ancillary commercial  
14 uses. Wesley says that housing is not an ancillary use, with  
15 which we agree. But Wesley argues that there is no limitation  
16 on using campus land for commercial housing developments, because  
17 housing is a permitted use. If housing is determined to be an  
18 ancillary commercial use, we have noted this project still would  
19 not be permitted, because its size exceeds the 10 percent floor  
20 area threshold.

21           We believe Subtitle X, Section 101.4 clearly imposes a  
22 limit on allowable commercial use of campus land. Although this  
23 commercial project may be related to Wesley's financial  
24 objectives and annual fundraising goal, it is not related to its  
25 educational mission, because, (a), it is intended primarily to

1 serve students from another university, not its own; and (b), it  
2 does not need the massive building covering 73 percent of its  
3 total campus floor -- of its total Campus Plan floor area to meet  
4 the housing needs of a steadily declining enrollment.

5 Wesley is asking of the Commission to conclude that  
6 housing five times more AU students than its own is somehow  
7 related to Wesley's educational mission. They can't prove that,  
8 so they argue that anything that generates revenue for the  
9 Seminary is related to its educational mission. The Zoning  
10 Regulations do not regulate revenue, fundraising, or the  
11 financial operations of a college or university. They regulate  
12 land use. And the land use at issue is a commercial student  
13 apartment building, not the finances, the financial well-being,  
14 the annual fundraising goals, or the financial administrative  
15 operations of the Seminary.

16 We would agree that a guaranteed revenue stream from  
17 the rentals to AU students will help offset the financial  
18 shortfalls the Seminary is experiencing due to its declining  
19 enrollment. However, that is precisely what commercializes the  
20 property use. When considering this, creative ownership  
21 structure does not make the proposed dormitory a commercial use,  
22 nor does it change the land use pattern that already exists at -  
23 - on, excuse me, on the WTS campus, albeit on a larger scale.  
24 WTS students and immediate family members and non-WTS students,  
25 now solely restricted to a few students, does not change the fact

1 that the proposed dormitory is a use that falls within the  
2 education college university use category and is not a general  
3 or ancillary commercial use under ZR16.

4           While normal dormitory use may be permitted under ZR16,  
5 the land lease scheme proposed by WTS and Landmark was never  
6 anticipated by the Commission or by OP. The structure of the  
7 deal is what causes this allowable use to move from allowable to  
8 commercial use. Also, it should be noted that WTS is looking  
9 ahead to the likelihood that it will have vacancies in the student  
10 apartment building and may need to move outside AU for additional  
11 rent support. We believe this commercial project is not in  
12 harmony with the Zoning Regulations. Given that we and Wesley  
13 are offering different interpretations of the rules, we believe  
14 that ANC 3D may have offered a good suggestion, that the Zoning  
15 Commission should get a legal opinion on the matter before taking  
16 any final action.

17           In his written testimony, Mr. Dettman referenced the  
18 December 2019 conversation with the Zoning Administrator in which  
19 the ZA concluded that a new student residence project, which  
20 includes units featuring private baths and kitchens and offering  
21 occupancy to non-WTS students, can be considered a dormitory use  
22 pursuant to the Zoning Regulations. The ZA went on to say the  
23 Commission will be the ultimate arbiter of the proposed  
24 dormitory, use specifics, pursuant to the Campus Plan and further  
25 processing procedures.

1 NLC has never said this building was not a dormitory,  
2 but we ask the Zoning Commission to determine whether or not the  
3 use of the 569-bed dormitory as a commercial venture is allowable  
4 under the Zoning Regulations. Afterall, what is the relationship  
5 between the students and the Wesley Theological students, since  
6 they are not enrolled at WTS? They would only use the building  
7 for housing, just as they might use the Berkshire or Avalon  
8 apartments for housing. And we know they are commercial  
9 buildings. And yet another example of "if it walks like a duck  
10 and quacks like a duck, it must be a duck" scenario. Indeed,  
11 the use is commercial.

12 We ask that you not lose sight of the overall impact  
13 of this proposed commercial structure. The project is outside  
14 the norm, even to the point of involving the Commission's  
15 Inclusionary Zoning rules. How often does the Commission address  
16 Inclusionary Zoning within the context of a student dorm?  
17 Mr. Dettman attempts to normalize this by misstating for the  
18 convenience of his argument, the intent behind the 2006  
19 Inclusionary Zoning Implementation Act provisions related to  
20 student eligibility.

21 Contrary to Mr. Dettman's assertion, the language in  
22 the Act was never intended to address IZ eligibility in a campus  
23 dorm. The language was about how students could not be excluded  
24 from IZ eligibility within newly-built commercial residential  
25 housing, because of their student status. No one anticipated it



1 in 2006 that a college or university would be proposing to use  
2 its tax-exempt land to partner on a commercial student apartment  
3 building on campus, such as the City's IZ rules would be  
4 triggered.

5           The seven-story-plus habitable penthouse apartment  
6 building far exceeds what is allowed in the RA-1 zone, 40 feet,  
7 three stories. Even though campuses are permitted additional  
8 height for buildings, the WTS Campus Plan significantly exceeds  
9 the allowable height in a residential district. While possibly  
10 creating objectionable conditions for neighbors, this Campus Plan  
11 significantly alters the purpose, mission, use, and fundamental  
12 character of the WTS campus by transitioning it from a  
13 graduate-level training ground for seminarians into a commercial  
14 marketplace for housing, targeted to students ages 17 to their  
15 mid-twenties from a neighboring university, and competing with  
16 other commercial residential real estate properties in the  
17 neighborhood, as well as existing housing at American University.  
18 That is why we object to this proposed proposal submitted by  
19 Wesley Theological Seminary. Thank you for your consideration.

20           Mr. Smith, do you wish to offer any comments?

21           MR. SMITH: Thank you. Thank you, Mrs. Gates. In the  
22 age of COVID, my role was really to be the understudy, in case  
23 either Blaine or Alma got sick, but thank God they didn't. But  
24 let me just say a few words after hearing some of the discussion  
25 tonight. As we've heard tonight, this is an unprecedented

1 project, even for Landmark. They don't do buildings on college  
2 campuses, only off-campus or near a campus. They're a very  
3 reputable company, and -- but this will be a new project even  
4 for them.

5 I also want to suggest to you that the issue of master  
6 leases was brought up, and a university entering into a master  
7 lease is -- with a residential building that's located already  
8 off campus is not the same as a commercial developer coming on a  
9 campus, owning that building and then renting it primarily to  
10 students from another university. In that case, in the case of  
11 the master lease, the housing is rented through the university,  
12 the agreement and the rates are set by the university with the  
13 students. The commercial developer is never involved in the  
14 process except to enter into a contract with the university. And  
15 again, these are buildings that are off campus. This is also  
16 not the same as a university owning and using properties in a  
17 commercial zone off campus.

18 I believe, Mr. Chairman, the issue that you referenced  
19 that was brought to your attention by Councilmember Cheh, I'm  
20 familiar with that issue. It was a request by her in response  
21 actually to some of lobbying by our groups to include in the  
22 Zoning Regulations, a requirement that the Campus Plans also take  
23 into consideration the commercial buildings located off campus  
24 that universities own and use. Prior to that, the commercial  
25 buildings were not required to be included as part of the Campus

1 Plan, and the feeling was that that did not give the full scope  
2 of the campus activity -- the campus impact on the community.

3           And then I just want to end by saying I would ask you  
4 to consider this. Sports facilities, for example, are allowable  
5 uses under the Campus Plan regulations according to Subtitle B,  
6 Section 200 in the Use section. Same way as housing. Under  
7 Mr. Dettman's scenario that he outlined, a sports facility --  
8 well, a professional -- let me put it this way. A professional  
9 sports franchise -- a professional sports franchise that entered  
10 into a ground lease with a college or university to build a new  
11 sports facility, perhaps covering as much ground as this  
12 apartment building, 73 percent of the total campus buildout, they  
13 would own it -- the sports franchise would own that facility,  
14 operate it, they could lease it out to other universities or  
15 professional teams. They could give a cut perhaps to the  
16 university.

17           In a case like that, they could do that at Wesley  
18 Seminary, for example, and Wesley Seminary would have no use for  
19 it, because they have no sports teams. But under Mr. Dettman's  
20 scenario, that could be done. There are some people that might  
21 really like that, including people in the neighborhood, but it's  
22 not in harmony with the Zoning Regulations, and it's not what we  
23 think of as land reserved for Campus Plans. So I just want to  
24 conclude, again, by saying I've worked on these issues for the  
25 better part of 40 years. I've been involved with this Campus

1 Plan since 2018, both as a -- and with Wesley Seminary's Campus  
2 Plans dating back to 2006, both as an ANC commissioner and as a  
3 community activist and as a neighbor of Wesley Seminary.

4 I no longer am a neighbor of Wesley Seminary, but  
5 because of all of that involvement, I've been working with  
6 residents on this issue. And I can tell you that while there's  
7 been a lot of very positive discussion back and forth, the one  
8 issue that no one has ever been willing to talk about or address  
9 are the commercial provisions within the Zoning Code and this  
10 building as a commercial use. That has been a subject that has  
11 been off the table. And as residents have made it very, very  
12 clear, both NLC and Spring Valley Wesley Heights Citizen's  
13 Association, that is the primary issue, the primary objection to  
14 this Campus Plan, because of the precedent that it will create.

15 So I thank you very much for being patient to listen  
16 to me, and thank you for the attention that you've given our  
17 team. We like Wesley, they've been good neighbors, but this is  
18 a major issue for the City as a whole, and we would be  
19 irresponsible to just put our heads in the sand and not ask you  
20 to address it. Thank you.

21 MS. GATES: Thank you, Mr. Chairman.

22 CHAIRPERSON HOOD: Thank you.

23 MS. GATES: That concludes our testimony.

24 CHAIRPERSON HOOD: Okay. Thank you very much. I'm  
25 sure we have some questions and comments. I will start off by

1 saying one thing. I know that when you talked about some things  
2 were not potentially thought about, that we never thought would  
3 have happened. I never thought that I would see a PUD on a  
4 college campus. So there are a number of things that have  
5 changed.

6 And there's something also, I know Mr. Carter, you  
7 mentioned Subtitle 101.4 quite a bit. I'd like for you to, yeah.  
8 I'd like for you to continue to go. I looked at the whole  
9 subtitle. I'm looking at Subtitle 101.11, and I want to equate  
10 that to the racial equity lens. And when we get to that point,  
11 we will -- I will talk to you. I just wanted to get you ready,  
12 because I'm going to have a few questions for you on that.

13 So let's see if we have any questions or comments.

14 Commissioner May?

15 COMMISSIONER MAY: Yeah, I have a few, primarily for  
16 Mr. Carter.

17 MR. CARTER: Okay.

18 COMMISSIONER MAY: So. When an apartment building is  
19 built on private land, is that a residential use or commercial  
20 use?

21 MR. CARTER: It was -- it's a commercial residential  
22 use. I mean, there are apartment buildings --

23 COMMISSIONER MAY: Where is commercial residential use  
24 defined in the Zoning Regulations?

25 MR. CARTER: I don't know. I'd have to go look.

1 COMMISSIONER MAY: It's not.

2 MR. CARTER: Well, okay, it's not. It --

3 COMMISSIONER MAY: Right.

4 MR. CARTER: I -- it's --

5 COMMISSIONER MAY: So it's residential or it's  
6 commercial. It's about the actual use of the building, not  
7 necessarily the ownership structure. Anyway --

8 MR. CARTER: Well, and that should be an indication to  
9 you of a flaw in my opinion. Okay. I mean, if you're going to  
10 sit there and say, well, it's residential, but it's not  
11 commercial, you know.

12 COMMISSIONER MAY: Well, it's different.

13 MR. CARTER: Well --

14 COMMISSIONER MAY: You know, but doesn't that go back  
15 to the zoning area then? The RA-1 or -- you know, normally  
16 apartment buildings are not in RA-1.

17 MR. SMITH: May I jump in here for a moment,  
18 Commissioner May?

19 COMMISSIONER MAY: If you're going to answer my  
20 question.

21 MR. SMITH: I would like to try to answer your question.

22 COMMISSIONER MAY: Okay.

23 MR. SMITH: There -- the -- there is a reference in the  
24 Campus Plan regulations to commercial uses. Okay. There is --  
25 that exists. What the Zoning Regulations do not do is define

1 the word 'commercial.' Okay. And so --

2 COMMISSIONER MAY: No, but, see, again, Mr. Smith,  
3 you're not answering my question. My answer -- my question is,  
4 would a residential use on private -- or an apartment building  
5 on private property be considered a residential use or a  
6 commercial use in your opinion?

7 MR. SMITH: Well, in -- and the answer to my question,  
8 to follow up what I was beginning to say, was that when you --  
9 in the regs, when there is not a definition established in the  
10 regs, you refer to Webster's. And if you would look at Webster's  
11 in terms of uses, commercial uses, those include commercial,  
12 residential uses. So you can't separate the commercial from the  
13 residential. I mean, I -- it is.

14 COMMISSIONER MAY: Okay.

15 MR. SMITH: It is --

16 COMMISSIONER MAY: Thanks. You made your point. I'll  
17 check that.

18 MR. SMITH: Okay.

19 COMMISSIONER MAY: So I have a question for anybody, I  
20 guess. Would you be in favor of this project if either the  
21 Seminary were building it entirely themselves and Landmark were  
22 not involved, because then it wouldn't be commercial, right?

23 MR. CARTER: Right.

24 MR. SMITH: I think you make a very good point,  
25 Commissioner May, if I might answer that. That is something that

1 we've all talked about. And frankly, if you -- if the Seminary  
2 is building it itself, it removes one of the obstacles, as far  
3 as compliance with the Zoning Regulations. Now, there might be  
4 issues about height that people might want to raise and the like.  
5 But in terms of the regulations, if the commercial entity is not  
6 involved, and it's the Seminary that's doing it. But the other  
7 question that you all would have to answer, the one piece that  
8 we would say to you is, yes, Wesley has a right to build a  
9 building to house its students. The question for you would be a  
10 larger question of using that Campus Plan property for students  
11 from another campus. I don't believe that there is a regulation  
12 --

13 COMMISSIONER MAY: So you're going beyond -- you're  
14 answering more than my question, because --

15 MR. SMITH: I know. I know I am, because I want to  
16 say also --

17 COMMISSIONER MAY: I'm not --

18 MR. SMITH: Okay.

19 COMMISSIONER MAY: Mr. Smith, I'm really not asking you  
20 that question. I have that same question myself.

21 MR. SMITH: Okay.

22 COMMISSIONER MAY: Okay. You don't need to answer a  
23 question that I'm not asking.

24 MR. SMITH: Okay. Fine. That's --

25 COMMISSIONER MAY: So -- and I'm going to ask it a



1 different -- I'm going to ask something that's slightly different  
2 from that. If all they were doing was -- now, let's go back to  
3 the commercial model, right. If what Landmark were building were  
4 exclusively for Wesley students, would you have an objection to  
5 that?

6 MR. SMITH: Let me just think about that for a moment.

7 MR. CARTER: I would ask him to think about that from  
8 a commercial standpoint.

9 MR. SMITH: The -- right. It's still the issue of the  
10 commercial piece. Technically, we would, because it would still  
11 not be consistent with 101.4, which is that the commercial uses  
12 need to be consistent with the educational mission. And the  
13 question is, is -- well, no. Let me take it back. I -- you  
14 know, frankly, I don't know the answer to that question.

15 COMMISSIONER MAY: Okay.

16 MR. SMITH: But I can answer this question for you. I  
17 can tell you -- say this to you, that if Wesley was doing this  
18 off-campus -- off their own campus in an appropriately-zoned  
19 area, we would have no objection to it. How's that? That's not  
20 the question you asked.

21 COMMISSIONER MAY: Yeah.

22 MR. SMITH: But I think you've raised a --

23 COMMISSIONER MAY: Yeah, I think we're breaking it out  
24 in -- I think we're breaking it out into two questions.

25 MR. SMITH: I think you've raised a really good

1 question, which is the conundrum that this project presents for  
2 all of us.

3 COMMISSIONER MAY: I mean, I'll just explain a little  
4 bit of my thinking on this, and who knows where this is going to  
5 wind up when it comes to decision-making. But, you know, if  
6 university or Seminary or any institution with a campus does not  
7 have the wherewithal to finance the construction of a building,  
8 is it appropriate for them to ground lease property so that that  
9 purpose can be fulfilled? And it seems to me that there's nothing  
10 in the Zoning Regulations that really prevents that. It's really  
11 just a different way of achieving that result. It's the sort of  
12 thing that the, you know, back when the federal government  
13 started, you know, selling property and then leasing it back,  
14 right? It's a little bit --

15 MR. SMITH: Right.

16 COMMISSIONER MAY: That was a little bit weird and  
17 convoluted and not necessarily a good thing, but it did make it  
18 possible for certain things to happen because --

19 MR. SMITH: Right.

20 COMMISSIONER MAY: -- because they originally -- the  
21 upfront money wasn't there.

22 MR. SMITH: Right. I mean -- but again, you do have  
23 the Georgetown University MedStar example as a model in a way for  
24 that.

25 COMMISSIONER MAY: Yeah.

1 MR. SMITH: And then the other piece of it is, is that  
2 as noble as all of this might be, and it is, I mean, you know,  
3 who doesn't want money? What -- who doesn't want the Seminary  
4 to be successful? I shouldn't say who doesn't want money. But  
5 who doesn't want the Seminary to be successful? You know,  
6 everybody wants the Seminary to be successful. But then maybe  
7 you need to change the zoning regs. You know? I mean --

8 COMMISSIONER MAY: Well, we might. You're raising a  
9 good point, because it seems to me that we could be asked, you  
10 know, the questions I'm asking you, we could be facing at some  
11 point in the future, where a university makes a deal on campus  
12 with a developer like this to be able to not -- basically not  
13 even carry it on their books, right? Just it's a way to provide  
14 housing on their property. And in the end, they do actually wind  
15 up paying taxes. I think we heard testimony to that effect,  
16 because of the District's law about taxing leasehold interest.  
17 So --

18 MS. GATES: So they turned into --

19 COMMISSIONER MAY: It could be more financially  
20 beneficial to the to the City.

21 Ms. Gates, did you need to say something?

22 MS. GATES: Well, I was just thinking about your  
23 original question and how it relates to Wesley. And the issue  
24 here is that if Wesley were building this building for their own  
25 students, they wouldn't -- they don't need to build this for

1 their own students, because they can't fill their dormitories  
2 now. That's -- I mean, so here again --

3 COMMISSIONER MAY: I understand that. It was a  
4 completely hypothetical consideration. I was trying to parse  
5 what your concerns were, that's all.

6 So, all right, I'm done with my questions. Thank you  
7 very much, Mr. Chairman.

8 CHAIRPERSON HOOD: Thank you. I didn't know -- I saw  
9 Mr. Gates. I didn't know if he was going to participate. I saw  
10 him comment. But anyway, I'll keep it moving.

11 Commissioner Imamura?

12 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I  
13 think, like you, I'd like to keep this moving. I'm going to  
14 yield back.

15 CHAIRPERSON HOOD: All right. Vice Chair Miller.

16 VICE CHAIR MILLER: I hesitate at this late hour to ask  
17 anything for all of our sakes, but -- so I might not.

18 Mr. -- this may be totally irrelevant, but since you're  
19 here, Mr. Carter, and you said you were with the Capitol Crossing  
20 Project.

21 MR. CARTER: Sure.

22 VICE CHAIR MILLER: At some point, we did an amendment  
23 to that PUD to allow --

24 MR. CARTER: Yeah. Yeah.

25 VICE CHAIR MILLER: -- university uses next to the

1 Georgetown University Law School. It's a big PUD.

2 MR. CARTER: Yeah.

3 VICE CHAIR MILLER: Hillcrest Heights project. It's  
4 zoned -- I mean, it's a totally different case, obviously.

5 MR. CARTER: Exactly. It's a different zoning area.

6 VICE CHAIR MILLER: Commercially zoned. I think it's  
7 the high-density, commercial zone. So there's a case where I  
8 think -- I don't know how -- when you were still involved with  
9 Capitol Crossing.

10 MR. CARTER: I've been involved with Capitol Crossing  
11 for at least seven years. I have not been carefully involved  
12 with the PUDs in their development. I do get very involved in  
13 the execution and compliance area of a PUD.

14 VICE CHAIR MILLER: Did they end up building a dorm --

15 MR. CARTER: No, not yet.

16 VICE CHAIR MILLER: -- for the Georgetown University  
17 law students?

18 MR. CARTER: No, not yet.

19 VICE CHAIR MILLER: But they're going to, aren't they?

20 MR. CARTER: Not necessarily, but it's an option.  
21 That's all I can really speak to.

22 VICE CHAIR MILLER: I mean, it's adjacent --

23 MR. CARTER: I mean, the option is there should the  
24 opportunity present itself. We haven't heard any --

25 VICE CHAIR MILLER: It's adjacent -- and it's adjacent

1 across a very big street or freeway from --

2 MR. CARTER: Right.

3 VICE CHAIR MILLER: -- the university.

4 MR. CARTER: Well, no, no, no. It's adjacent to --  
5 it's across Second Street.

6 VICE CHAIR MILLER: Right, across Second Street.

7 MR. CARTER: The freeway is underneath.

8 VICE CHAIR MILLER: Right. That's a big street.

9 MR. CARTER: Right. It is a big street. But the more  
10 important thing is it's not surrounded by an RA-1 zone. So --

11 VICE CHAIR MILLER: Okay. Okay. Yeah, I understand  
12 all those.

13 So that -- but that gets to my one little question to  
14 Ms. Gates and Mr. Smith. Where would you want this 600-unit dorm  
15 to be, if not at one Wesley campus. If not on the AU campus --  
16 would you want it anywhere else, really? Would you really want  
17 it anywhere else in the neighborhood, if not adjacent to the  
18 campus, on the campus, in terms of minimizing, controlling  
19 adverse impacts, mitigating or maybe you just don't want it at  
20 all.

21 MR. SMITH: Commissioner Miller, if you think about  
22 Campus Plans in the traditional sense of Campus Plans, Wesley  
23 would have a housing need, and it would -- if it wanted to tear  
24 down existing structures, it would build existing structures. It  
25 would address --

1           VICE CHAIR MILLER: I know in terms of Wesley. But -- I  
2 know in terms of Wesley, but AU, would --

3           MR. SMITH: AU -- you've just approved AU to build what  
4 they said they needed, which was 500 new beds. That's what you  
5 all just approved. Those buildings have not been built yet. So  
6 you're asking me where this building should be built. You know,  
7 if Landmark wants to build a building near the campus, they can  
8 build a building wherever they can find the land that's  
9 appropriate for it off the campus. And if it's a 659-bed  
10 structure, it's a 659-bed structure. And --

11           VICE CHAIR MILLER: Where is that? Where is that  
12 property adjacent, near nearby the campus?

13           MR. SMITH: Well, look at where the apartment buildings  
14 are located near the campus, okay. So it would be anywhere where  
15 existing apartment buildings are. You know? And I mean, if you  
16 -- I don't know what the -- offhand, we know that there are some  
17 properties that are available in the neighborhood that would  
18 possibly, you know, lend themselves to that kind of possibility,  
19 but they're, obviously, not in the immediate Spring Valley area,  
20 because of the zoning in Spring Valley. You know?

21           But certainly on the other side of campus would be --  
22 of the AU campus, there are -- but I would suspect that the land  
23 price would probably be too much for Landmark to make it a viable  
24 deal. I mean, they would have to buy land somewhere. And, you  
25 know, if you look -- and if you look at the Landmark's portfolio,

1 you will see that most of their -- they have over 100 properties  
2 around the country in about 25, 26 states. But you'll see that  
3 there are very few of those in urban centers like Washington,  
4 D.C., let alone an area with a -- next to a low-density  
5 residential neighborhood. There are some. There's one in  
6 Philadelphia, for example, but they're not usually in large,  
7 urban centers.

8 VICE CHAIR MILLER: Okay. Well, I appreciate that  
9 response.

10 And I appreciate all of the comments that NLC has made  
11 in this case, which I think there are some legitimate points that  
12 need to be clarified by us in consultation with further advice  
13 from, as I've requested, from the Office of Planning and our own  
14 legal counsel. So -- and I generally agree with the proposition  
15 that you all -- somebody stated. And I'm going to ask the  
16 applicant maybe on rebuttal why they didn't just -- why they  
17 weren't considering selling this land to AU. And that may be  
18 just a lot cleaner process. Sell it to AU. You need a dorm.  
19 You've got an adjacent land next to you that the other owner  
20 doesn't need, and use -- needs revenue. It would be the simpler,  
21 cleaner under our regulations. But we don't have -- we don't do  
22 deliberations and approval based on simple and clean. We  
23 sometimes break ground and have to create new situations. But I  
24 appreciate all of your responses today. Thank you.

25 Thank you, Mr. Chairman, I'm through.



1 CHAIRPERSON HOOD: Thank you. I'm going to be very  
2 brief. I've heard from Mr. Carter and Ms. Gates and others, and  
3 I'm going to be extremely -- and Mr. Smith. I'm going to be very  
4 brief, because one thing I do, I look at all of the regulations.  
5 And a lot of times we look at the regulations, just applies to  
6 what our particular situation is. But when I look at -- and I  
7 appreciate 101.4.

8 And I will say this again, Ms. Gates, which I reiterated  
9 earlier, the Office of the Attorney General now has an advocacy.  
10 It's up to the community to go them. I would implore you to go  
11 and see what they come back and say. Not that we have to --  
12 we're governed by it, but it'll be good to let them -- since they  
13 have the expertise, or well, to some degree, and they have the  
14 legal minds, let's see what they say, because we going definitely  
15 go to ours and see what ours says.

16 And I appreciate you, Mr. Smith, for bringing up the  
17 issue with Ms. -- Councilmember Cheh, who I've spoken personally  
18 to her about when we were dealing with that, because I understand  
19 the concerns. But still I want to see what -- I can't remember  
20 all what we did, and I'm not asking anyone to tell me now. I  
21 want to go back and research it, our legislative history, along  
22 with some other cases, I think, that have come up. But when I  
23 look at this whole picture, and I see what's being done, I look  
24 at the racial equity, and I notice, you know, the Commission, and  
25 especially myself, we get beat up about not practicing racial

1 equity. And from what I'm hearing from the party in opposition  
2 tonight, the people who are going to lose out, who are going to  
3 Wesley Seminary are people of color and people who are  
4 disadvantaged.

5 Now, I think, when you look at 101.4, you also need to  
6 come down here and look at -- let's put it all on the table. You  
7 also need to look at 101.11. And I will tell you that this  
8 Commission and myself personally have been beat up on not  
9 practicing racial equity. Because at the end of the day, when  
10 we start -- and I think Commissioner May and others, we've talked  
11 about this already. When we start putting these limits on  
12 colleges and on -- the people who are going to be left off or  
13 left out are the people who don't have the resources to be  
14 included.

15 And the City has given us a mandate on racial equity,  
16 and I think, Mr. Carter and others, I think we've missed the  
17 opportunity again. And the way I see this, and I mentioned this  
18 earlier, I've talked to many ministers in the City about  
19 offsetting your tithes and offerings. Now, I understand the  
20 zoning code, and I understand what you're saying about that piece.  
21 We're going to get that clarified. And I'm not sure if I  
22 necessarily agree with the party in opposition. We'll get that  
23 clarified. But I also want to make sure we practice this racial  
24 equity lens, because I think in some of our discussions over the  
25 years, we have been excluding a class of people, not just of

1 color, but a class of people who don't have the resources to be  
2 involved in some of these activities that go on. I don't  
3 necessarily need a comment. I'm just telling you how I feel  
4 about this. So thank you --

5 MR. CARTER: I think there are other ways to achieve  
6 that through the Seminary.

7 CHAIRPERSON HOOD: Oh, I haven't finished, Mr. Carter.  
8 I haven't finished.

9 MR. CARTER: Oh, I'm sorry.

10 CHAIRPERSON HOOD: I have finished. But I just think  
11 there are other ways -- yeah, there are other ways to achieve  
12 it, but I'm just saying, what I see in that -- if you're going  
13 to come down and give me a statute, give me all the relative  
14 facts.

15 MR. CARTER: Okay.

16 CHAIRPERSON HOOD: Help us try to get all the relative  
17 facts, not just what pertains to your argument. Because I think  
18 that racial equity lens, I think we're doing a bit -- we're being  
19 very disingenuous to some of the residents in the City. So that's  
20 -- those are my comments.

21 You want to respond, Mr. Carter, go right ahead.

22 MR. CARTER: I just think that there are ways Wesley  
23 could work with AU and the Methodist Church to get the fundraising  
24 and tuition and scholarship money for supporting the racial  
25 equity that you're looking for.

1 CHAIRPERSON HOOD: It should be the racial equity that  
2 we're looking for, because that's the mandate given to us by the  
3 City, not just --

4 MR. CARTER: Okay.

5 CHAIRPERSON HOOD: -- what I'm looking for.

6 MR. CARTER: Yeah.

7 CHAIRPERSON HOOD: That should be what I'm hearing from  
8 everybody who testified in opposition. That should be what we're  
9 looking for.

10 MR. SMITH: Mr. Chairman, I think that, you know, the  
11 -- we're all growing more sensitive to the inclusion, to the  
12 racial equity issue, and even more so now that it's part of the  
13 Comprehensive Plan. That's long overdue, and you know that and  
14 most of us in the City know that. And, however, what I think is  
15 hard with this is to figure out how this application enhances  
16 that objective. It's one thing to talk about, you know, the  
17 Seminary needing money. The Seminary, one, is not a church. I  
18 mean, let's talk about building a building that will house Wesley  
19 students. But then do we want to make that -- the rest of that  
20 building all affordable housing in our ward. You know, that --  
21 there are people that could argue, and I might be one of them,  
22 that that is far more consistent with Wesley's mission than it  
23 is housing AU students. You know? And it also would address  
24 the racial equity -- the -- some of the racial equity issues,  
25 especially in our ward.

1 I just don't understand. I don't understand, and I  
2 don't see that the applicant has indicated how their project  
3 enhances the achievement of the Comprehensive Plan objective for  
4 racial equity, other than telling you tonight that its residents  
5 tend to not have -- that its Seminary students don't tend to have  
6 a lot of money, and that a number of them come from international.  
7 Believe me, we know that. In fact, the only reason that the  
8 community and the ANC back in 2016 agreed to allow -- agreed and  
9 came down to the Zoning Commission and encouraged you to allow  
10 50 non-Wesley students to live on campus was precisely for that  
11 reason. And we were able -- and these were mostly international  
12 students that were being kicked out of their rooms at Wesley,  
13 because Wesley had not first come down to you to ask for that  
14 permission, and we championed their cause. So I think we  
15 understand some of this. But at the same time, we want to be a  
16 partner with you. But I don't see how this particular project  
17 enhances -- advances that mission. And maybe I'm just being  
18 dense, or I'm too tired.

19 CHAIRPERSON HOOD: So what I hear, and I know I'm going  
20 to recite a case that we dealt with. What I heard, oh, they've  
21 been a great neighbor. This neighbor's great, and when they get  
22 a housing development, they help offset -- it was the Catholic  
23 Charities, which, as we know, gives a lot of money to folks in  
24 need in this City. And they need to do a development  
25 (indiscernible), and they need to do -- so. But I've heard

1 everybody is all in favor of that. They've been a good neighbor  
2 for years. And I'm -- I heard something similar today. It's  
3 just that -- one thing about it, and then I hear the party in  
4 opposition where you are -- we've heard. And then also we also  
5 had a party in support. And we also had a ANC in support, a  
6 qualified support.

7           So, you know, sometimes these competing interests --  
8 and -- but for me, the bottom line is, first of all, get over  
9 the threshold of the commercial use. I'm -- we need to analyze  
10 that and then the racial equity lens. After that, I don't know  
11 where the Commission is going to land. I've heard some of my  
12 colleagues. I think that number one is going to be -- the  
13 commercial issue is going to be very important.

14           Now, I think that the applicant has heard from the  
15 party in opposition, answered questions from my colleagues about  
16 why. I don't necessarily want a long rebuttal, because I don't  
17 think we're going to resolve it tonight. What I would like to  
18 do is for you to think about it. We can get some rebuttal. But  
19 I'd like for you to think about what you heard Vice Chair Miller  
20 mention as well as Commissioner May, and I'm not sure where you  
21 were, Commissioner Imamura. I can't remember everything. It's  
22 been -- we've been doing this for about five hours now.

23           But I will tell you, let's take some time, and let's  
24 think it through of what you heard also from the party in  
25 opposition. But you got to remember, we've got some parties in

1 support, and we got a ANC in support, and more than that, we also  
2 have in the Comprehensive Plan the racial equity. So that's the  
3 -- that's how my decision-making is going to be, because this  
4 City has given us a mandate to deal with racial equity. I'm not  
5 going to cut it over here in this neighborhood and just put it  
6 in one area. So that's where I am.

7 Commissioners, any other follow up questions?

8 MS. GATES: Mr. Chairman.

9 CHAIRPERSON HOOD: Ms. Gates, let me -- hold tight for  
10 a second. Commissioners, any follow up questions in this part?

11 VICE CHAIR MILLER: No, thank you, Mr. Chairman.

12 CHAIRPERSON HOOD: Okay.

13 All right, Ms. Gates?

14 MS. GATES: I just wanted to add to what you said about  
15 the racial equity lens. The Seminary has what they call a DEI,  
16 Diversity, Equity, and Inclusion policy, which, as I said earlier  
17 to President McAllister-Wilson, this racial equity lens that the  
18 Zoning Commission is implementing, I guess, from the  
19 Comprehensive Plan, dovetails very nicely with that. So I think  
20 that it is woven into many of the sort of principles that the  
21 Seminary has in place.

22 CHAIRPERSON HOOD: Okay. Thank you for that, Ms. Gates.  
23 And I know you're working with the CLC, so thank you for that.  
24 I'll be looking to see how far and where we go with all this,  
25 because that's very important to me. And I'll just leave it at

1 that for now.

2 All right. Let's come back with rebuttal. And let's  
3 not give -- Wesley, let's not do any willy-nilly answers and  
4 right quick. Let's take some time and give them some thought.  
5 If you don't have them today, we can come back and we will deal  
6 with it later, and you can give it to us in writing. But let me  
7 go to Commissioner May.

8 COMMISSIONER MAY: Yeah, I mean, don't we have to hear  
9 from other individuals in opposition?

10 CHAIRPERSON HOOD: Oh --

11 MS. SCHELLIN: Yes. We have three.

12 CHAIRPERSON HOOD: Thank you.

13 MS. SCHELLIN: Yeah, I was going to get them.

14 CHAIRPERSON HOOD: Okay. Thank you. I --

15 MS. SCHELLIN: We have three.

16 CHAIRPERSON HOOD: It's after 9:00. I'm pressing for  
17 some reason. I don't know what it is, but I just --

18 MS. SCHELLIN: I know. It's getting very late.

19 CHAIRPERSON HOOD: Yeah. Well, that ain't the reason  
20 I'm pressing. Anyways.

21 CHAIRPERSON HOOD: Yeah, I know.

22 Mr. Young, if you could bring up Robert Scholz,  
23 Josie Scholz, and Shelly Repp.

24 Those are the only three who have registered to  
25 testify, and then you can go to rebuttal.



1 I did not see Josie Scholz, so maybe Robert Scholz can  
2 advise if she plans to testify or not.

3 MR. SCHOLZ: Hi. Can you hear me?

4 MS. GATES: Yes.

5 CHAIRPERSON HOOD: Who is that speaking? Oh,  
6 Mr. Scholz? Go right ahead.

7 MR. SCHOLZ: This is Robert Scholz.

8 CHAIRPERSON HOOD: Scholz. Go ahead, Mr. Scholz. You  
9 can go right ahead.

10 MS. SCHOLZ: And I'm also --

11 Ms. SCHOLZ: And my wife, Josie, is also here with me  
12 on the same microphone.

13 MS. SCHOLZ: I was on the phone, but I would like to  
14 speak after my husband when he's finished. And we'll be very  
15 brief. We know it's late.

16 CHAIRPERSON HOOD: Okay. Okay. Go right ahead.

17 MS. SCHOLZ: Set your (indiscernible).

18 MR. SCHOLZ: Chairman Hood and Zoning Commissioners,  
19 my name is Bob Scholz. For over 40 years, my wife and I have  
20 lived at 3900 University Avenue, directly opposite the Wesley  
21 Theological Seminary. It is here where we raised our family and  
22 hope to live out the remainder of our lives. My wife is a retired  
23 librarian, and I am a retired registered civil engineer. We  
24 oppose this application for Wesley and support the opposition of  
25 the Spring Valley Wesley Heights Citizens Association and the

1 Neighbors for a Livable Community. I have previously provided  
2 written testimony, which I hope you have or will have read and  
3 seriously considered prior to making your decision on this  
4 application.

5 My opposition is, at this time, Wesley has no need for  
6 additional residential housing for its students. The Wesley plan  
7 is to demolish three mid-century modern residential buildings and  
8 replace two of them with a luxury seven-story-plus penthouse  
9 apartment building. The proposed luxury building, if built, will  
10 have a large negative impact on us and on the community in the  
11 northeast section of Spring Valley. This high rise on a hill  
12 with a swimming pool in its interior court will dominate the  
13 Seminary campus, perhaps contaminating the educational and social  
14 environment of Seminary education, and will tower over Spring  
15 Valley.

16 There are alternatives. One is, instead of being a  
17 lessor to a commercial enterprise for 99 years on real estate  
18 tax-free land, Wesley could sell its entire property to American  
19 university and lease it back for many years. A large down payment  
20 for AU could provide the necessary capital for the restoration  
21 of the existing mid-century residential buildings, and a purchase  
22 money mortgage could provide the annual stream of money required  
23 for the Seminary to, "thrive in place."

24 Other universities have United Methodist Seminary  
25 education as part of their curriculum. For example, the Duke

1 Divinity School at Duke University in Durham, North Carolina, is  
2 one such university. Why not Wesley Divinity School at American  
3 University in Washington, D.C.? Thank you for considering my  
4 testimony before making your decision. Respectfully, I encourage  
5 you to disapprove this application. My wife will speak next.  
6 Thank you.

7 MS. SCHOLZ: Hello? Can you hear me?

8 CHAIRPERSON HOOD: Yes, we can. You can go right ahead.

9 MS. SCHOLZ: Thank you. Thank you. I know it's late.  
10 And we had some, I thought, amazing discussion of late, and I  
11 really appreciate all the Commissioners' questions. And I feel  
12 very hopeful about the direction that we possibly could go in.  
13 So I'm Josie Scholz. I wanted to speak up, because I live right  
14 across the street from Wesley at the intersection of the Wesley  
15 service driveway, University and Sedgwick. And I thought it's  
16 important for neighbors to speak up, because this is a -- this  
17 is an important proposal for the neighborhood. I oppose the  
18 plan. I've submitted an opposition statement, and I support the  
19 statements that you've just listened to with Alma Gates and  
20 Tom Smith.

21 In my neighborhood, homes are sometimes razed with  
22 larger ones erected in their place. When the homes are built by  
23 developers, it sometimes seems they take longer to sell, maybe  
24 because they're bigger and more expensive, but maybe being  
25 developer-built, they've been purposely designed to be larger and

1 more expensive, aiming for the highest possible price and profit.  
2 This rationale can result in a house that's generic, overly large,  
3 out of scale, lowering the coherence and beauty of the  
4 neighborhood. Each time I see a house like this, I feel a  
5 priceless opportunity was lost to create a home designed for a  
6 specific client and site. Wesley is such a specific client and  
7 site. A religious institution on a hilltop, its midcentury,  
8 modern two-story buildings cluster around a tree-shaded quad with  
9 reflecting pool and bell tower.

10           If the Zoning Commission approves Wesley's plan, Wesley  
11 will be squandering a priceless opportunity, plus generating harm  
12 to the City, the neighborhood, AU, and Wesley itself. By  
13 partnering with Landmark, a luxury off-campus student housing  
14 developer, in building the largest sized student apartment  
15 building that can fit into a constrained space created by  
16 excavating a parking lot and raising two dorms, by renting those  
17 beds to AU students, mostly undergrads, by leveraging part of  
18 their tax-free campus for gain, not only could their plan deprive  
19 D.C. of needed tax revenue, adversely transform the campus and  
20 the neighborhood because of the size and design of the building,  
21 unfairly compete with AU by housing AU students that AU has said  
22 they would prefer and have the right to house on their own campus,  
23 dilute the cohesion of its graduate academic community by housing  
24 possibly two times more AU undergrads than Wesley has grad  
25 students, and might even cause the demise of the very institution

1 they're trying to bolster.

2 I have no problem with Landmark building luxury student  
3 housing on public land, but I feel it's problematic for such a  
4 structure to be built on the campus of a theological Seminary.  
5 By pairing with a developer to build bigger for bigger bucks --

6 CHAIRPERSON HOOD: Ms. Scholz, let us have your closing  
7 sentence.

8 MS. SCHOLZ: Thank you. This is it. Wesley's chasing  
9 a plan that disrespects its mission and site, the neighborhood,  
10 and D.C. residents. I hope the Zoning Commission denies the plan  
11 as it is at this point. Thank you.

12 CHAIRPERSON HOOD: Okay. Thank you.

13 Next?

14 MR. REPP: Yes. I'm Shelly Repp. I'm not testifying  
15 in opposition. This is an undeclared testimony. Good evening.  
16 My name is Shelly Repp. I am vice chair of the Committee of 100.  
17 My comments tonight reflect the views of the Committee of 100 on  
18 the proposed 2022 Campus Plan submitted by Wesley Theological  
19 Seminary.

20 As we see it, the main issue before the Zoning  
21 Commission is whether the proposed construction of a 659-bed  
22 student apartment building complies with the Campus Plan  
23 provisions of the D.C. Zoning Regulations.

24 The Seminary proposes to enter into a ground lease with  
25 Landmark Properties, which in turn will build and manage the

1 property -- the apartment building, in the process, providing a  
2 revenue stream to the Seminary. Landmark intends to lease an  
3 overwhelming majority of the beds, more than 500, to  
4 undergraduate students attending American University, a separate,  
5 unaffiliated institution located next door. While unclear from  
6 the proposal, but consistent with the privately-run dormitories  
7 in other parts of the country, these apartments will need to be  
8 high-end with luxury amenities in order to attract American  
9 University students.

10           The Seminary maintains that the arrangements will allow  
11 the Seminary to thrive in place. As pointed out in the submission  
12 of ANC 3D, the size of the dormitory will alter the character of  
13 the Wesley campus, and the number of students living in the  
14 dormitory raises possible objectionable impacts. The Seminary,  
15 however, has not made its financial -- its financials available  
16 to the public or, as far as we know, to the Commission, which  
17 means the neighbors and the Commission cannot assess the  
18 Seminary's real financial position in considering the significant  
19 changes being proposed.

20           While we are sympathetic to the needs of the Seminary  
21 and hope that a path forward can be found to ensure the Seminary  
22 can survive, the legal and policy issues embedded in this proposal  
23 will establish precedent for all colleges and universities  
24 located in the District. The Seminary's proposal must be viewed  
25 under the D.C. Zoning Regulations as threshold issues, whether

1 the arrangements with Landmark are or are not predominantly  
2 designed to support the educational needs of the Seminary. The  
3 regulations state that there must be a demonstrated and necessary  
4 relationship between a commercial use and a university functions.  
5 As mentioned, necessity has not been shown.

6 Also, the regulations state that the Campus Plan  
7 process shall not serve as a process to create general commercial  
8 activities or developments unrelated to the educational mission  
9 of the applicant, which is the Seminary. The arrangement with  
10 Landmark, which -- will, in large part, provide apartments for  
11 American University students, not Seminary students.

12 Finally, the regulations provide that the total floor  
13 area of all commercial uses shall occupy no more than 10 percent  
14 of the gross floor area of the total Campus Plan area. According  
15 to the proposed Campus Plan, the commercially-owned dormitory  
16 will take up approximately three quarters of all of the campus  
17 gross floor area. Even taking into consideration the relatively  
18 small portion of the new dormitory that will be reserved for  
19 Wesley students, the amount will be far above the 10 percent  
20 limit.

21 The Committee of 100 believes that the unambiguous  
22 language of the last provision prohibits this proposal. If the  
23 Seminary wishes to pursue the project, the Seminary should --

24 CHAIRPERSON HOOD: Mr. Repp can you give us your  
25 sentence.

1 MR. REPP: Don't I have 5 minutes here as a committee  
2 -- testifying on behalf of the Committee of 100?

3 CHAIRPERSON HOOD: Ms. Schellin, did you give him five  
4 --

5 Okay, you got two more minutes. Okay.

6 MR. REPP: Okay. Thank you. If the Commission -- the  
7 Committee of 100 believes that the unambiguous language of the  
8 last provision prohibits this proposal. If the Seminary wishes  
9 to pursue the project, the Seminary should, at a minimum, seek a  
10 use variance. We note that the Seminary's lawyers have relied  
11 on a precedent from an earlier case which allows the Seminary to  
12 house a small number of non-Wesley graduate students, no more  
13 than 87 in its dormitories. However, the scale of the proposed  
14 use dedicated to AU undergraduate students here is substantially  
15 different.

16 Finally, we would be remiss if we did not echo the  
17 comments of ANC 3D about possible objectionable impacts of the  
18 neighborhood -- on the neighborhood. Their resolution recommends  
19 that this proposal, in conjunction with a number of new, large  
20 buildings on the American University campus that the Commission  
21 recently approved, including three bordering the Wesley campus,  
22 should be reviewed in their totality.

23 I'll remind you that on July 8th of last year, when the  
24 possibility of a Wesley dormitory housing American University  
25 students came up in your consideration of the AU Campus Plan,



1 Commissioner May said, "I agree with you, Mr. Chairman, that  
2 we'll have a chance to review this proposal and whatever it might  
3 -- affect it might have on the AU Campus Plan when the Wesley  
4 Theological Seminary brings this Campus Plan back to us for the  
5 next approval." That time is now.

6 In summary, The Committee of 100 sees this case as  
7 raising issues of concern beyond just the Wesley campus. Also,  
8 if the Commission is inclined to approve the application, the  
9 adverse impacts raised by housing, more than 500 additional  
10 undergraduate students on the Wesley Campus, as described by ANC  
11 3D and the neighbors, should be reviewed in detail and addressed.  
12 Thank you.

13 CHAIRPERSON HOOD: Okay. Thank you.

14 Ms. Schellin, do we have anyone else?

15 (No audible response.)

16 I don't think we do. Okay. All right. Let me just  
17 ask Committee of 100. Mr. Repp, you have -- your chairman has  
18 submitted a letter. Mr. Vinney has submitted a letter. Vining,  
19 I'm sorry. And in the last sentence -- when I read this earlier,  
20 I was wondering. It says, "In the event the Commission deems  
21 the proposal Campus Plan does not conflict with the commercial  
22 use provisions of the Zoning Regulations, we recommend the  
23 Commission direct the Seminary to reach agreement with affected  
24 neighbors on measures ensuring that the proposed use will not be  
25 objections to these neighbors."

1           So there are some -- some people we heard here from  
2 organizations that are in support. So I'm trying to figure that  
3 out. What does that mean? All neighbors? Because that'll never  
4 happen. Or -- I'm just trying to -- help -- explain that last  
5 piece to me, please, just in case the Commission does find that.  
6 Or is it certain neighbors who are in opposition?

7           MR. REPP: The -- well, the -- as far as the neighbors  
8 in support -- well, first of all, ANC 3E, D, gave its qualified  
9 support. They mentioned things that could be done to improve and  
10 deal with the objectionable conditions. The other party in  
11 support, they -- Spring Valley Neighbors basically supported what  
12 ANC 3D said. So, I mean that gives the opening there for  
13 this -- should these issues about commercial use and whatnot be  
14 resolved or set aside, that's the path to deal with the neighbors.  
15 And I would suspect that Spring Valley Wesley Heights Citizens  
16 Association and Neighbors for a Livable Community would, if there  
17 were to be discussions and negotiations on the -- on these issues,  
18 that they would join the discussions. They have participated in  
19 the CLC discussions.

20           CHAIRPERSON HOOD: Okay. Thank you.

21           Let's see if we have any questions or comments.

22           Commissioner May?

23           COMMISSIONER MAY: I do not, thank you.

24           CHAIRPERSON HOOD: Okay. Commissioner Imamura?

25           COMMISSIONER IMAMURA: I do not.

1 CHAIRPERSON HOOD: Vice Chair Miller?

2 VICE CHAIR MILLER: No.

3 Thank you for your testimony, Mr. Repp.

4 CHAIRPERSON HOOD: And does -- let me see. Let's go  
5 to the applicant. Does the applicant have any questions of this  
6 panel?

7 Mr. Brown, I can't hear you. You're on mute.

8 MR. BROWN: Apology. We went mute. No, we do not have  
9 any questions.

10 CHAIRPERSON HOOD: Okay. Thank you.

11 And Commissioner -- hold on -- you know, what, I wrote  
12 your name down. Commissioner, do you have any questions? I'm  
13 sorry, it's getting late.

14 MS. PEMMERL: No problem, Chairman. It's getting late.  
15 Not at all.

16 CHAIRPERSON HOOD: I'm sorry.

17 MS. PEMMERL: Beg my pardon, Commissioners, but I do  
18 have one question. It's for the first group of parties, and I'll  
19 direct this, please, I guess, at Ms. Gates, given she's  
20 represented them as lead. There's a statement in your prehearing  
21 -- sentence in your prehearing statement --

22 CHAIRPERSON HOOD: Let me just say,  
23 Commissioner Pemmerl, I'm going to take this out of order.  
24 Typically, it's not the normal process. But I want to put that  
25 on the record. So whatever happens with this case, I'm going to

1 take the Commissioner's question out of order. So I'm sorry. Go  
2 ahead, Commissioner.

3 MS. PEMMERL: Pardon me, sir. Am I out of order? What  
4 is out of order?

5 CHAIRPERSON HOOD: No, no. I'm -- because sometimes  
6 when I've had a case where they took us to Court, I had to have  
7 a whole other hearing, because I went out of order. So I'm  
8 letting the record reflect that I'm taking your question out of  
9 order.

10 MS. PEMMERL: Understood. Thank you. It's very quick.  
11 And that's just the sentence in the prehearing statement that ANC  
12 3D reported that it agrees with a legal memorandum provided by  
13 Wesley. That's referencing our letter. I have a question to  
14 Ms. Gates about where specifically in the 3D letter we report our  
15 agreement with the legal memorandum.

16 MS. GATES: I'm sorry. You're asking me?

17 MS. PEMMERL: Yes, as the lead for the parties.

18 MR. SMITH: Actually, Commissioner Pemmerl, may I  
19 respond, if I could?

20 MR. PEMMERL: Yes, if you can answer it.

21 CHAIRPERSON HOOD: She can direct it to who she wants  
22 to. Let's --

23 MR. SMITH: Just for time purposes.

24 MR. PEMMERL: Go ahead, Commissioner.

25 CHAIRPERSON HOOD: Hold on for a second. Commissioner,

1 whoever you want to answer your question will answer your  
2 question.

3 MS. PEMMERL: It was proposed to Ms. Gates. If she's  
4 unable to answer, Mr. Smith is welcome to.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 MR. SMITH: Okay. All right. The consensus was that  
7 in reviewing the ANC letter, the issues that were covered were  
8 the same, and the conclusions were basically the same as were  
9 outlined in that letter. And so that's where -- if you're asking  
10 me, is there a specific place in your testimony or in the letter  
11 that the ANC approved that says we agree with, no, that is not  
12 there. But if you do a reading of your letter, read the analysis  
13 that was submitted by Wesley, it's relatively the same.

14 MR. PEMMERL: At no point, Mr. Smith, do we report an  
15 agreement with a legal memorandum.

16 MR. SMITH: I -- that is correct.

17 MS. PEMMERL: Thank you.

18 MR. SMITH: That is correct.

19 CHAIRPERSON HOOD: Thank you, Commissioner. And no,  
20 you were not out of order. I'm saying I took it out of order,  
21 because we were questioning now the persons. We had already  
22 passed by the parties. But it was all good. Just put that on  
23 the record. Thank you.

24 All right. So I think we've covered everyone. Oh, no,  
25 Spring Valley. Mr. Clarkson, just do -- that's easy for me.

1 Mr. Clarkson?

2 MR. CLARKSON: No questions.

3 CHAIRPERSON HOOD: Okay. I think I've covered  
4 everyone. Ms. Schellin will let me know if I have not.

5 Let's get ready for rebuttal and closing. Well,  
6 rebuttal, and then we'll have cross on rebuttal.

7 MR. Brown are you all -- your team ready?

8 MR. BROWN: Yeah. Mr. Chairman, just before we launch,  
9 so we don't overstate or not meet your expectations. You're  
10 looking for rebuttal and then a closing argument?

11 CHAIRPERSON HOOD: I'm looking for rebuttal, and then  
12 I'm going to see if the ANC and the parties having any cross on  
13 rebuttal. And then we'll have your closing statement. I'm going  
14 to see if we have any questions. Well, I'm going to see if we  
15 have any questions. Then I'm going to see if the ANC and the  
16 parties have any cross on rebuttal, and then we will have a  
17 closing statement.

18 MR. BROWN: All right. Why don't I start with --

19 REVEREND DR. MCALLISTER-WILSON: I'll close.

20 MR. BROWN: Well, Mr. Chairman, we've had a lot of  
21 discussion tonight, but I think the primary issue is that, in  
22 fact, based on the information we've provided, that this proposed  
23 dormitory is a permitted campus use, as defined by the Zoning  
24 Regulations. And then we've also looked at how this fits into  
25 the mission of Wesley. And Wesley's mission is like almost every

1 university now, is much broader than just --

2 CHAIRPERSON HOOD: Mr. Brown, I want to caution you.  
3 You're actually giving a closing, so you're going to forgo  
4 rebuttal, right? That's what it sounds like.

5 MR. BROWN: Well, no, I'm just introducing it. I'll  
6 just --

7 CHAIRPERSON HOOD: If you start -- first of all, you  
8 can't -- I would ask that you get one of your panel to discuss  
9 any rebuttal --

10 MR. BROWN: Right.

11 CHAIRPERSON HOOD: So it just -- so they can be crossed.  
12 I know you don't -- you're not -- you don't see us all the time,  
13 but it sounds to me that you're doing a closing, as opposed to  
14 any rebuttal. Now, you may not have rebuttal. I'm not mad at  
15 you if you don't have any.

16 MR. BROWN: Well, then I will just turn it over first  
17 to Mr. Dettman.

18 CHAIRPERSON HOOD: Okay.

19 MR. BROWN: On rebuttal. Can you --

20 MR. DETTMAN: Sure? Yeah. Thank you.

21 I wanted to just point out quickly at the outset that  
22 we've been consistent in our testimony and in our pleadings that  
23 we believe that this is an education use related to the dormitory  
24 under the education use, use category. There's been some  
25 commentary in referencing our comments about we categorize or

1 characterize this as a commercial residential use or commercial  
2 dormitory use. We have consistently said this is not a commercial  
3 use under the Zoning Regulations and consistently describe it as  
4 an education use.

5           There is a comment about how zoning regulates land use.  
6 That is absolutely correct. It does not regulate financing,  
7 ownership, leasing. It regulates the use of the land. And  
8 Mr. Carter speaks to -- well, you have to look at the activity  
9 in the -- on the land and in the building. In this respect, the  
10 land use and the activity in the building will be solely devoted  
11 to student housing. It's a dormitory. The Zoning Administrator  
12 has said it's a dormitory. That's regardless of the fact of the  
13 mechanism that's underlying the construction of that building.  
14 And I think this was touched upon a little bit. If you yank the  
15 ground lease out from underneath the building, it's still a  
16 building devoted to student housing, considered a dormitory as a  
17 land use under the Zoning Regulations.

18           There was another comment about how the Zoning  
19 Commission never intended what is being proposed when drafting  
20 the education use group. That was not substantiated by pointing  
21 to any record or case. In contrast, earlier in our testimony,  
22 we looked at case number 0806-7, which was ZRR -- the  
23 Institutional Educational Working Group, where it was discussed  
24 in detail the commercial provisions that ultimately resulted in  
25 adoption in the current regulations. And if -- and we cite to



1 those in our response, that's case number 0806-7, Exhibit 4,  
2 Exhibit 39, and the Commission's transcripts in that case from  
3 December 11, 2008, February 23rd, 2009. All of that testimony  
4 and all of those exhibits were focused on nonresidential uses,  
5 not a dormitory.

6           There was a comment about how we conveniently ignored  
7 the prior Wesley orders. We are well aware of those orders. The  
8 reason why -- and we talked about them. We are well aware of  
9 the number of non-Wesley students that were previously approved  
10 on the campus and well aware of the Campus Plan expiration date,  
11 like most campus plan orders have an expiration date. Our point  
12 in talking about those orders was simply that the presence of  
13 non-Wesley students did not make the existing dorms a commercial  
14 use on the Wesley campus. And it did not make -- and it does  
15 not make the proposed dorm a commercial use. Again, just the  
16 presence of non-Wesley students, whether it's one or 100.

17           Our discussion around the MedStar project. That is  
18 Order No. 16-18A, where the Commission approved MedStar's  
19 Surgical Pavilion, a 450,000-square-foot building filled with  
20 patients, doctors, and doctors in training. It looks like a  
21 hospital. It walks like a hospital. But the issue of whether  
22 or not it was a commercial use was never raised in that case. In  
23 fact, in the Office of Planning report at Exhibit 23, it  
24 specifically says it's not a commercial use, even though it's  
25 being built close to completion under a long-term ground lease

1 between MedStar and Georgetown University.

2           One could say that the Commission had no idea that that  
3 was the financing mechanism or the construction mechanism being  
4 used to build that hospital. But the Commission's order at  
5 Finding of Fact 22 says the applicant operates the hospital in  
6 accordance with the terms of a lease agreement with the  
7 university. There's a second reference to the ground lease at  
8 Finding of Fact 41. Unprecedented. Mr. Carter says, well, if  
9 the Commission approves this case, well, that could just justify  
10 any commercial activity. Mr. Cochran referred to a food  
11 processing plant as an example, and Mr. Smith referred to a  
12 stadium use. The check on those uses is the Commission's Campus  
13 Plan Process.

14           Section 101.4 is intended to prevent general commercial  
15 activities or developments unrelated to the educational mission  
16 of the applicant. Well, a food processing plant is a PDR use;  
17 clearly not related to Wesley's mission. A stadium is an  
18 entertainment assembly and performing arts use. Not a -- not  
19 connected to the Wesley mission. An office building, for example,  
20 perhaps filled with Facebook employees, would not be -- would be  
21 a type of commercial use not related to Wesley's mission. One  
22 could even say, well, what about an apartment building that was  
23 open to anybody? Well, that's not a dormitory. That's not what's  
24 being proposed. And again, the mechanism that prevents these  
25 uses is the Zoning Commission's Campus Planning process.

1           Finally, Mr. Chairman, you mentioned 101.11, which is  
2 the provision that talks about commercial uses, but also makes  
3 reference to the Comprehensive Plan. And there was some  
4 discussion around racial equity. Mr. Smith asked a question; how  
5 does this project advance the racial equity objective? I touched  
6 upon that in my testimony when I mentioned the educational  
7 facilities provision in education -- the policy in the  
8 educational facilities element that talks about encouraging the  
9 provision of on-campus student housing in order to reduce college  
10 and university impacts on the housing stock, especially the  
11 affordable housing stock.

12           This is something that the Comprehensive Plan  
13 specifically speaks to. It's actually something that the Spring  
14 Valley Wesley Heights Citizens Association has advocated for in  
15 this specific review process in a prior case. And that was the  
16 Spring Valley -- the Superfresh site just down the street, down  
17 Massachusetts Avenue. In that case, when there was a discussion  
18 around affordable housing and rent control and all that, there  
19 was a letter submitted to the record by the Spring Valley Wesley  
20 Heights Citizens Association that said the campus planning  
21 process also provides an opportunity for this Commission to  
22 address affordable housing. Take, for example, American  
23 University. As the growth in undergraduate enrollment outpaces  
24 the supply of on-campus housing, we are losing affordable units  
25 in our neighborhood to university master leasing programs. So

1 in our campus planning process, and as we consider the future of  
2 rent control, we must be as vigilant in safeguarding affordable  
3 housing as we are in mandating affordable housing through  
4 inclusionary zoning.

5 This is the campus planning process. And while it's a  
6 unique -- it's a creative idea, right? It's a dormitory that  
7 will be devoted to Wesley students and the immediately adjacent  
8 American University students. It's creative. It's a little bit  
9 different. But there's nothing technically under the Zoning  
10 Regulations that prevents this. There are some questions that  
11 need to be answered with respect to inclusionary zoning. We've  
12 committed that we will get those discussions underway immediately  
13 and be fully prepared to address them at further processing, if  
14 not sooner, with the Office of Planning.

15 I think, Mr. Chairman, and I think that that concludes  
16 my rebuttal comments. Happy to answer any questions.

17 CHAIRPERSON HOOD: Okay. Thank you, Mr. Dettman. I  
18 believe that concludes your rebuttal.

19 Let's see if we have any cross on rebuttal.

20 Ms. Schellin --

21 Let me see if we have any questions from the  
22 Commissioners.

23 Commissioner May.

24 COMMISSIONER MAY: Yeah, I hate dragging this on, but  
25 there is a serious problem with this case. And I think the issue

1 that has to be addressed is how this proposed use, the additional  
2 500 and some dormitory rooms or whatever they -- however you want  
3 to refer to them, actually relate to Wesley's mission beyond  
4 simply providing income. How do dorm rooms for students not  
5 attending the Seminary actually support the mission? That's the  
6 question I have. Can anybody answer that? And I'm putting aside  
7 all the questions about commercial or not commercial. It does  
8 not revolve around those words. It's a question of how this use,  
9 which I think is perfectly acceptable in a model for building it,  
10 which I think is perfectly acceptable. How does this actually  
11 support the mission?

12 REVEREND DR. MCALLISTER-WILSON: Well, let me answer  
13 it in a couple of ways. As I've said before, and as you indicated,  
14 one way it supports the mission is that it helps us thrive in  
15 place as an institution of theological education. But I grant  
16 that this is unusual. I do not think it's unprecedented. We've  
17 laid out precedents and we'll lay out more. But I think it is  
18 unusual though. It's unusual in the sense that it's next door  
19 immediately to a university that is a sister school with a shared  
20 history and programs. It's also an unusual time for this city,  
21 for higher education, and, in fact, for the churches we serve.

22 All of that raises questions about the future of this  
23 Seminary and its mission in this community. This is an unusual  
24 solution to how we can thrive in this community and fulfill our  
25 mission. I suspect that many of these students will end up also

1 being taking courses at Wesley and participating in our  
2 community, but not all of them.

3 COMMISSIONER MAY: Thank you.

4 That's it for my questions, Mr. Chairman.

5 CHAIRPERSON HOOD: Okay. Any other questions?

6 Commissioner Imamura?

7 COMMISSIONER IMAMURA: No, sir. All the questions that  
8 I have I think were asked.

9 CHAIRPERSON HOOD: Okay.

10 Vice Chair Miller, any questions?

11 VICE CHAIR MILLER: No. Thank you, Mr. Chairman.

12 Thank you to the applicant for that rebuttal testimony.

13 CHAIRPERSON HOOD: Okay. I don't have any questions  
14 as well. Let's see. Let's go to the ANC.

15 Commissioner, do you have any questions.

16 MS. PEMMERL: No questions, Chairman.

17 CHAIRPERSON HOOD: Ms. Pemmerl. Okay. Thank you,  
18 Commissioner Pemmerl.

19 Let's go to Mr. Clarkson. Do you have any questions  
20 or -- I mean any cross on rebuttal. I'm sorry. Cross on rebuttal.  
21 Mr. Clarkson?

22 MR. CLARKSON: No, no questions.

23 CHAIRPERSON HOOD: I thought you may have left us for  
24 the game. Okay.

25 MR. CLARKSON: Oh, no. No, I'm here. Thank you,

1 Mr. Chairman.

2 CHAIRPERSON HOOD: All right. All right. Thank you.  
3 Thank you.

4 All right, let's go -- Ms. Gates, do you have any  
5 questions on rebuttal?

6 MS. GATES: I'm going to defer to Mr. Carter or Smith.

7 COMMISSIONER MAY: I mean, doesn't Ms. Gates have to  
8 do the cross?

9 CHAIRPERSON HOOD: Yeah. Ms. Gates, typically --

10 MS. GATES: Oh, no, I --

11 CHAIRPERSON HOOD: -- as you know, you have --

12 MS. GATES: I have not cross.

13 CHAIRPERSON HOOD: Okay.

14 MS. GATES: Thank you, Mr. -- Commissioner May.

15 CHAIRPERSON HOOD: Yeah. Okay. All right. I was  
16 going to let -- okay.

17 All right. Where is Mr. Brown? Mr. -- oh, there you  
18 are. Mr. Brown, you have any closing? You can start off with  
19 your closing again if you want to.

20 MR. BROWN: Yeah. Mr. Chairman, may I suggest for both  
21 sides that we allow our closings to be in writing? Could -- it  
22 -- given the hour? I can't hear you. Mr. Hood, I can't hear  
23 you.

24 CHAIRPERSON HOOD: I decided to go on mute and talk  
25 like -- no. Do me a favor though, Mr. Brown. Make sure you have

1 a closing only because I do not want to have filings to come into  
2 the record saying this is more than a closing and go through all  
3 that. Okay. So let's make sure we have a closing. I'm --

4 VICE CHAIR MILLER: It should be a closing. But we  
5 have asked for information, Mr. Chairman. We have asked for  
6 additional information. So I think there may have to be that  
7 back and forth, because we asked for --

8 COMMISSIONER MAY: Right.

9 CHAIRPERSON HOOD: Here's what I'm going to do. I'm  
10 going to ask you to give us two submissions, Mr. Brown. What we  
11 ask for in one, and then the party's response to that. And then  
12 give us, at the same time, give us your closing. That way,  
13 that'll differ. We -- and we may have to deal with the -- what  
14 we asked for, but not with the closing. That's all I'm asking.  
15 Understood?

16 MR. BROWN: And we're happy to cooperate, yes.

17 CHAIRPERSON HOOD: Okay. Thank you. Thank you very  
18 much.

19 Ms. Schellin, the first probably did --

20 MS. SCHELLIN: Yes, I think it was separate -- a sooner  
21 date for the closing, because I don't think they need that much  
22 time for the closing.

23 CHAIRPERSON HOOD: Okay. So I'll let you work all that  
24 out, Ms. Schellin. I'll turn it over you.

25 MS. SCHELLIN: Okay. So if we could get your closing



1 statement in a couple of days -- let me look at my calendar here.  
2 If can have the closing --

3 MR. BROWN: Could we have a week?

4 MS. SCHELLIN: -- statement by Friday the 17th.

5 MR. BROWN: I'm traveling at the end of the week, so  
6 could we -- and then Monday is an observed holiday. Can we shoot  
7 for --

8 MS. SCHELLIN: This is just your closing statement, so  
9 you should -- I mean, if you were going to do that tonight, you'd  
10 have it tonight, so you could provide it by tomorrow or the day  
11 after. This is just the closing statement.

12 MR. BROWN: Yeah. Well -- Friday close of business.

13 MS. SCHELLIN: Yes. Five o'clock or 3 o'clock. Three  
14 o'clock by 6/17. And that's filed, and you can serve it on the  
15 other parties too. And then the additional documents that the  
16 Commission has asked for, how much time do you think you're going  
17 to need to get that, since some of it is going to be working with  
18 other entities? Three weeks?

19 MR. BROWN: Yes. And that -- at least, yes. And then  
20 I think perhaps we'd do it offline, but let's make sure that we  
21 have a firm agreement about what you want or what you've asked  
22 for, so that we don't have any confusion.

23 MS. SCHELLIN: Well, I did not make a list, but this  
24 recording will be available tomorrow, so you will be able to  
25 listen.

1 MR. BROWN: Mr. Liu? Mr. Liu?

2 MR. LIU: Ms. Schellin, I can run through. I've been  
3 keeping track.

4 MS. SCHELLIN: Okay.

5 MR. LIU: -- and I could run through it pretty quickly  
6 --

7 MS. SCHELLIN: Sure.

8 MR. LIU: -- what's been asked in terms of post-hearing  
9 submissions. So I have from the applicant views of what the  
10 upper floors of the new dormitory building looks like -- looked  
11 like before the windows facing University Ave were removed.  
12 That's one. More information about the height of the chapel in  
13 relation to the new dorm. Taking another look at the windows  
14 and how they can be possibly updated to look less dated. And  
15 then the applicant should look at whether it can provide access  
16 for the Metro via the AU Shuttle as a condition, to the extent  
17 that it can. And that's what I had for the applicant. And then  
18 I believe there were some other requests for OP, looking at the  
19 question about the tax revenue consequences. And also a brief  
20 summary of what the Zoning Regulations permit, in terms of  
21 off-campus use of dormitories. And that's all that I had. If  
22 there's anything that I'm missing, please let me know.

23 MS. SCHELLIN: I think there was some question about  
24 the commercial use.

25 MR. LIU: Yes. OZLD will confer about that, and we'll

1 be reaching out, Mr. Chair, about what precedents are out there  
2 as well.

3 MS. SCHELLIN: Okay. Does that sound like it covers  
4 everyone's requests, Commissioner May, Commissioner Miller? It  
5 seems like you guys asked for the most.

6 COMMISSIONER MAY: I think it covers everything that I  
7 asked for, but there's one more thing I'd like to ask for, because  
8 I didn't realize until I looked at the drawing board. There is  
9 an inconsistency in the drawings when it comes to the depiction  
10 of the penthouse level on top of those, you know, the two stories  
11 of residential level that I was calling out. Because those seem  
12 to show a continuous wall from the two stories up through the  
13 penthouse, which is, in itself problematic, because it's supposed  
14 to be -- the penthouse is supposed to be set back. But in the  
15 section drawings, it shows it's set back. In the renderings,  
16 it's not, and also in the head-on elevations it's not.

17 Now maybe I'm reading something incorrectly, but the  
18 applicant either needs to make those things consistent, and  
19 change the renderings and the elevations so that the -- it  
20 is -- the penthouse is compliant when it comes to setback, or  
21 they need to explain to me how I'm reading something wrong. And  
22 I always welcome that. I love being corrected.

23 CHAIRPERSON HOOD: Ms. Schellin, do we have everything?

24 MS. SCHELLIN: I'm assuming so, since  
25 Commissioner Miller didn't pipe in.

1 VICE CHAIR MILLER: Yes. Yes.

2 MS. SCHELLIN: I think he should -- he said yes.

3 VICE CHAIR MILLER: Yes.

4 MS. SCHELLIN: Okay.

5 VICE CHAIR MILLER: Thanks. I think you covered  
6 everything.

7 MS. SCHELLIN: So if we could have those -- so,  
8 Mr. Brown, do you need -- still need three weeks, or are you  
9 going to be able to do that in two weeks? That makes a difference  
10 in when I schedule you guys for a decision.

11 MR. BROWN: Two weeks.

12 MS. SCHELLIN: Okay. Two weeks.

13 MR. BROWN: Which would be --

14 MS. SCHELLIN: So if we could have your submissions  
15 then by 3 p.m. on June 27th?

16 REVEREND DR. MCALLISTER-WILSON: That's a Monday.

17 MS. SCHELLIN: And the Office of Planning would also  
18 make their submissions by 3 p.m., June 27th. And the parties  
19 would have until 3 p.m. July 5th, since the 4th is a holiday, to  
20 respond only to those submissions made on the 27th. Draft  
21 findings of facts and conclusions of law would be due also on  
22 July 5th, and we can put this on for consideration the July 14th  
23 public meeting.

24 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.

25 Let's go ahead. I think -- I'm telling our equipment

1 it -- our equipment's been on for six hours. I know mine is  
2 making some funny -- and I think Commissioner May is -- the  
3 equipment is getting ready to cut off on all of us. So the  
4 equipment is tired. So anyway, I want to thank everyone for  
5 their participation tonight, especially those in the audience who  
6 stuck with us. And this hearing is adjourned. But let me just  
7 say, the Zoning commission will be meeting Thursday on these same  
8 platforms. I believe we have the Office of Planning. But  
9 whatever it is, just join us Thursday on these same platforms at  
10 4 p.m., if you want to join us. So with that, I want to thank  
11 everyone. Goodnight, and thanks for sticking with us.

12 (Whereupon the above-entitled matter went off the  
13 record at 9:51 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 06-13-2022

Place: Teleconference

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