

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 05-40B [Wesley Theological Seminary of the
United Methodist Church - Modification of Condition
No. 5 of Z.C. Order No. 05-40A - Approved Campus
Plan.]

6:31 p.m. to 7:11 p.m.

Thursday, July 14, 2016

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 MARCIE COHEN, Vice Chair

4 PETER MAY, Commissioner

5 ROBERT MILLER, Commissioner

6 MICHAEL TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JOEL LAWSON

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

2 CHAIRPERSON HOOD: Okay. We're getting ready
3 to get started. Good evening, ladies and gentlemen.
4 This is a public hearing -- two public hearings of
5 the Zoning Commission for the District of Columbia.
6 Today's date is July the 14th, 2016.

7 My name is Anthony Hood. Joining me are Vice
8 Chair Cohen, Commissioner Miller, Commissioner May,
9 and Commissioner Turnbull. We're also joined by the
10 Office of Zoning staff, Ms. Sharon Schellin, and soon
11 to be joined by the Office of Planning staff.

12 This proceeding is being recorded by a court
13 reporter and is also webcast live. Accordingly, we
14 must ask you to refrain from any disruptive noises or
15 actions in the hearing room including the display of
16 any signs or objects. Notice of today's hearings,
17 and both hearings, was published in the D.C. Register
18 and copies of that announcement are available to my
19 left on the wall near the door.

20 The following time -- the hearing will be
21 conducted in accordance with provisions of 11-DCMR-
22 3022 as follows, preliminary matters, applicant's
23 case, report of Office of Planning, report of the
24 government agencies, report of the ANC, organizations
25 and persons in support, organizations and persons in

1 opposition, rebuttal and closing by the applicant.
2 And that would apply to both cases tonight.

3 The following time constraints will be
4 maintained in this meeting. The applicant has up to
5 -- we probably can do both cases in about 10 minutes.
6 Organizations five minutes, individuals three
7 minutes.

8 The Commissioner reserves the right to change
9 the time limits for presentations if necessary and
10 notes that no time shall be exceeded.

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

19 When presenting information to the Commission
20 please turn on and speak into the microphone, first
21 stating your name and home address. When you are
22 finished speaking please turn your microphone off so
23 that your microphone is no longer picking up sound or
24 background noise. The staff will be available
25 throughout the hearing to discuss procedural

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

6 MS. SCHELLIN: Yes. Please raise your right
7 hand.

8 [Oath administered to the participants.]

9 MS. SCHELLIN: Thank you.

10 CHAIRPERSON HOOD: Okay. We will deal with
11 the first case first, which is Zoning Commission Case
12 04-40B. My opening statement, though, will go
13 towards both cases. I will not reread the statement
14 other than to announce when the Office of Planning
15 arrives.

16 Ms. Schellin, do we have any preliminary
17 matters in the first case?

18 MS. SCHELLIN: Yes, sir. In the first case
19 we have a party status request from the Spring Valley
20 Wesley Heights Citizen's Association in support.
21 That was submitted on time. Jeffrey Kraskin,
22 President, is the representative. I don't know if
23 he's -- oh, he's at the table, actually.

24 Repeat it? Yes. At Exhibit 11 we have a
25 party status request in support from the Spring

1 Valley Wesley Heights Citizen's Association, Jeffrey
2 Kraskin, President is the representative and he is
3 sitting at the table to the right of Mr. Smith, the
4 ANC representative.

5 CHAIRPERSON HOOD: Okay. Okay, thank you.
6 Colleagues, any issues on party status in this case
7 in support? The ANC, as we know, is already a party.
8 No objections?

9 Okay. So, Mr. Kraskin will have party
10 status.

11 MS. SCHELLIN: Okay.

12 CHAIRPERSON HOOD: Anything else?

13 MS. SCHELLIN: No, sir.

14 CHAIRPERSON HOOD: Okay. Mr. Brown, you
15 ready?

16 MR. BROWN: I am. Patrick Brown from
17 Greenstein, Delorme, and Luchs, here on behalf of
18 Wesley Seminary. I think with the exception of Mr.
19 Miller all of you have been involved in either the
20 original campus plan or the first amendment in 2012.
21 So we've put a fair amount of information in the
22 record and also a PowerPoint presentation. I'm not
23 so sure you want me to go through that. This is a
24 very limited request for modification where we're
25 asking to change the 2012 order in just a few

1 respects.

2 First, actually limiting the duration of the
3 Campus plan, which was original through 2025 to
4 December 31st, 2019. Also, and I think of slightly
5 more significance, to authorize the use of Straughn
6 Hall, which is one of the existing dorm buildings on
7 campus, use that to its capacity of maximum of 55
8 students to house non-Wesley graduate only students.

9 And as the record reflects, the Seminary
10 wasn't aware that that was something that warranted
11 approval. They do know that now and they're here.
12 The experiment in housing graduate students in
13 Straughn Hall I think has been without a whole lot of
14 notice and successful. We've laid out in our
15 PowerPoint presentation the care that's taken to
16 house the students, the non-Wesley Grad students.

17 And the real critical issue for Wesley is
18 that when they built the new dorm under the 2012
19 campus plan, they had a brand new modern state of the
20 art dorm at a time when their enrollment was
21 decreasing, and all the students, Wesley students,
22 went to the new dorm and left Straughn Hall largely,
23 if not entirely, vacant. And that for a tuition
24 driven seminary with declining enrollment the need to
25 backfill that space with some income producing

1 graduate students, it's worked well. There have been
2 no issues with the students and they've incorporated
3 fairly well into the Wesley community and have access
4 to facilities and resources.

5 The other item is that because -- and I think
6 from the peak there's been about a 27 percent
7 decrease in the enrollment of the seminary, and
8 that's not likely to change in the near future as
9 we've shown in projections. And it seems to make
10 sense with the support of the ANC to suspend the
11 expense and really the unnecessary need of doing
12 traffic monitoring. The traffic wasn't an issue when
13 they were at their peak levels, and certainly now
14 that they're 27 percent lower traffic and parking are
15 nonissues.

16 CHAIRPERSON HOOD: Mr. Brown, I really
17 appreciate what you're telling us, but I think we get
18 that logistics of it. We read -- we do read the
19 materials. I know it's -- you're exactly reciting
20 back to us what we've already read. So if there's
21 anything else, unless my colleagues want to continue
22 in this manner, if there's anything else that you can
23 add to it, we can proceed with the hearing, with the
24 other part of the hearing.

25 MR. BROWN: No. I would ask the Board that

1 they need, and I think the Board will be amenable to
2 taking action tonight so that we can proceed to
3 confirm the housing for the fall term. It's being
4 held in limbo until such time as this approval is
5 granted. So timely action is important. I think I'd
6 make that clear.

7 CHAIRPERSON HOOD: Okay. All right. Thank
8 you, and thank you for allowing me to cut you short
9 because we did read all that and it was very well
10 done. So we did read that.

11 MR. BROWN: And I would -- with me is Jeffrey
12 Straits, the Vice President of Finance and CFO. He's
13 prepared to talk to you but I don't think that's
14 necessary. But he's certainly able and willing to
15 answer any questions you have.

16 CHAIRPERSON HOOD: Okay. Well, let's see if
17 we have any. Colleagues, any questions or comments?
18 Commissioner May?

19 MR. MAY: I just had two. One was the DDOT
20 had a concern about the condition having to do with
21 the traffic monitoring. And have you -- they suggest
22 an alternative.

23 MR. BROWN: They have not suggested an
24 alternative. When I received their report I
25 responded to it. They asked a question about the TDM

1 measures, which I laid out in my filing and in a
2 response to them directly, and I haven't heard a word
3 from them. I mean, I think quite frankly they were
4 standing on principle rather than realizing the facts
5 that --

6 MR. MAY: All right. Well, so let me just
7 say, the report that I'm reading says, "DDOT has no
8 objection to the request for modifications with the
9 following condition; complete a traffic monitoring
10 survey as specified in Zoning Commission Case 05-40A
11 during the fall semester of 2016/17. If the
12 applicant does not exceed their trip caps after two
13 annual traffic monitoring surveys and does not exceed
14 the 505 headcount, then the requirement for traffic
15 monitoring surveys may be suspended. If the
16 applicant exceeds either of the trip caps additional
17 TDM measures shall be required."

18 MR. BROWN: And the objection we have and I
19 think is supported by the ANC and this Citizen's
20 Association is that given the reduced level of
21 enrollment to impose a monitoring survey this fall,
22 which comes with a price tag of about \$5,000, is
23 really unnecessary. And I'll let others in the
24 community indicate their feelings on the matter. But
25 it's putting form over substance. The students

1 aren't there. The traffic, as a result, isn't there.
2 And to ask the seminary, which is quite frankly
3 pinching pennies anywhere and everywhere they can, to
4 spend money to satisfy a requirement that I think is
5 going to come back and say that traffic is at a much
6 reduced level than when it was last --

7 MR. MAY: All right. So well, you know, I
8 appreciate the concerns of the community. However,
9 we don't look to them for their traffic expertise, we
10 look to DDOT for that. So they've raised this
11 condition but I mean, are you telling me that you
12 have resolved it with them, because you made it sound
13 like the only thing that you had to do was repeat the
14 TDM measures.

15 MR. BROWN: They asked a question in the
16 report about our compliance with the TDM measures
17 which I laid out in response to them --

18 MR. MAY: Right.

19 MR. BROWN: -- and also to the Board. They
20 have not responded to that. I've made clear my --

21 MR. MAY: But I mean, but this report that's
22 in the record on this case, Exhibit No. 15, says that
23 they're okay with it if you comply with this
24 condition and you're saying you won't comply with
25 that condition. So we have an unresolved issue.

1 MR. BROWN: We don't think, and ultimately
2 you and the Commissioners are the decision makers.
3 But we do not believe that that's an appropriate
4 condition to be imposed --

5 MR. MAY: So you haven't filed a formal
6 response to their report, the language I just read
7 you?

8 MR. BROWN: Not with -- not, no. Other than
9 we politely differ and object to --

10 MR. MAY: I understand you disagree with the
11 condition. Wasn't there a condition originally to do
12 that traffic monitoring.

13 MR. BROWN: Yes, there was.

14 MR. MAY: And it was never done.

15 MR. BROWN: That's correct.

16 MR. MAY: Okay. So it doesn't seem
17 completely unreasonable to confirm that what you say
18 is correct. And maybe, you know, I mean they're
19 saying two years' worth of monitoring, maybe only one
20 year is necessary, but you know when we decide on a
21 campus plan that these are the conditions that are
22 necessary we kind of expect you to live up to them.
23 So I'm a little disappointed that nothing has been
24 done. I mean, if it had been done you could have
25 demonstrated, hey, it wasn't necessary and that is

1 proven, and so therefor it should go away.

2 So, anyway, I mean I don't know that there's
3 much more for you to say to that. I just think
4 that's an unresolved issue. I think I had one other
5 issue. And I'm having trouble remembering what it
6 was. Hold on a second. Maybe if anybody else has
7 other questions I can --

8 CHAIRPERSON HOOD: We can come back to you.
9 That's what happens when you're down here for four
10 nights. The problem -- yeah, it runs together.

11 Okay. Any other comments, questions? Mr.
12 Turnbull.

13 MR. TURNBULL: Yeah, thank you, Mr. Chair.
14 Your Exhibit 13, Exhibit 13 supersedes Exhibit 10, in
15 which case you have changed the request for the
16 modification for the duration of the campus plan.
17 Originally Exhibit 10 had December 31st, 2020, and
18 now you're asking for 2019.

19 MR. BROWN: As a result of ongoing
20 discussions with the citizens in ANC, we agreed upon
21 -- and there's a method to the dates, December 31st,
22 2019 for the plan. But the housing of the grad
23 students was May 31st, 2019, which would be the end
24 of the semester; the spring semester, so that the two
25 lined up. And those were the dates we agreed on with

1 the citizens and the ANC.

2 MR. TURNBULL: Okay. Thank you.

3 MR. MAY: So, sorry. I mean, that was my
4 question was had to do with the shortening of the
5 period and I wasn't listening to the answer because I
6 was looking for my -- to remind myself. Can you
7 repeat just what you answered there?

8 MR. BROWN: Okay. When we came back with the
9 first revision the discussions then were based on a
10 rolling back the termination to 2020. Further
11 discussions with the ANC we led up to their meeting,
12 we agreed to synchronize the duration of the campus
13 plan, December 31st, 2019 with the end of the
14 approval to house the grad students.

15 MR. MAY: Okay.

16 MR. BROWN: Through the end of that May term,
17 and that's how we reached that. So we've --

18 MR. MAY: So I mean, and we don't often have
19 a request to reduce the length of a campus plan
20 that's already in effect, nor do we want to review
21 campus plans more often than we have to.

22 MR. BROWN: One of the things that was going
23 on at Wesley in general, and certainly in our
24 discussions with the neighbors is that we're here in
25 2012 and the expectations and the planning were for

1 circumstances that to everybody's regret, don't seem
2 to be taking place. And while a period of, you know,
3 planning and reflection but the onus should be on
4 Wesley to make a reevaluation of their situation and
5 come up with the campus plan that better fits what
6 they think their reasonable circumstances are.

7 When we were here in 2012 we were expecting
8 an increase or certainly a maintenance of the
9 enrollment levels and that hasn't occurred. There
10 were things that were going to occur as far as the
11 renovation and repurposing of the existing buildings
12 that hasn't occurred and probably may not occur as a
13 result of financial issues.

14 So by shortening it, it forces the seminary
15 to make a serious reevaluation. And also, and where
16 it's important and I think where we agreed with the
17 community is that they know what the situation is.
18 Rather than being in a, you know, a plan that 2025
19 with no real insight about what really is going to
20 happen. So I think that's why we agreed on
21 shortening the -- mutually agreed on shortening the
22 plan. Mr. May, when we were here in 2012 --

23 MR. MAY: Yeah.

24 MR. BROWN: -- to grant a campus plan to
25 2025, was on the long side.

1 MR. MAY: Yeah, but not -- you know, only a
2 couple years longer than we normally would.

3 MR. BROWN: And again, maybe that was over-
4 optimistic, or whatever. But this seems to make
5 sense given the current situation and the process.

6 MR. MAY: Okay. Okay. The logic is still
7 hard for me to understand but that's okay. I don't
8 want to belabor it.

9 MR. MILLER: Thank you, Mr. Chairman. I just
10 wanted to compliment the applicant, the seminary, and
11 the community for working together to achieve a
12 compromise that you all can live with. I think all
13 the conditions are reasonable and I appreciate you
14 all working together to get there. Thank you.

15 MS. COHEN: Thank you, Mr. Chairman. Since
16 2014 you've been leasing the empty space to graduate
17 students. Are you now planning to change that to go
18 to undergraduate students, who will remain graduate?
19 Okay. It was a little confusing in some of the
20 testimony that we've received. Thank you.

21 CHAIRPERSON HOOD: I will say this, Mr.
22 Brown, we spent a lot of time down here and we put
23 things in place. Going back to what Commissioner May
24 was talking about as far as the DDOT and the surveys.
25 We put things in place for a reason and we expect for

1 those things to happen. And that has always
2 irritated me, especially with a campus plan when they
3 come back -- and I'm not necessarily talking to you,
4 I'm talking to -- the correct people know who I'm
5 talking to. It always irritates me when they come
6 back and we hear these things are not done.

7 Now, I think you do make a valid argument. I
8 know there's a money issue so you're trying to find
9 other ways of revenue and to require this. I go a
10 little further than I think Commissioner May on this
11 DDOT letter. One of the things it did say, that you
12 all would work outside of the process. So I don't
13 know if that's necessarily an unresolved issue the
14 way I read it because it says that the applicant is
15 expected to continue to work with DDOT outside the
16 Zoning Commission process on the following matter,
17 traffic monitoring survey is expected to be scoped
18 with DDOT prior to performing the surveys.

19 So you know, I don't know if I would hold it
20 in this setting or they'll deal with it later on as
21 they cited in their report. But I think Commissioner
22 May alluded to that DDOT has no objection
23 requirement, but they have no objection as long as
24 you fulfill.

25 But I think you also again, like I said

1 earlier, make an argument as far as the revenue
2 issue. So, the issue is, should have been done in
3 the past. I don't know, at least from what I'm
4 seeing here those things are not done, and we put
5 those things in place for a reason and we expect for
6 them to be followed.

7 MR. BROWN: Understood.

8 CHAIRPERSON HOOD: Okay. All right. So you
9 can pass it on to --

10 MR. BROWN: And more importantly, I can
11 guarantee you that the seminary understands that.

12 CHAIRPERSON HOOD: Okay. All right. Any
13 other questions or comments? Commissioner Miller?

14 MR. MILLER: Just on that point. I
15 appreciate that comment but I think that the
16 circumstances have changed, that they had an
17 expectation that they were going to be increasing
18 enrollment from 505 to 715. They've actually gone
19 down so not only is it a revenue issue but it's the
20 impacts are less than they were originally, even.

21 CHAIRPERSON HOOD: Yeah, I'm very well aware
22 of that. That's why I didn't want him to continue
23 with his presentation.

24 MR. MILLER: Yeah.

25 CHAIRPERSON HOOD: But I still think, though,

1 we spent many nights down here to quarter to 12:00
2 putting things in place and we shouldn't wait until
3 you have to come back and ask for something else to
4 tell us why you -- if it was going down we should
5 have probably done this sooner or looked at another
6 condition or took it out or something, a lot earlier
7 than now. So that's all I'm saying.

8 Any other comments or questions?

9 MR. TURNBULL: Well, yeah. Mr. Chair, I
10 think the Department of Transportation letter is not
11 basically telling them to continue -- is not
12 requiring the monitoring to go on. They're basically
13 saying that they need, as specified for the semester
14 of 26, 2017. So they're basically asking just for
15 that one period of time to do the monitoring.
16 There's not like it's like an ongoing.

17 And they're saying that once they look -- if
18 the applicant exceeds either the trip caps then
19 they're going to have to do it. But I think they're
20 basically saying that -- the requirement for the
21 monitoring service may be suspended. So they're
22 really asking just for basically a current loading of
23 where you are on that. And I think then they would
24 agree with suspending it if you fall below what the
25 expected levels were. It's not like they're saying

1 that they're asking you to keep doing surveys.
2 They're just asking for a snapshot in time as to
3 where the levels are right now.

4 CHAIRPERSON HOOD: And I think what Mr.
5 Brown's point was, that it comes with a price tag.
6 And that's --

7 MR. TURNBULL: Well, everything comes with a
8 price tag.

9 CHAIRPERSON HOOD: Yeah. And I think --
10 that's why I took the position I took, that we should
11 have known about this earlier, we should have
12 followed the rules.

13 MR. TURNBULL: Yeah.

14 CHAIRPERSON HOOD: So I think the point now
15 is as because, as Commissioner Miller was stating, is
16 we've read. It's declining. It's going down. They
17 have to find other ways of revenue. So I think you
18 said it comes with a price tag. Well, I guess you
19 all have already done the research of \$5,000?

20 MR. BROWN: That's our -- I consulted our
21 transportation engineer, Mr. George.

22 CHAIRPERSON HOOD: Oh, Mr. George.

23 MR. BROWN: I mean, give or take a few
24 dollars. But that was his estimate.

25 CHAIRPERSON HOOD: And he would have been the

1 one to do it?

2 MR. BROWN: Yeah.

3 CHAIRPERSON HOOD: You should tell him to
4 give you a discount. Okay. All right.

5 MR. BROWN: I will mention that to him.

6 CHAIRPERSON HOOD: Well, you can tell him
7 I --

8 MR. BROWN: If it's necessary.

9 CHAIRPERSON HOOD: Okay. Well, let's see how
10 it goes. Any other questions or comments up here?

11 Okay. Let's go to -- does the ANC have any
12 cross?

13 MR. SMITH: No.

14 CHAIRPERSON HOOD: Party have any cross?

15 MR. KRASKIN: No.

16 CHAIRPERSON HOOD: Okay. Let's go to the
17 Office of Planning's report, and we are joined by Mr.
18 Lawson. Mr. Lawson.

19 MR. LAWSON: Good evening, Chairman Hood and
20 Members of the Commission and everybody here. I
21 think that the Office of Planning will just stand on
22 its -- stand on the record and be available for
23 questions. Thank you.

24 CHAIRPERSON HOOD: Colleagues, any questions
25 of the Office of Planning? Okay. And we've already

1 talked enough about the DDOT letter. Okay.

2 Let's go to the report of the ANC, Chairman
3 Smith.

4 MR. SMITH: I will be brief and I won't go
5 through all the written testimony that I have shared
6 with you. But I just wanted to point out the genesis
7 of this modification. We learned about this issue
8 actually from the group of AU graduate students who
9 are living in Straughton Hall. We actually had no
10 idea at the time that there were AU graduate students
11 living in Straughton Hall.

12 But we learned about it because they came to
13 the ANC to ask for our help to disapprove a master
14 lease proposal that was put forward by AU to house
15 undergraduate students at the Wesley Seminary campus.
16 And we worked very closely with those graduate
17 students and learned what it mean -- what it meant
18 for them to live at the Straughton Hall Wesley dorm.

19 Many of these students were international
20 students and they were able to link up with other
21 international students at Wesley Seminary. It was
22 their family. It was a huge piece for them.

23 So we were very glad. We pushed, at that
24 time, to get AU, Wesley in the same room, the
25 graduate students in the same room, to try to reach

1 an agreement that would enable those graduate
2 students to continue to live at the Straughton Hall
3 dorm.

4 We had no idea at the time that Wesley was
5 experiencing the kinds of financial problems that
6 they were encountering. But with follow-up
7 discussions with Wesley we had some very frank
8 discussions about that. And we realized that we had
9 as much of a responsibility as Wesley to help Wesley
10 get its house in order. And that also meant not
11 making some unnecessary demands of them, or
12 extraordinary demands of them, and even looking at
13 maybe what we had asked in the previous go-around as
14 to whether it was really necessary.

15 When we talked about the issue -- I'm going
16 to follow up a little bit with what Mr. Brown said
17 about the timeline for doing a new campus plan.
18 There actually was a reason for this that was rooted
19 in the financial issues. If you go back and you look
20 at the record when Wesley came here for the last
21 modification a few years ago, you'll see that they
22 worked out an agreement with the neighborhood to
23 actually -- there was property that was going to be
24 subdivided from their property and sold as lots for
25 development.

1 And what they agreed to do as part of their
2 last campus modification when they were seeking your
3 approval to build a new dorm, was that they would
4 take that off the market basically, so that there
5 would not be this additional development that was
6 immediately adjacent to a residential neighborhood.

7 As we started discussing this issue with
8 Wesley this year, we started thinking well, obviously
9 that is a source of potential revenue down the road,
10 and maybe this is something that Wesley and the
11 neighborhood needs to revisit going forward to look
12 at the overall picture of how Wesley's campus is
13 used, how their land is used, and whether there are
14 some economic opportunities for Wesley that the
15 neighborhood could support to help them get on a good
16 financial level going forward for quite a long time.

17 So we thought the mechanism for that would be
18 the idea of them coming back and doing a new campus
19 plan within a couple of years. See, you know, see
20 what happens. See that now that you have all these
21 holes that need to be plugged, let's see how it
22 happens.

23 So that's really -- we're really the ones,
24 the neighbors are the ones who suggested the idea of
25 coming back sooner for a campus plan; sooner than

1 2025. If you remember right, in the last
2 modification we extended the life of the campus plan.
3 We recommended that you extend the life of the campus
4 plan. It was supposed to end, I think, in 2020, if
5 I'm not mistaken. And you agreed to extend it for
6 five more years.

7 The last thing I want to address is this
8 issue of DDOT. And I realize that we're not the
9 experts when it comes to transportation. However, we
10 do live in the neighborhood and we experience the
11 impacts of the transportation issues.

12 I want to remind this Commission that that
13 trip cap study was in that order because of the ANC
14 and the neighbors. We were the ones, not DDOT, we
15 were the ones who pushed Wesley Seminary in the last
16 go around to include that as a way for us to support
17 their plan to build a new dorm. We had no idea that
18 enrollment was going to decline. And frankly, DDOT
19 obviously didn't miss any of those reports. They've
20 never done a review to say, you didn't do this
21 report, that report, or the other report. It
22 actually falls to the neighbors and the ANC to track
23 these things and that just doesn't make sense to us.

24 And frankly, you know, DDOT has consistently
25 said that a neighboring institution of 13,000

1 students doesn't need a trip cap monitoring survey.
2 But now all of a sudden because we've mention --
3 because we got it in the initial order, a 400 student
4 institution needs to do this trip cap.

5 So, you know, we don't feel that it's this
6 religious -- that this trip cap thing is this
7 religious object. And if it will save Wesley some
8 money, we're fine with it. We don't -- I live right
9 next door to Wesley Seminary. We are not
10 experiencing any traffic impacts that are
11 attributable, either traffic or parking, that are
12 attributable to Wesley Seminary.

13 So we would encourage you to keep an open
14 mind about that and to do every -- what we're trying
15 to do within reason, and without creating
16 objectionable impacts within the neighborhood, is do
17 everything we can to help Wesley get on a sound
18 financial footing.

19 In the long term it's in the interest of the
20 neighborhood because it will preserve Wesley at that
21 site. And frankly, you know, that is in the -- that
22 is -- Wesley is an asset to our community and it's an
23 advantage for it to be there. So that would conclude
24 my testimony and I'd be happy to answer any questions
25 you might have.

1 CHAIRPERSON HOOD: Okay. I'm going to thank
2 you Chairman Smith. I tell you, you've given me
3 another issue that I'm going to take up with DDOT
4 because now I want to know, all these orders that we
5 do, who follows up on them. So that's the next thing
6 DDOT is going to hear. So if they're home,
7 streaming, watching, that's going to be the next
8 question from this Commissioner.

9 Let me open it up. Mr. Turnbull.

10 MR. TURNBULL: Thanks, Mr. Chair. Actually,
11 Commissioner Smith, we just went back through the
12 order and I was referencing the parking of vehicular
13 traffic section. And under Item G it does quite
14 clearly say, the applicant will monitor its parking
15 demand over the term of the campus plan and provide
16 semi-annual reports to the ANC Spring Valley, Wesley
17 Heights Citizen's Association and Neighbors for a
18 Livable Community. Doesn't say anything about
19 Department of Transportation. So they don't even get
20 it.

21 CHAIRPERSON HOOD: So, no wonder they don't
22 have one. So did you all get any?

23 MR. SMITH: No, sir.

24 CHAIRPERSON HOOD: So you all didn't miss
25 them either. So nobody --

1 MR. SMITH: No. Well, you know, that's a
2 real good point because actually when we missed them
3 was when we started going through this process.

4 But I have to tell you, you know, frankly
5 while we may not have missed them, there's probably a
6 reason for that, you know, that there weren't the
7 impacts.

8 MR. TURNBULL: Yeah.

9 MR. SMITH: But the other piece of it is, is
10 that over the last -- and I'm not going to be nice
11 about this, but I mean over the last several years
12 our ANC has been dealing extensively with issues
13 related to American University. You know, and
14 frankly there's just a limit as to how much ANC 3D as
15 volunteers, can follow.

16 DDOT gets that same order, and whether
17 they're mentioned in the order or not they have
18 responsibilities to follow through with reports, the
19 transportation reports that are required. And as
20 you'll see, if you saw our report in the next case,
21 we have the same complaint there as well. You know?

22 CHAIRPERSON HOOD: Well, I'm going to
23 withdraw my statement to DDOT. So if they're
24 streaming it I'm not -- but even more than that, it's
25 not whether it's DDOT, it's not whether it's the ANC,

1 Spring Valley or whomever, if we put it in the order
2 we look to the applicant.

3 You know, I'm going to start there. I'm not
4 going to go to all these other folks and all these
5 other groups, especially the volunteer groups. But
6 we're looking to the people who agreed to put it in
7 the order. Yes, when you have your community groups
8 with the ANC, you go out and you talk to them, look,
9 we're not having any issues, do we need to still
10 follow this? Or we're not doing this? We want to
11 let you know this is not an impact. I look to the
12 applicant. And not just in this case, but all cases
13 in these orders, to follow through with what this
14 Commission does.

15 CHAIRPERSON HOOD: Any other comments up
16 here? Vice Chair Cohen?

17 MS. COHEN: Thank you, Mr. Chairman. I do
18 want to compliment the ANC for reaching out and
19 wanting to work with Wesley Theological Seminary to
20 resolve some of their issues. I understand it's just
21 a beautiful peaceful oasis.

22 But you did ruffle my feathers a little bit
23 when you used the terms demand. There's nothing that
24 you want to demand. You said it twice. And it
25 reminded me of somebody who is in the news, all too

1 often, who is a bully. So --

2 MR. SMITH: Oh, please.

3 MS. COHEN: -- can you elaborate on what you
4 meant by demand, because I don't think we're all in a
5 position to demand as much as to work together, which
6 you eventually came to that conclusion?

7 MR. SMITH: I will take back my use of the
8 word demand. I certainly would never want to be
9 compared to, to somebody that you're referring to.

10 But, you know, the reality of it is, is that
11 when you sit down and work with an institution you
12 look at what your needs are, and you also try to
13 understand what their needs are. And you work very
14 aggressively to put your needs out there, and while
15 at the same time trying to keep an open mind about
16 their needs.

17 And that's what we've tried to do, whether
18 it's this case or any case that we deal with within
19 the ANC. And this is no different than the way we
20 approach things.

21 So no, we're not making demands but you know,
22 is there a list of things that we would like that,
23 you know, that we wish we could demand? Sure. I
24 mean, it just doesn't happen. We're lucky to get
25 anything these days. I mean, let alone our whole

1 wish list. So I apologize for the use of that word.
2 That's why I prepare written testimony. I used to
3 have -- my Rabbi used to always say to me, never get
4 up and speak without things in writing. And he
5 believed that wholeheartedly and I always have
6 followed that and I really hate not reading from my
7 testimony. But I understand your interest in time
8 tonight.

9 CHAIRPERSON HOOD: Okay. Any other questions
10 or comments? Okay. Does the Applicant have any
11 cross?

12 MR. BROWN: No, just to thank Mr. Smith.

13 CHAIRPERSON HOOD: Okay. Does Spring Valley
14 have any cross? Okay. let's go to -- we have any
15 organizations and persons who are here in support?
16 Let me go to the party, Spring Valley, and then we'll
17 take -- do we have any persons who would like to
18 testify here in support of this case? Okay. There's
19 nobody on the list? Okay. I forget to look at this
20 new terminology here.

21 Okay. Mr. Kraskin.

22 MR. KRASKIN: Good evening, Chairman Hood and
23 the Members of the Commission. I am Dr. Jeffrey
24 Kraskin and I am the President of the Spring Valley
25 Association.

1 Tonight there really, in both cases, but
2 there are two critical words, consequences and
3 responsibility. And they come up back and forth.
4 And in this case there is one other one which is
5 integrity.

6 The Seminary has a level of integrity, and
7 when you talk about meeting and realizing, yes you're
8 right, Mr. Turnbull, we didn't realize. We should go
9 back and go, where is that count. But for Mr. May,
10 we're not traffic expertise, but we live there as Mr.
11 Smith said and we see what's there and we see where
12 the traffic really relates to or where it comes from.
13 That's not the issue of the Seminary.

14 The Seminary, when they came to realize the
15 students, the graduate students that they had been
16 renting to, they shouldn't have been doing, wasn't in
17 the order. But they didn't hide the fact after the
18 students made a comment to Mr. Smith. They came to
19 the community with integrity and said, we need to sit
20 and talk. We need to figure out how to solve the
21 problem. We're sorry about this.

22 So they understood the potential, the
23 consequences. And with the integrity of the Seminary
24 and the way they are responsible, we talked. And
25 that's why we strongly support the changes and we

1 really encourage this Commission tonight to approve
2 these requests, because it is critical for those
3 graduate students to be able to have a place to go.

4 The one question -- the one request we also
5 made was not to just to limit because of their
6 financial needs, why limit to AU graduate students.
7 So that's why you'll see it just says, graduate
8 students. And that's important for the general area;
9 whether it be maybe from Georgetown or GW or
10 wherever.

11 So we strongly would support. We urge you to
12 move ahead and give them approval so these students
13 can move into Straughton Hall and know that they have
14 a place to go.

15 And the other issues here in regards to the
16 DDOT, you'll do what you wish to do. But again, we
17 recognize what's out there. We see where the traffic
18 is, and if it is there. So I thank you all for your
19 attention and I hope we can move ahead.

20 CHAIRPERSON HOOD: Thank you, Dr. Kraskin. I
21 would agree with you. The real traffic experts are
22 those of us who live in the community. So I would
23 definitely agree with you on that point.

24 Let's open it up. Any questions or comments?
25 Not seeing any. Okay. Does the applicant have any

1 cross?

2 MR. BROWN: No. Thank you, Dr. Kraskin.

3 CHAIRPERSON HOOD: Okay. Chairman Smith, you
4 have any cross? Okay.

5 I want to thank both of you very much for
6 coming down and giving your testimony.

7 Do we have any organizations or persons who
8 are here in opposition of this case? Not the next
9 one, of this one? Of this case? Come forward. And
10 next -- this case? The next case. Okay. All right.

11 Mr. Brown, I don't know if you have any
12 rebuttal. You might have some rebuttal and closing.

13 MR. BROWN: I don't think it's necessary. I
14 think between what I've said, what you've read, and
15 what the two neighbors have put on the record I think
16 you have a full understanding of the situation.

17 CHAIRPERSON HOOD: Okay. So with this we'll
18 close our hearing part of it, and colleagues,
19 let's -- are we ready to deliberate or --

20 MS. COHEN: Yes.

21 CHAIRPERSON HOOD: Okay. Commissioner May.

22 MR. MAY: Right. So, I do appreciate the
23 testimony of the ANC and the, you know, the neighbors
24 and the Citizen's Association. I mean, all these
25 things are, I think, are relevant. I mean, again, I

1 do rely on DDOT for traffic expertise. But in terms
2 of understanding impacts, the specific impacts
3 associated with this, it certainly is relevant and I
4 think that the most enlightening thing was Mr.
5 Turnbull reminding us that it was the ANC and the
6 neighbors who had insisted on that monitoring in the
7 first place.

8 So if you're not insisting on it anymore I
9 can understand why it's okay to drop it. You know, I
10 think the -- if things change with the Seminary and
11 the population does start to grow again and there is
12 you know, there is some potential impact, you know,
13 maybe we'll be looking back on this and saying, well,
14 maybe it wasn't a bad idea to keep that triggered
15 somehow within the order.

16 I would also say that the fact that this is a
17 requirement of the case and it was not lived up to is
18 very disappointing. And you know, we heard the word
19 integrity before, and I think that's part of it. I
20 mean, we expect when we approve an order that the
21 institutions are going to live up to them. I think
22 there are certain things that are perhaps we expect
23 too much in terms of the ability to anticipate
24 circumstances, or the ability of universities or
25 other institutions that have campus plans to react

1 quickly and in order to live up to those conditions.
2 But when that happens that's when I think we need to
3 see the institution step forward and say, hey this is
4 -- you know, we have a problem and we need to take
5 some steps to address it within the campus plan
6 approvals.

7 So I do find that deeply disappointing but
8 given all the testimony that we've had here today I
9 don't have any problem with all of the proposed
10 conditions. I am still puzzled by the reduction in
11 the term of the approval because I just have this
12 thought that maybe things are not going to come
13 together as planned and you're going to be wishing
14 you had a couple more years on this. But if you
15 really want to modify the campus plan to reduce the
16 term of it by six years, I guess I'm not going to
17 object to it. I just think it's odd. So I'm okay
18 with what's before us.

19 CHAIRPERSON HOOD: Commissioner Miller.

20 MR. MILLER: Thank you, Mr. Chairman. I
21 would like to move that the Zoning Commission take
22 approval of Case No. 0-40B, Wesley Theological
23 Seminary of the United Methodist Church Modification
24 to approve Condition No. 5, Campus Plan Order No. 05-
25 40A, 4500 Massachusetts Avenue Northwest, Square

1 1600, Lots 6 to 9 as proposed by the applicant and
2 supported by the ANC and ask for a second.

3 CHAIRPERSON HOOD: Second. I'll second that.
4 It's been moved and properly seconded. Any further
5 discussion?

6 [Vote taken.]

7 CHAIRPERSON HOOD: Ms. Schellin, would you
8 record the vote?

9 MS. SCHELLIN: Yes. Staff records the vote
10 five to zero to zero to approve final action in
11 Zoning Commission Case No. 05-40B, Commissioner
12 Miller moving, Commissioner Hood seconding,
13 Commissioners May, Cohen, and Turnbull in support.

14 If we could have the applicant provide an
15 order, is the Commission authorizing a summary order
16 or is this going to be a full order?

17 MR. BROWN: The original order was a summary
18 order. And we'd be happy to provide a --

19 MS. SCHELLIN: Okay.

20 MR. BROWN: -- a draft.

21 MS. SCHELLIN: Summary order then. If you
22 could do that within two weeks, please?

23 MR. BROWN: Yes.

24 CHAIRPERSON HOOD: That's all right. This is
25 only one vote anyway, right? This is only one vote

1 anyway. Yeah. Okay. All right.

2 [Hearing adjourned at 7:11 p.m.]

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