

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

+ + + + +

MONDAY

MARCH 22, 2021

+ + + + +

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 IN THE MATTERS OF: :
 :
 The American University - : Case Nos.
 Campus Plan Approval for the : 20-31
 Period of 2021 - 2031 :
 ("2021 Campus Plan" :
 ----- :

The Public Hearing of the District of Columbia Board of Zoning Commission convened via Videoconference, pursuant to notice at 4:00 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- PETER SHAPIRO, Commissioner
- PETER G. MAY, Commissioner
- MICHAEL G. TURNBULL, Commissioner

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OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

The transcript constitutes the minutes from the
Regular Public Hearing held on March 22, 2021.

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

(4:00 p.m.)

1
2
3 CHAIRMAN HOOD: Good afternoon, ladies and gentlemen.
4 We are convening and broadcasting this public hearing by
5 videoconferencing. My name is Anthony Hood and I am joined
6 by -- there we are -- Vice-Chair Miller, Commissioner Shapiro,
7 Commissioner May, and Commissioner Turnbull. We are also joined
8 by the Office of Zoning's staff Ms. Sharon Schellin; our
9 secretary, Mr. Paul Young, who will be handling all of our virtual
10 operations. Others will introduce themselves at the appropriate
11 time.

12 Tonight's case is the Campus Plan only of the American
13 University. This is not about further processing or anything;
14 this is about amendments or recommendations to the original
15 Campus Plan.

16 The virtual public hearing notice is available on the
17 Office of Zoning's website. This proceeding is being recorded
18 by a court reporter and the platforms used are Webex Live, Webex,
19 and YouTube Live. The video will be available on the Office of
20 Zoning's website after the hearing.

21 All persons planning to testify should have signed up
22 in advance and will be called by name at the appropriate time.
23 At the sign-up, all persons will complete the oath or affirmation
24 required by Subtitle Z 48.7. Accordingly, all those listening
25 on Webex or by phone, will be muted during the hearing and only

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1 | those who have signed up to participate or testify will be unmuted
2 | at the appropriate time.

3 | When called, please state your name and home address
4 | before providing your testimony. When you are finished speaking,
5 | please mute your audio.

6 | If you experience accessing Webex or with your
7 | telephone call-in, or have not signed up, then please call our
8 | OZ hotline number at 202-727-5471. And let me read that again,
9 | because I'm sure what I said previously, it will get
10 | misinterpreted. If you experience difficulty accessing Webex or
11 | with your telephone call-in or have not signed up, then please
12 | all our OZ hotline number at 202-727-5471.

13 | If you wish to file written testimony or additional
14 | supporting documents through the hearing, then be prepared to
15 | describe and discuss it at the time of your testimony. The
16 | hearing will be conducted in accordance with the revisions of
17 | 11-Z DCMR, Chapter 4, as follows: preliminary matters;
18 | applicant's case; reports of the Office of Planning and District
19 | Department of Transportation; report of other government
20 | agencies; report of the ANC, we have a few in this case; testimony
21 | of organizations, five minutes, and individuals, three minutes,
22 | and we will hear in the following order from those in support,
23 | opposition, undeclared; and then we will have rebuttal and
24 | closing by the Applicant.

25 | Again, the Office of Zoning hotline number is 202-727-

1 5471 for any concerns during this proceeding. And let me just
2 state at the very beginning, we have a number of parties who have
3 petitioned us for party status and I would ask all parties if
4 you are granted party status, only one person -- and there's case
5 law out there on this -- only one person can do the cross-
6 examination. So, I don't know if you send the other person an
7 email or not. I know there's a little difficulty in this virtual
8 world, but only one person should be asking the questions, as not
9 to get it confused and cause other problems.

10 So, with that, I think everything is in order and we
11 would do housekeeping as we continue and we will see how long we
12 will go, and I will consult with my commissioners after about a
13 four-hour period.

14 So, at this time, the Commission will consider any
15 preliminary matters. Does the staff have any preliminary
16 matters?

17 MS. SCHELLIN: Yes, sir. We have quite a few.

18 Before we get to the party status request, if I may go
19 through the other preliminary matters, the first one being the
20 Applicant requesting a waiver of the rules to allow the posting
21 and maintenance affirmations, instead of affidavits. If the
22 Commission would, as they've been doing since we started virtual
23 hearings, accept the affirmation?

24 CHAIRMAN HOOD: Okay. I'm looking for a nod of heads.

25 MS. SCHELLIN: Okay.

1 CHAIRMAN HOOD: We'll good with that.

2 MS. SCHELLIN: Okay. The Applicant has -- well, I'll
3 get there when we do the party status requests -- proffered expert
4 witnesses: Matthew Bell, previously accepted in
5 architecture -- and I'm not sure if I have his name right -- Iain
6 Banks in transportation engineering, previously accepted -- asks
7 the Commission to accept them both in this case.

8 I'm seeing a nod of heads. Is that okay?

9 CHAIRMAN HOOD: So, let me just say this to the public.
10 We're going to nod our heads a lot, because when you mute and
11 unmute, it causes a lot of technical difficulties. So, forgive
12 us for nodding our heads. So, that's what we're going to do from
13 here on.

14 Okay. Ms. Schellin?

15 MS. SCHELLIN: All right. Property was properly posted
16 and maintained. The notice of intent was done. Public hearing
17 notice.

18 Okay. So, now, we'll go back to party status requests
19 and I will do one at a time if the Commission is good with that,
20 starting with a party status request in support from the AU
21 Neighborhood Partnership, represented by Troy Kravitz, and I
22 checked, he is present.

23 CHAIRMAN HOOD: And Ms. Schellin, could we --

24 MS. SCHELLIN: Exhibit 33 through 33(a).

25 CHAIRMAN HOOD: And that's a party in support?

1 MS. SCHELLIN: A party in support.

2 CHAIRMAN HOOD: Okay. Any questions on this request,
3 Commissioners?

4 (No verbal response)

5 CHAIRMAN HOOD: Okay. No objections.

6 We will grant AU Neighborhood Partnership party status.

7 MS. SCHELLIN: Okay. And my understanding is he will
8 take 15 minutes because the Applicant is taking 45. So, he will
9 have 15 minutes for his presentation.

10 Okay. Going to opposition, we have the Neighbors for
11 a Livable Community, represented by Dennis Paul. Let me do a
12 quick look and make sure that Mr. Paul is on.

13 (Pause)

14 MS. SCHELLIN: Mr. Paul. I did not see him. I don't
15 recall him registering to testify. Or did he?

16 I think maybe he did, but I don't see him on. We might
17 have to come back to him.

18 CHAIRMAN HOOD: Yeah, let's it come back to Mr. Paul.

19 MS. SCHELLIN: How about Westover Place Homes Corp.,
20 represented by Joan Morgulec.

21 CHAIRMAN HOOD: Okay. Commissioners --.

22 MS. SCHELLIN: I believe Benjamin Tessler may be also
23 representing them and he is here.

24 CHAIRMAN HOOD: Okay. All right. So, he will be the
25 representative.

1 And some of this stuff, Ms. Schellin, as we grant the
2 group's party status, if you could show it up while we are
3 proceeding, that would be great.

4 MS. SCHELLIN: I'm sorry, if I could what?

5 CHAIRMAN HOOD: If you could show it up, make sure who
6 that representative is.

7 MS. SCHELLIN: Yes, I will. Yeah, and I'll confirm
8 that, because I know I've talked with Mr. Tessler several times,
9 even though on the notation I was given, it says Joan Morgulec,
10 I think I know Mr. Tessler and one other gentleman will be doing
11 the presentation. So, I'll find out for sure from him which one
12 will be the representative. It could have just been that name
13 on the application and it changed.

14 CHAIRMAN HOOD: Okay. Again, each party that gets
15 status will have one representative representing the
16 (indiscernible) --

17 MS. SCHELLIN: Yes.

18 CHAIRMAN HOOD: Okay. Let's go to the next one.

19 Are there any objections on this?

20 (No verbal response)

21 CHAIRMAN HOOD: None. Okay.

22 MS. SCHELLIN: Okay. So that one is okay.

23 Jessica Herstein and Elliott Gerson, represent by
24 Laurie Horvitz, Esquire, at Exhibits 31, 32, and also at Exhibits
25 69 through 69(e). And I believe I already saw Laurie on here;

1 | if not, I know that I'm positive I saw Ms. Horvitz on her. Yes,
2 | Laurie is on.

3 | CHAIRMAN HOOD: Any objection, Commissioners?

4 | (No verbal response)

5 | CHAIRMAN HOOD: Not seeing any, we will give them party
6 | status.

7 | MS. SCHELLIN: Okay. Concerned Neighborhood At the
8 | Corner of Nebraska Avenue NW and Rockwood Parkway NW. I believe
9 | this is a new group. I don't think we've seen this one before.
10 | They're represented by Natalie Ambrose.

11 | Let me check for this one. Yes, she is on.

12 | CHAIRMAN HOOD: Okay. Commissioners, any objections?

13 | (No verbal response)

14 | CHAIRMAN HOOD: I did notice this was a new group, as
15 | well. I haven't seen, but be it as it may, I think their
16 | submission warrants them party status.

17 | Any objection?

18 | (No verbal response)

19 | CHAIRMAN HOOD: I'm not seeing any.

20 | Okay. Ms. Schellin?

21 | MS. SCHELLIN: Okay. And I should have let you guys
22 | know that the Applicant's response to the party status
23 | applications at Exhibit 42, thank goodness, the Applicant doesn't
24 | object to the various party status requests.

25 | Had there been an objection, I definitely would have

1 brought that up sooner. So, that is in there.

2 And the last one -- well, going back to Neighbors for
3 a Livable Community, we already did that one. No we didn't.
4 Dennis Paul. That's right, we were looking for Dennis Paul.

5 Let's go back and see if Dennis Paul is on here now.

6 (Pause)

7 CHAIRMAN HOOD: So, I believe that our rules state that
8 they have to be present at the time of consideration, correct?

9 MS. SCHELLIN: Yes. I'm going to check the phone number
10 that's also -- there is a caller in here, so I'll check.

11 There is one other group, if you want to go to that
12 one?

13 CHAIRMAN HOOD: Yeah, let's go to the other group. And
14 we want to extend the courtesy to the Neighbors for a Livable
15 Community.

16 MS. SCHELLIN: A Livable Community.

17 CHAIRMAN HOOD: We can try to reach out to them and
18 then we will proceed.

19 MS. SCHELLIN: Okay. The last group is Spring Valley
20 Wesley Heights Neighborhood Association. And the reason why I
21 left this one last is because ANC 3E submitted at Exhibit 78,
22 before you consider this one, I guess, they had asked, filed a
23 motion to reopen the record, but think what they really meant
24 was, because the record was open, was a waiver for their late
25 response to the party status request.

1 They're objecting to Mr. Smith or Dr. Kraskin no longer
2 living in the district and representing this group. So, that's
3 before you at Exhibit 78. As you know, there are no responses
4 to any opposition from the parties. The only parties, other than
5 what you guys consider tonight, prior to was the ANCs and the
6 Applicant, and this is the only opposition received, so I would
7 ask that you consider this motioned when considering the party
8 status requests.

9 CHAIRMAN HOOD: Okay. Commissioners, I will open it
10 and start it off and I will hear from others on this. We do have
11 a request from the ANC, I think it's -- what is it, 3C? Hold
12 on.

13 COMMISSIONER SHAPIRO: 3E.

14 CHAIRMAN HOOD: Okay. 3E. Thank you.

15 So, ANC 3E has brought up some issues.

16 I think for me, even if you don't live here or don't
17 live here, people have different -- if the group is allowing this
18 Tom Smith and Dr. Kraskin to represent them, they were -- I don't
19 get into moving trucks and all I don't know about all that, but
20 I know that it they have been representing that group since I've
21 been here with American University.

22 Now, if they've moved, the group, I'm sure, is still
23 in existence and they can allow whoever to represent them. If
24 the group chooses to do that, that's that group's prerogative.

25 But let me open it up to any questions or comments.

1 Anybody? Commissioner Shapiro?

2 COMMISSIONER SHAPIRO: Thank you, Mr. Chairman.

3 Just a point of clarification around our process, and
4 maybe it is some information we need from this organization,
5 because imagine a scenario where the organization was only made
6 up of two people -- I'm not suggesting this is the case -- but
7 if it were only made up of two people and two people did not live
8 here, you know, would we grant that organization party status?

9 You know, I think, based on the rules, the answer would
10 be no. So, we, I think, just to get some clarification of
11 who -- what the membership of this organization is, so there's
12 some piece of it that merits us granting party status.

13 CHAIRMAN HOOD: Okay.

14 COMMISSIONER SHAPIRO: I'm looking for this
15 organization to address this issue for us.

16 CHAIRMAN HOOD: Okay. Ms. Schellin, can we bring one
17 of them -- Ms. Cain. I see Ms. Cain has popped up.

18 MS. CAIN: Yes, Chairman Hood. I would just sort of
19 follow-up on Commissioner Shapiro's point that if you are
20 granting the waiver of the ANC to allow the late filing of this
21 opposition to ensure no prejudice, you should allow some response
22 from the party status requesters.

23 MS. SCHELLIN: No.

24 CHAIRMAN HOOD: Okay. Ms. Schellin, your mic was off,
25 so something obviously --

1 MS. SCHELLIN: Sorry. I was just saying -- sorry, I
2 didn't mean to -- Ms. Cain, I just -- don't the regs say that
3 there is no response to the opposition or you're just saying to
4 the request to reopen -- for the late filing, because I'm pretty
5 sure the regs say there's no response to the opposition.

6 MS. CAIN: Give me one second here.

7 MS. SCHELLIN: Yeah, just double-check, because I'm
8 pretty sure that's how they --

9 CHAIRMAN HOOD: Okay. So, Commissioner Shapiro, can
10 you tell me where the letter is from the ANC, right quick, 3E.
11 Is it Exhibit 87?

12 COMMISSIONER SHAPIRO: It's 78.

13 MS. SCHELLIN: 78.

14 CHAIRMAN HOOD: 78, okay.

15 MS. SCHELLIN: Exhibit 78.

16 COMMISSIONER SHAPIRO: So, Mr. Chair, if I may?

17 Ms. Schellin, so, you're saying that based on our regs,
18 this is not the time or the process where we can actually gain
19 more information from the party that is seeking party status. We
20 can't get more information from them?

21 MS. SCHELLIN: I'm not saying you can't ask them that.
22 I'm just saying there was no response to the actual document,
23 itself, is what I was saying.

24 Am I correct, Alex, are you checking?

25 MS. CAIN: So, per Z44.12, during the portion of the

1 hearing where the party status request is being considered, the
2 Commission can call forward the person making the request, as
3 well as the Applicant in the affected ANC, if there has been an
4 objection made, and allow them to start argument on the issue.

5 So you are allowed to do -- so, I believe that
6 prohibition against response is related in terms of written
7 responses. You can't hear --

8 MS. SCHELLIN: Right. Written responses, yes.

9 CHAIRMAN HOOD: Let me let the Commission take charge
10 now. So, Commissioner Shapiro has already asked it. I wanted
11 to bring Mr. Smith or Dr. Kraskin up, bring the ANC up. And we
12 have our legal counsel, and if the Applicant, who I believe does
13 not have a problem, because they stated they did not have a
14 problem at the beginning, let's bring all of them up.

15 I think we have been through this before, Commissioner
16 Shapiro, but that's fine. For this record here, let's go through
17 this again. It shouldn't take us no more than two or three
18 minutes. I don't want to spend a lot of time on this, because
19 we have more important things, issues, and impacts that the
20 neighbors feel like of the submission of disciplinary.

21 So, let's bring them up. So, it looks like we have
22 everyone. I see Dr. Kraskin, Mr. Tummonds, and who am I missing
23 -- the ANC representative.

24 Ms. Schellin, can you tell me who the ANC -- I'm getting
25 feedback. If everybody could go ahead and mute (audio

1 | interference) --

2 | MS. SCHELLIN: Chuck Elkins (phonetic).

3 | CHAIRMAN HOOD: And Mr. Elkins, if you can come up,
4 | too.

5 | COMMISSIONER SHAPIRO: It's 3E, no?

6 | MS. SCHELLIN: Chuck Elkins.

7 | MR. ELKINS: Mr. Chairman, this is Mr. Elkins. I am
8 | from 3B. It's Commissioner McHugh who is the --

9 | MS. SCHELLIN: I'm sorry.

10 | CHAIRMAN HOOD: Thank you, Mr. Elkins.

11 | Okay. Let's take Mister -- let me see how I can word
12 | this properly -- I was going to say drop Mr. Elkins -- no, we're
13 | not going to drop you -- let's take Mr. Elkins off and put him
14 | back in the wait room. Thank you, Commissioner Elkins.

15 | Let's bring Commissioner McHugh up.

16 | Okay. Here we are. I think Mr. Tummonds, Commissioner
17 | McHugh, and, Dr. Kraskin and Mr. Smith, you've heard the
18 | conversation. I would ask that you respond. I'm going to go to
19 | Dr. Kraskin and Tom Smith if they can respond.

20 | Can everybody go on mute, please. And I'm getting
21 | ready to go on mute.

22 | But if you gentlemen could respond quickly to the
23 | concerns of ANC 3E.

24 | MR. KRASKIN: I was going to respond to the concern of
25 | Commissioner Shapiro. Commissioner Shapiro asked a specific

1 question.

2 The Spring Valley Wesley Heights Citizens Association
3 has a nine-member active board. Every resident, including
4 yourself, Mr. Shapiro, who resides within the Spring Valley
5 border is automatically considered a member and is available to
6 receive any services that the Spring Valley Wesley Heights
7 Citizens Association may offer. That's to answer your question,
8 sir, and I hope that satisfies your question.

9 If there are questions further, this piece that was put
10 out by 3E, we were never notified by the ANC and, in fact, it is
11 most disturbing to know that somebody, such as Commissioner
12 McHugh, who has continued to harass and verbally abuse us over
13 the years at the CLC meetings, is continuing this harassment.

14 CHAIRMAN HOOD: Dr. Kraskin, hold on.

15 MR. KRASKIN: I'm going to -- Mr. Hood --

16 CHAIRMAN HOOD: Dr. Kraskin, I don't want to cut you
17 off. I don't want to go that far. I don't want to have to drop
18 you, but you've been doing this too long. You heard my statement.
19 So, this is a formality that I have to go through and let me
20 handle this.

21 So, you've answered Commissioner Shapiro's issue. I
22 don't want to go into all that harassment. And you heard my
23 statement. I think I've got legal grounds. You can represent
24 whomever.

25 The issue is, it's your testimony that you have other

1 people in this group besides two members, and without
2 Commissioner Shapiro being in the group.

3 MR. TUMMONDS: Can I say something?

4 CHAIRMAN HOOD: Yes.

5 MR. TUMMONDS: I appreciate it. Thank you.

6 In addition to what Dr. Kraskin has said, we are
7 registered with DCRA as an official organization with the
8 District of Columbia and we have been since -- for quite a long
9 time, and, actually, the organization was established back in
10 1952. But we also have an active newsletter distribution list.
11 It consists of about 350 households in and of itself, plus that
12 newsletter is distributed free of charge and the list serves on
13 a regular basis. So, I hope that answers your question.

14 And one of our board members happens to be one of your
15 neighbors, Commissioner Shapiro, Mary Berznahan (phonetic), who
16 lives in Spring Valley Court.

17 And we have always had a very strong presence on the
18 board of representatives from Spring Valley Court within the
19 neighborhood. So, I hope that's helpful to you.

20 CHAIRMAN HOOD: Okay. Commissioner Shapiro, did that
21 satisfy your question?

22 COMMISSIONER SHAPIRO: Yes, it does, Mr. Chair.

23 CHAIRMAN HOOD: Okay. Commissioner McHugh, I don't
24 know if we necessarily need to hear from you, but I guess
25 procedurally, I'm going to have to. You've heard, I think, pretty

1 much -- unless someone objects, I think we have the path forward,
2 again, as I stated.

3 Vice-Chair Miller?

4 VICE-CHAIR MILLER: Thank you, Mr. Chairman.

5 I just had a quick question. First of all, welcome to
6 everybody who's here. But a quick question for Mr. Smith and
7 Dr. Kraskin. Welcome to you, too.

8 Can you just answer the -- not that it's necessarily
9 determinative of whether, in my own mind, of whether you should
10 have party, whether your organization, longstanding, should have
11 party status, but can you answer just a factual question as to
12 whether or not you are currently residents of the District of
13 Columbia.

14 MR. KRASKIN: We're happy to answer that question. I
15 maintain my residency in the District of Columbia and in Spring
16 Valley. Yes, the property is under contract. It has not gone
17 to closing and, yes, it is still our residence, officially, voter-
18 wise and, otherwise, and we have also made arrangements to rent
19 property within Spring Valley.

20 VICE-CHAIR MILLER: Thank you. I appreciate that
21 information.

22 CHAIRMAN HOOD: Okay. That's for the record.

23 Let me just do this as we're going down this line,
24 which I did not want to go down, Commissioner McHugh, are you
25 satisfied with the responses? Can we go ahead and proceed with

1 the case?

2 MR. MCHUGH: I am satisfied with the responses.

3 CHAIRMAN HOOD: Thank you very much. I really
4 appreciate that, Commissioner. You don't know how much.

5 Mr. Tummonds, do you have any issues?

6 MR. TUMMONDS: No issues.

7 CHAIRMAN HOOD: Okay. All right.

8 So, good. Let's send everybody back to the parking
9 lot.

10 Commissioners, I will, again, as I've stated, and
11 hopefully, Commissioner Shapiro, you have an answer to your
12 question. Again, I believe residents, if they allow someone to
13 represent them, regardless of where their residence is, I think
14 that is done all the time. So, in this case, specifically, this
15 may be a little unique because, you know, whatever the issue is,
16 that's who this organization chose, and with that, unless I see
17 objections, we will give them party status, as well.

18 (No verbal response)

19 CHAIRMAN HOOD: Okay. No objections.

20 So, let the record reflect, everyone who has requested
21 -- whatever they requested, has gotten it.

22 Okay. Ms. Schellin, anything else?

23 MS. SCHELLIN: So, you guys are going to deny the ANC's
24 motion?

25 CHAIRMAN HOOD: We're going to deny the motion.

1 Mr. McHugh didn't have a problem. He's ready to get
2 to the merits of what we're here for tonight and I appreciate
3 that.

4 VICE-CHAIR MILLER: Mr. Chairman, I didn't think we
5 were necessarily denying the motion to allow it into the record.
6 We were just not -- we were denying any request to a party status.

7 I don't have any problem with it being in the record.
8 Does anybody else have a problem with it being in the record?

9 (A chorus of "nos" resounds)

10 CHAIRMAN HOOD: Well, they're submitted. It's not a
11 problem for being in the record. I thought that was understood.

12 MS. SCHELLIN: Yes. Right.

13 CHAIRMAN HOOD: Okay. So, we have four or five groups
14 who have party status, along with different ANCs.

15 Ms. Schellin, do you have everything ready that you can
16 go down the list of who all has party status?

17 MS. SCHELLIN: We still have that last party status.

18 CHAIRMAN HOOD: Oh.

19 MS. SCHELLIN: The Neighbors for a Livable Community,
20 Mr. Paul, right now is -- Dennis Paul is on. He is caller number
21 4. They are still in the process of downloading Webex. They
22 had some issues with that.

23 But he advised that Alma Gates will be the one doing
24 the cross-examination. So, if the Commission would consider that
25 for party status, that's the last party status request.

1 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin, for
2 getting that straight. That is the last party status request.

3 Any objections for the Neighbors for a Livable
4 Community?

5 (No verbal response)

6 CHAIRMAN HOOD: Okay. No objections.

7 MS. SCHELLIN: Okay.

8 CHAIRMAN HOOD: Ms. Schellin, when you get a chance,
9 can you just run down the list of everybody we've given party
10 status, including the ANCs, so it would be clear for the record.

11 MS. SCHELLIN: I will and they will each have 12 minutes
12 unless they come up with some other schedule among themselves.
13 They'll each have 12 minutes for their presentation.

14 CHAIRMAN HOOD: And the clock is on the screen. I
15 believe everybody can see the clock, correct?

16 (No verbal response)

17 CHAIRMAN HOOD: Okay. So, Ms. Schellin, let me know
18 when you get that and we'll come back to you so we can go down
19 the list.

20 MS. SCHELLIN: Yes.

21 CHAIRMAN HOOD: Okay. Thank you.

22 So, let's go to the party -- is there anything else,
23 Ms. Schellin, that we need to deal with up front?

24 MS. SCHELLIN: No.

25 CHAIRMAN HOOD: Okay. That wasn't too bad; it was only

1 30 minutes.

2 Let's bring up the party -- I'm sorry, not the party;
3 we've been talking parties for 30 minutes -- let's bring up the
4 Applicant and all of the crew that is coming with the Applicant.

5 Mr. Young, if we could bring up all the Applicant's
6 presenters, that would be great.

7 MS. SCHELLIN: I'm sorry, while they're doing that,
8 Chairman Hood, if I may?

9 If the parties could, if they have access, if they
10 could email me the one person designated in their group who will
11 be doing cross-examination, I'll go down the list while they're
12 bringing up everybody. If it's somebody different than who I
13 read off, if they would email me: AU Neighborhood Partnership,
14 Troy Kravitz; Spring Valley, cross-examination, Tom Smith;
15 Neighborhood for a Livable Community, Alma Gates; Westover Place
16 Homes, Ben Tessler; Jessica Herstein and Elliott Gerson, Laurie
17 Horvitz; Concerned Neighbors, Natalie Ambrose.

18 And the ANCs, I have -- I'm sorry, I've got two of them
19 here -- I have 3D by Chuck Elkins and 3E will be by Jonathan
20 McHugh.

21 If someone different is going to do the cross, please
22 let me know. Send me an email.

23 CHAIRMAN HOOD: All right. So, with that, I think we
24 are ready to go ahead and proceed.

25 Mr. Tummonds, if you can go ahead and get started, that

1 | would be great.

2 | MR. TUMMONDS: Perfect. Thank you.

3 | I see that all of our panelists are on, so good
4 | afternoon, members of the Commission. I am Paul Tummonds of
5 | Goulston & Storrs. I am pleased to be here this afternoon to
6 | present the 2021 American University Campus Plan.

7 | OP's summary recommendation in its report in support
8 | of this application truly distills what the 2021 Campus Plan is
9 | about. I am now going to quote from that report:

10 | "The University proposes an ambitious, sustainable
11 | Campus Plan that emphasizes environmental protection, multimodal
12 | transportation opportunities, and urban form to be implemented
13 | over the next 10 years that would benefit the University, the
14 | surrounding neighborhood, and to help meet many goals of the
15 | District."

16 | This is the third AU Campus Plan that I have been
17 | privileged to work on and present to the Zoning Commission. To
18 | me, the process of community engagement that was utilized in
19 | creating this Campus Plan was truly different than previous
20 | Campus Plans. This process resulted in the ability to present
21 | to you this afternoon a Campus Plan that is in support of ANC
22 | 3B, ANC 3E, and the AU Neighborhood Partnership.

23 | We'll have four witnesses this afternoon that will be
24 | presenting testimony. Those witnesses include President Burwell
25 | and Ed Fisher, on behalf of American University; Matt Bell,

1 planner and architect with Perkins Eastman; and Iain Banks,
2 transportation engineer with Nelson Nygaard.

3 Mr. Young, could you put up the PowerPoint. There you
4 go.

5 As I mentioned earlier, this is my third Campus Plan
6 that I have presented, however, this is the first time that I am
7 able to introduce a president of American University. So, I am
8 proud to say that I will now have President Sylvia M. Burwell,
9 the fifteenth president of American University, present her
10 testimony.

11 Mr. Young, please advance two slides. One more,
12 please. Great.

13 President Burwell?

14 (Pause)

15 MS. BURWELL: Sorry. I was muted there.

16 Thank you to the Commissioners for the opportunity to
17 join you all today. I'm excited to be here to talk about American
18 University and our 2021 Campus Plan, and our commitment to the
19 communities we serve, including the District.

20 American University is a global institution, proudly
21 featuring students from all 50 states and more than 100 countries.
22 Our 140,000 alumni includes heads of state, local leaders, and
23 thousands of changemakers transforming their communities.

24 Even during this pandemic, we have maintained our
25 momentum. We are number 35 in the U.S. news rankings of the most

1 innovative universities in the nation. Our scholar teachers are
2 doing cutting-edge research on topics from cancer to opioid
3 addiction, to extremism and social justice. And while our impact
4 is global, the heart of AU is in Washington, D.C. Our main
5 campus, along Nebraska and Massachusetts Avenue has been our home
6 for more than 125 years and our facilities around the surrounding
7 neighbors throughout the District all play a vital role in
8 advancing AU's educational and research missions.

9 We're proud to be an anchor institution in D.C. and we
10 are the fifth largest nongovernmental employer in the city. We
11 have more than 56,000 alumni in the region; notably, our mayor,
12 Muriel Bowser, and the secretary of the Smithsonian, Lonnie
13 Bunch.

14 Our connection to the D.C. community is reflected every
15 day in what we teach. From launching a dual-enrollment program
16 to develop a pipeline of highly skilled and diverse D.C. public
17 school teachers, to partnering with businesses and universities
18 in the region on a digital literacy credential that prepares
19 students for the day-to-day driven workforce. Our students
20 intern across the city from Capitol Hill to community
21 organizations, and we work to engage effectively with our
22 neighbors, collaborating with residents in the neighborhoods
23 surrounding the university on a wide range of issues,
24 partnerships, and planning endeavors, including this 2021 Campus
25 Plan.

1 The 2021 Campus Plan is an integral component in the
2 successful implementation of AU's strategic plan. We are now in
3 year three of our Changemakers for a Changing World strategy,
4 which reflects our focus on scholarship, learning, and community.

5 Including community as a core pillar of our strategy
6 sets AU apart. For us, it's both a means and an end. That
7 community is our students, faculty, staff, and alumni, but it is
8 also the broader community that we engage with every day.

9 As part of the community pillar in our strategic plan,
10 we have an imperative we call "Working with Washington." This
11 reflects our steadfast commitment to support the city and the
12 region that we call home and to be part of the solution for
13 neighborhoods across the District.

14 With these tenants in mind, the Campus Plan outlines a
15 thoughtful approach to managing campus growth and development
16 over the next 10 years and reflects our commitment to the
17 communities we serve. It's rare that a university aligns its
18 strategy, branding, development campaigns, and Campus Plan, and
19 right now AU is doing that and it's an important part of the time
20 sensitivity of this plan.

21 As many of you all know, our strategy that we discussed
22 with our neighbors a number of time is called "Changemakers for
23 a Changing World" and it's rooted in our values, our strengths,
24 and the future that we want to build. As this is a meeting with
25 community, I want to share that we plan to announce in April and

1 May, in April we're going to retire our WONK campaign and replace
2 it with Challenge Accepted. And in May, we're going to announce
3 our comprehensive development strategy to fund all that we're
4 talking about and it's called "Change Can't Wait."

5 The Campus Plan is an integral part of this ark and
6 will play a critical role in informing and incorporating the key
7 priorities of all three of these pieces. It will capitalize on
8 AU's momentum to support AU students and faculty for generations
9 to come.

10 Given the rapidly changing landscape and increasingly
11 competitive, higher-education marketplace, AU must remain
12 flexible and be innovative to respond to the changing needs of
13 students; at the same time, AU understands the impacts that new
14 campus development, student enrollment, and transportation
15 capacity can have if not effectively managed on the residential
16 neighborhoods that surround our campus.

17 Accordingly, as Ed Fisher will detail, there have been
18 more than 24 months of focused community outreach and engagement
19 about the Campus Plan since the launch of the planning process.
20 Our constant focus throughout this work was to develop a plan
21 that will adapt to meet the changing needs of AU's students,
22 faculty, and staff while respecting and enhancing the quality of
23 life of those who live within the neighborhoods and the
24 surrounding campus. We believe the 2021 Campus Plan successfully
25 accomplishes both of these objectives.

1 In the midst of our planning and community engagement,
2 the global COVID-19 pandemic presented unprecedented challenges
3 the nation, around the world, and right here in our community.
4 One day after the WHO declared COVID-19 a pandemic last March,
5 AU announced our decision to transition to a virtual environment.

6 Over the course of 10 days, we shifted 2,000 classes
7 online and moved our students out of residential housing. We
8 made this decision to de-densify not only with our own community's
9 health and safety in mind, but with the health and safety of our
10 neighbors and the entire DMV region.

11 A year ago, we articulated three core principles for
12 our decision-making in the pandemic. First, the health and safety
13 of the AU community; second, the continuation of our core mission
14 in terms of learning and scholarship; and, third, how do we
15 contribute to the broader community during the pandemic. And it
16 is this third element that has been important to us as we go
17 through the pandemic but is an important part of the work that
18 we're doing as part of this Campus Plan.

19 These principles shape the decisions that we've made
20 on everything from continuing to pay for our contract workers'
21 healthcare to deciding to do the online learning. Our efforts
22 have successfully advanced our educational and research missions,
23 providing students with ongoing high-quality academic
24 opportunities, while striving to address the social, emotional,
25 financial, and related impacts associated with the pandemic.

1 Certainly, the outcomes of this experience will shape
2 decision-making and influence operational models across all
3 levels of education well into the future. As we hopefully begin
4 to see the conclusion of the pandemic, AU fully anticipates strong
5 and ongoing demand for its on-campus, face-to-face academic
6 programs, research opportunities, and vibrant residential student
7 experience, all of which will involve the types of high-quality
8 facilities proposed in this 10-year Campus Plan.

9 AU's work on the 2021 Campus Plan, in collaboration
10 with members of the community, actively continue throughout the
11 pandemic. As we have found in so many areas of education and
12 work, regular and consistent engagement continued with a variety
13 of digital platforms and the Campus Plan website provided access
14 to a wide range of useful resources.

15 As a result of this focused effort, the University,
16 together with its dedicated neighborhood partners, thoughtfully
17 and effectively, advanced the strategic planning collaboration
18 that resulted in this consensus 2021 Campus Plan. The
19 collaboration and commitment of our team and our neighborhood
20 partners successfully brought us to today's public hearing with
21 a plan we crafted together; one that addresses our shared goals
22 and individual perspectives.

23 I want to thank our team at AU and our neighbors who
24 dedicated so much time, effort, and thoughtfulness to this
25 collaborative process. And thank you to the Commission for your

1 consideration of our plan.

2 Ed Fisher, AU's assistant vice president of community
3 and government relations, will continue our presentation.

4 Thank you.

5 MR. FISHER: Thank you, President Burwell.

6 My name is Ed Fisher and I'm the assistant vice
7 president of community and government relations at AU. I've had
8 the pleasure and the honor of managing our Campus Plan process
9 and I am thankful to our neighbors and the AU leadership team
10 that has made this a collaborative and collegial undertaking.

11 I am going to begin my presentation by describing our
12 community-engagement efforts and processes that lay the
13 foundation for us reaching a consensus. One of the major reasons
14 that we've been able to reach consensus on this plan is because
15 of the AU Neighborhood Partnership.

16 Next slide.

17 When AU thought about how to approach community
18 engagement and involvement with the Campus Plan process, we
19 studied best practices and decided that Georgetown University's
20 community partnership model, which was initially conceived and
21 developed through Georgetown's work with this Commission, was one
22 that we should emulate. With the advising counsel of Don Edwards
23 of Justice & Sustainability Associates, we decided to create the
24 AU Neighborhood Partnership.

25 The partnership was launched in 2018 and it is a

1 collaborative forum, connecting AU and leaders in the surrounding
2 communities who are focused on improving university and
3 neighborhood relations through discussion, information sharing,
4 and problem-solving. Senior leadership and key staff of the
5 university, including five members of the President's Cabinet,
6 are actively involved in the partnership, along with numerous
7 neighborhood leaders, who make substantial commitments of their
8 own time to ensure that an effective dialogue is maintained
9 through continuity of meeting attendance, constructive discourse,
10 and active communication with their constituents.

11 The partnership is led by a Steering Committee
12 comprised of AU staff and administrators and representatives of
13 community organizations and ANCs who were signators to the March
14 18th, 2018, letter, expressing the intent and vision of the
15 partnership that was submitted to and recognized by the Zoning
16 Commission. These founding members include the Fortgang Citizen
17 Association, Spring Valley Neighborhood Association, Ward 3
18 Vision, Westover Place Homeowners Corporation, and both ANC 3D
19 and ANC 3E.

20 Throughout this process, the partnership has regularly
21 invited additional residents, organizations, and participants of
22 the CLC to join. The partnership includes five working groups
23 that meet regularly to support university-planning efforts and
24 address shared goals for promoting positive relationships and
25 neighborhood "quality of life" issues. Each working group is led

1 by a community and university co-chair and members include
2 neighborhood residents, administrators, AU administrators,
3 staff, students, and consultants.

4 As a result of the dedicated and collaborative work
5 with the partnership, we reached consensus on the objectives,
6 proposals, and commitments set forth in the 2021 Campus Plan in
7 June of 2020. The neighborhood co-chair of the Steering
8 Committee, Troy Kravitz, will later address the Commission
9 directly and will detail the efforts of the partnership.

10 Next slide.

11 You are familiar with the Community Liaison Committee,
12 commonly referred to as the CLC, which was affirmed in the 2011
13 Campus Plan for the purpose of fostering consistent communication
14 between university and surrounding neighborhoods, discussing
15 issues of mutual interest, and proposing solutions to problems
16 that exist or arise in the implementation of the Campus Plan.

17 In addition to our efforts with the partnership, we
18 actively engaged and informed the CLC throughout our 2021 Campus
19 Plan process. AU representatives provided updates on the 2021
20 Campus Plan at regular CLC meetings. We've released the
21 preliminary Campus Plan framework draft at the March 3rd, 2020,
22 CLC meeting, and at the request of community members, we hosted
23 special Campus Plan CLC meetings on April 28th, April 30th, and
24 August 6th of 2020.

25 Next slide.

1 So, as you can see, robust community engagement has
2 been a foundational principle of our 2021 Campus Plan process.
3 We have utilized several venues and forums to broadly engage
4 neighborhood residents and community stakeholder groups in the
5 development of the plan. These opportunities include meetings
6 with the neighborhood partnership, the CLC, and planning 101
7 sessions that engaged the entire campus community and neighbors
8 on various aspects of campus planning, in addition to numerous
9 discussions with internal stakeholders and community
10 organizations.

11 These numerous meetings were held in person until the
12 Coronavirus pandemic forced us to shift to virtual platforms. I
13 am proud to say that we didn't miss a beat and were able to stay
14 on course and on schedule with our community-engagement efforts.

15 Our Campus Plan website was launched in March of 2020
16 and provides a wide range of information, presentations,
17 materials, notes, reports, and data, and a comprehensive
18 "frequently asked questions" resource page. The website also
19 includes an online community input portal for neighbors and
20 interested stakeholders to submit questions or feedback about the
21 Campus Plan. Responses to more than 150 questions submitted
22 through the portal or posed at public meetings, such as the CLC,
23 have been posted on the website for public review to allow for
24 all community members the benefit of seeing responses to issues
25 raised by their neighbors.

1 Throughout the spring, summer, and fall of 2020,
2 various Campus Plan frameworks and drafts were posted online for
3 public review and comment, including a full draft of the Campus
4 Plan on September 8th that was updated in October, before being
5 finalized for filing in December of 2020. Each draft was updated
6 to include suggestions and recommendations on the AU Neighborhood
7 Partnership or other members of the community.

8 At this time, I would like to invite Matt Bell of
9 Perkins Eastman to discuss our proposed development plan.

10 MR. BELL: Thank you, Ed.

11 Could we have the next slide, please.

12 Good afternoon. I'd like to take some time and walk
13 you through the Campus Plan.

14 So, the next slide, please. Next slide. Yes.

15 The 2021 Campus Plan is aimed at providing the types
16 of high-quality and forward-thinking facilities that are required
17 to further the University's academic and research missions,
18 including leading-edge teaching labs, interactive classrooms,
19 media studios, and facilities to support the visual and
20 performing arts, and study spaces fostered across disciplinary
21 collaboration, as well as provided opportunities for independent
22 and small-group study.

23 But put more simply, this plan is about the DNA of the
24 campus. It's based on the campus layout. It's about smart infill
25 with buildings and spaces that build on what's there, and it's

1 about creating great edges with the community that'll provide for
2 benefits on both, the campus side and the community side.

3 As I mentioned, based on feedback gathered throughout
4 this process, AU has made several notable updates to the proposed
5 development in this plan. The result is a comprehensive and
6 balanced development approach that reenforces the unique campus
7 scale of American University with heights and densities that
8 correspond to the surrounding built environment with setbacks,
9 buffers, and design considerations that effectively mitigate any
10 potential adverse impact, and they respect neighboring
11 residential properties.

12 Next slide, please.

13 So, let me take you through each of the sites on the
14 campus. This is the West Campus. One of the key opportunities
15 identified through the planning process at the West Campus is
16 through a collection of sites in the vicinity of Reeves Field and
17 Bender Arena. The development would effectively transform what
18 is now kind of a "back of the house" and service area into a
19 vibrant campus community, including a new Center for Athletic
20 Performance, consolidated enhanced student health-and-wellness
21 facilities, and additional student housing opportunities in
22 competitive market-unit configurations. All of this is to
23 encourage more students to remain on the campus during their time
24 at AU.

25 Notably, all proposed development has been carefully

1 | sited to maintain substantial distances and appropriate buffers
2 | from neighboring residential properties. For example, proposed
3 | site 2, residential, maximum six stories, is 400 feet, as noted
4 | in this plan, from the AU boundary plan. Proposed site 4, a
5 | residence hall, maximum five stories, is 220 feet from the AU
6 | boundary line. The Center for Athletic Performance, number 3,
7 | is proposed at three stories, maximum of 60 feet, measured from
8 | the adjacent grade, and is between 110 to 140 feet from the campus
9 | boundary.

10 | For all of these sites, in addition to the setbacks
11 | noted, there's another 30 feet between the campus boundary and
12 | the curb and approximately 36 feet of University Avenue between
13 | proposed development and any single-family homes.

14 | And, of course, as part of any further processing
15 | review-and-approval process, for each of these proposed
16 | development sites, the University will work with members of the
17 | community and, particularly, in consultation with the Facilities
18 | Planning Working Group, to ensure that vegetative buffers along
19 | the campus boundary at University Avenue are provided and
20 | maintained and that lighting impacts associated with the projects
21 | are addressed and appropriately mitigated.

22 | Next slide, please.

23 | Let's turn now to the center of the campus. The
24 | collection of properties around the Friedheim Quad represents the
25 | vibrant core of AU's main campus. In support of the fundamental

1 Campus Plan goal to strengthen and invigorate a student-centered
2 living and learning experience, the University intends to
3 renovate the Mary Graydon Center, Number 7 in the plan, over the
4 term of the Campus Plan to serve as a reenvisioned hub of student
5 life and activity. A modest addition to Bender Library is also
6 proposed.

7 AU will work with the D.C. Historic Preservation Office
8 in connection with any development that impacts campus historic
9 resources, particularly those around the Quad. Site 9, for
10 example, was carefully considered in light of the adjacent Hurst
11 Hall in the East Quad Building, EQB, and is aimed at addressing
12 accessibility and programmatic challenges associated with the
13 existing structures while also maintaining their architectural
14 integrity. Similarly, the proposed addition to Kay Spiritual
15 Life Center at number 8 will be carefully considered, as well,
16 at the time of further processing.

17 Next slide.

18 Let's turn now to a little bit further on the other end
19 of the Quad, sites 11 and 12. The southeast quadrant of the
20 campus, bounded by Nebraska Avenue at the bottom of this drawing
21 and Rockwood Parkway, is an important location that provides the
22 initial visual impression of the AU campus to those arriving from
23 the south and the west.

24 Redevelopment of this today-underutilized area of the
25 campus provides the opportunity to create a signature academic

1 building that underscores the prominence of the location and also
2 a primly alliance with the height and scale of the adjacent School
3 of International Studies Building just to the side of number 11,
4 Bender Library, and other academic uses around the quadrangle.

5 The conceptual massing and orientation, very
6 particularly noted here, of site 11 has been reconfigured after
7 extensive community input to provide a welcoming courtyard area
8 along the campus perimeter and a deeper setback from the
9 surrounding residential community. I should add that this
10 underwent several different permutations, including the building
11 as a kind of wall of four or five stories along Nebraska Avenue,
12 and we think this is a satisfactory and actually a much-better
13 design based upon the input from the community, to have more of
14 a garden, Nebraska Gardens, welcoming at Rockwood and Nebraska
15 Avenue and a building stepping back.

16 Site 12 has also been significantly reduced in height
17 over the course of our process and the overall massing from AU's
18 initial concept in direct response to feedback from members of
19 the community and is proposed as a student housing site, again,
20 reduced in height down to seven stories. The building edges,
21 sort of configured to be more sympathetic to receiving direction
22 from either side of it, and the building is split into two.

23 Two levels of below-grade parking, totaling up to 360
24 spaces could potentially be incorporated as part of the
25 developments of sites 11 and 12, and would be further evaluated

1 at the time that AU moves forward with further processing for
2 either or both sites.

3 Next slide, please.

4 Moving across the street, across Nebraska, site 15 is
5 a uniquely prominent location along Ward Circle. The signature
6 academic building of approximately 135,000 square feet is
7 proposed for this site, including potential ground floor campus
8 life-uses, only along Nebraska Avenue and Ward Circle, as you can
9 see in the diagram.

10 In response to input from members of the community, and
11 particularly the Westover Place residents, the height and massing
12 of the building has been modified to step down from four stories
13 along Nebraska to three stories along Massachusetts Avenue, to
14 two stories at the back of the site closest to Westover Place
15 with a generous landscape buffer indicated in the plan and you
16 can see here, along the shared boundary.

17 There is potential parking here, below grade, of up to
18 two levels, 400 spaces that could be incorporated as part of the
19 development of this site, and approximately 200 existing surface
20 parking spaces would be displaced. This, again, the
21 determination of this whether or not to include below-grade
22 parking would be evaluated in consultation with members of the
23 community, including Westover Place residents, at the time AU
24 moves forward with further processing.

25 Next slide, please.

1 For decades, AU has prioritized enhancing the campus
2 landscape and open-space elements that are distinctive to the
3 university's campus environment and it's an accredited and award-
4 winning arboretum today. On the Main Campus, these special areas
5 and features, including the Woods Brown Amphitheater, the
6 Presidents Garden, Battelle Hillside, the Katzen Sculpture
7 Garden, Labyrinth Garden, to name just a few, they range from
8 peaceful and contemplative pockets of the campus to areas that
9 serve lively hubs of social activity.

10 In addition, the grounds for the (indiscernible) for
11 the Tenley Campus are anchored by a collection of mature plantings
12 that form an inviting interior courtyard, encouraging outdoor
13 engagement and activity for members of the AU community and
14 residents of the surrounding neighborhoods. AU's stewardship of
15 its environment has been a benefit to all.

16 Next slide, please.

17 Let's talk a little bit about proposed landscape and
18 open spaces. The 2021 Campus Plan introduces new landscape and
19 open space features focused primarily on strengthening pedestrian
20 circulation, particularly opportunities that reenforce east-west
21 connections through the campus, improved conditions in and around
22 buildings on the west side, and enhance the campus streetscape;
23 for example, in connection with the proposed development along
24 Nebraska Avenue.

25 You can see three of these very important places noted

1 here: Nebraska Gardens, Eagle Walk, and Beeghly Place. They're
2 all illustrated here and these emerge from productive discussions
3 with members of the community throughout the planning process.

4 Implementing these will significantly enhance the
5 campus experience for AU students, faculty, and staff, and will
6 provide long-term benefits for the surrounding neighborhoods
7 through a strengthened, intentional approach to important
8 intersections between the campus and the public realm. And you
9 can see each of these concepts sort of sketched out conceptually
10 there.

11 Let's talk about historic preservation.

12 Next slide.

13 AU's rich history extends back more than 125 years.
14 Each early university buildings, such as Hurst and McKinley,
15 remain as key academic facilities and important campus
16 architectural resources.

17 At the Tenley Campus, Washington College of Law
18 students study in a state-of-the-art, 300,000-square-foot, LEED
19 Gold certified facility that was intentionally and thoughtfully
20 designed to honor the history and the legacy of the site, as the
21 1904 Capital Hall, the 1921 Chapel, and the circa-1839 Dunblane
22 House continue to contribute to the character of the campus and
23 also the adjacent community:

24 Throughout the campus-planning process, AU has given
25 careful and thoughtful consideration to campus historic

1 resources, as reflected in its approach to various Campus Plan
2 elements contained herein. AU will continue its active
3 stewardship of the built campus environment, including working
4 with the D.C. Historic Preservation Office and key stakeholders,
5 in connection with future development projects that impact
6 historic resources.

7 Next slide, please.

8 Proposed landscape and open spaces have been influenced
9 by historical planning considerations. For example, this drawing
10 shows the early plan for the American University Campus, as
11 conceived by the Olmsted Office in the late 1800s, and further
12 developed by Henry Ives Cobb, and that's Nebraska Avenue on the
13 right-hand side of the image. It reflects a strong east-west
14 open space, extending through the campus, perpendicular to
15 Friedheim Quad.

16 Next slide, please.

17 The Eagle Walk concept that we are presenting to you
18 today introduced in this plan takes the idea of that Campus Plan
19 and reenforces pedestrian connections from Nebraska Avenue to
20 Reeves Field and was directly influenced from the early plans
21 contemplated AU for this area. So, what was part of the origins
22 of AU is now part of where we're going forward.

23 Next slide.

24 Let's talk about AU's culture of substantially. AU is
25 a proud leader in sustainability, locally and nationally, and

1 focuses on integrating a culture of environmental awareness,
2 intention, and purpose, throughout all facets of the university
3 experience.

4 Reflecting this institutional priority, the University
5 signed the American College & University Presidents' Climate
6 Commitment in 2008 and launched its journey towards carbon
7 neutrality.

8 Two years ahead of an ambitious target date of 2020,
9 AU became the first university, first higher-education research
10 institution, first urban higher-education campus, and the largest
11 higher-education institution to achieve carbon neutrality; that's
12 a significant achievement.

13 The ongoing impact of AU's commitment to sustainability
14 is evident throughout the campus. Green buildings incorporate
15 many efficient technologies. They use green roofs. They focus
16 on human health and solar energy power with university buildings
17 and environmentally conscious grounds management practices
18 reduced stormwater runoff and prioritize local and adaptive
19 species, which decreases irrigation and fertilizer use.

20 With respect to campus development, AU has developed a
21 green-building policy in 2013, which outlines the University's
22 commitment to achieve a minimum of LEED Gold certification for
23 all new construction projects and manage all campus buildings to
24 LEED existing-building standards. Since 2011, 11 AU buildings
25 have achieved LEED-certified status, including the newly

1 completed Hall of Science Building.

2 AU's commitment to sustainability is also embodied in
3 its forward-thinking approach to transportation-demand
4 management, which will now be addressed by Iain Banks of Nelson
5 Nygaard.

6 Iain?

7 MR. BANKS: Next slide. Thanks.

8 As part of the Campus Plan review-and-approval process,
9 American University has been working closely in coordination with
10 members of the community, particularly, the Neighborhood
11 Partnership for Transportation and Parking Working Group, as well
12 as DDOT, to prepare what we call a "CTI," a comprehensive
13 transportation review.

14 The CTI consists of the multimodal evaluation and
15 assessment of both, existing, as well as future transportation
16 operations, with a focus on high-quality site design, transit
17 accessibility, and importantly, an effective transportation-
18 demand management, or what we call "TDM," planning system.

19 The University's parking and transportation objectives
20 and priorities, while detailed fully in the CTI that was submitted
21 as part of the record and to DDOT, are summarized in the
22 forthcoming slides.

23 So, next slide.

24 With respect to the campus parking, the 2011 Campus
25 Plan required that the University maintain an inventory of

1 approximately 2200 spaces on the Main Campus and the Tenley
2 Campus. Currently, those parking spaces are inventoried at 2,316
3 spaces. So, they are currently meeting that inventory.

4 Within the 2021 Campus Plan, three additional
5 properties beyond the Main and Tenley Campuses are included; it's
6 the 4801 Massachusetts Avenue Campus, 4200 Wisconsin Avenue, and
7 3201 New Mexico Avenue. What this does is it actually increases
8 AU's potential parking inventory beyond the 2300 by about 729
9 spaces, and so that gives us 3,045 spaces.

10 Currently, 385 of those additional spaces at those
11 other locations are dedicated to university use, which means that
12 we actually total 2700 university-use spaces across all of those
13 properties.

14 In light of this change in the campus parking inventory
15 brought about by the 2016 Zoning Regulations, AU has proposed a
16 parking inventory ceiling, as in a maximum, of 3,000 parking
17 spaces for the university use over the term of this Campus Plan,
18 and that includes all five of the properties. This provides the
19 capacity to meet the needs of both, the current campus needs, as
20 well as the future campus populations, including any potential
21 special events.

22 And so, as highlighted, and as detailed in the Campus
23 Plan, the potential below-grade parking at sites 11 and 12, as
24 well as site 15, would be evaluated at the time AU moves forward
25 with any further processing. So, an additional transportation

1 analysis will be undertaken at that time, reviewed with members
2 of the community, and, particularly, the facilities parking
3 working group and the Transportation and Parking Working Group,
4 as part of the review and assessment of that process.

5 So, next slide, please.

6 Continued TDM planning has remained and will remain a
7 priority of the University over the term of the 2021 Campus Plan.
8 The University has had its TDM plan and program in place since
9 the previous Campus Plan and has evolved over that time, as well.

10 Specifically, there are a number of recommendations and
11 programs that are currently undertaken. It maintains a robust
12 shuttle service program that connects the Main Campus. It
13 (indiscernible) every building as well as the Tenley Campus with
14 the Tenley Town Metro Rail Station, and that hosts about 1.2
15 million rides annually. They'll continue to partner with WMATA
16 with the UPass Program which provides unlimited student rides on
17 all Metro route and Metro bus routes throughout the region, and
18 that is currently seeing around 1.4 million rides annually.

19 And in addition to those, the University will continue
20 to provide an on-demand corporate ride service to reduce the
21 number of vehicles being driven to campus. It will also support
22 and enhance telework and distant learning option, which,
23 additionally, reduce trips to campus.

24 And then continue to explore with DDOT and its
25 partners, improvements to the bicycle infrastructure,

1 particularly as it relates to Bikeshare and other improvements
2 that have been recommended in adjacent studies.

3 AU will continue to maintain and enhance the good
4 neighbor parking policy, which effectively deters AU-related
5 parking within neighborhood streets and has a vigilant
6 enforcement effort as part of that program. And through not only
7 this process, but continuing through all processes related to
8 transportation, the University will work with members of the
9 Transportation and Parking Working Group, as well as DDOT, to
10 continue to track University traffic patterns, travel patterns,
11 in terms of its mode split. They will monitor parking utilization
12 and make sure that we can evaluate those monitoring methods to
13 ensure that transportation-related impacts are effectively
14 managed, and as appropriately mitigated, should they need to be.

15 And it was also noted in response to DDOT's report on
16 our CTR, which was entered into the record on March 12th, we've
17 had follow-up discussions with DDOT and the University has
18 prepared a document that compiles the only (indiscernible)
19 initiatives that are spread out -- that are detailed more within
20 the CTR and within its TDM program, but also the performance
21 monitoring plans that we set forth in those documents, as well.

22 And per the request of DDOT, we've aligned those goals
23 with those that are within D.C., transportation documents,
24 moveDC, as well as the city's comprehensive plan.

25 And so, next slide, please.

1 The complete CTR was provided to DDOT and members of
2 the community in September of 2020, well in advance of the filing
3 of the Campus Plan and we submitted a couple of agendas in October
4 and February that both, the community and DDOT provide feedback
5 on.

6 As detailed in the CTR, the proposed Campus Plan
7 development is not likely to have a detriment impact on the
8 surrounding transportation network. And the CTR actually
9 includes 11 recommendations that will continue to enable AU to
10 effectively minimize its impact and support the transportation
11 network surrounding the university, focusing in on the
12 implementation of its TDM program, ensuring that it continues to
13 update it with best practices within the industry for TDM, and
14 then, ultimately, reduce single-occupancy-vehicle trips to the
15 campus, as much as it possibly can, as well as continuing to work
16 with neighborhood stakeholders to address transportation- and
17 parking-related issues over the entire term of the plan.

18 Now, specifically, in response to both, community
19 concerns and input from DDOT, AU has agreed to fund a new 19-
20 dock Capital Bikeshare station and expand the two existing
21 Bikeshare stations near the campus.

22 Next slide.

23 MR. FISHER: Thank you, Iain.

24 So, you can go to the next slide, please. Thank you.

25 So, the heart and soul of any University, our students,

1 AU aims to provide all students, whether they are full-time
2 undergraduates, graduate students, law students, part-time,
3 certificate, lifelong learning, or special program students with
4 the first class education and a unique college experience.

5 The 2016 Zoning Regulations update impacted the way the
6 universities in D.C. must count students. For AU, this expands
7 the scope of students that must be counted and includes additional
8 campus locations. If you refer to the infographic, the identical
9 fall 2019 AU student population is represented in the headcount
10 numbers under both, the old and the new enrollment count
11 methodologies.

12 The new, expanded 2016 methodology, displayed on the
13 right in purple, yields an additional 780 reported students, or
14 an increase of 6.61 percent.

15 So, to clarify, in our last Campus Plan, we were only
16 required to count students at two locations. We must now count
17 students at a total of five distinct campus locations.

18 Next slide.

19 As a result of this new approach, the University
20 originally proposed adjusting our not guilty cap to reflect the
21 6.61 increase to 14,499 students. After discussions with the AU
22 Neighborhood Partnership and other stakeholders, the University
23 agreed to propose an adjust cap of 14,380 to reflect the
24 additional 780 students that are now included under the new
25 methodology.

1 AU and the partnership believe that our enrollment
2 approach is sensible and balanced. Since 2010, our undergraduate
3 enrollment has grown at a modest rate of 9.7 percent during the
4 10-year period, while our graduate and law school enrollments
5 have slightly decreased.

6 So, in short, this comprehensive, consensus-based
7 approach to enrollment management over the term of the 2021 Campus
8 Plan includes a proposed enrollment cap below the 2011 Campus
9 Plan cap when revised to reflect the impact of the updated Zoning
10 Regulations, a commitment to maintain a supply of housing for 67
11 percent of full-time undergraduate students, and it retains the
12 2,000 student enrollment cap for the Tenley Campus, established
13 in the 2011 plan, while proposing the flexibility to have non-
14 Washington College of Law students take courses at the Tenley
15 Campus.

16 This plan has an intentional focus on actively
17 addressing and effectively minimizing adverse impacts on
18 neighborhoods surrounding campus, specifically, around traffic
19 management and off-campus student conduct.

20 Next slide. Next slide.

21 We want our students to love spending time on campus,
22 whether they're laid out on the green space at the Friedheim
23 Quad, enjoying a sporting event at the Bender Arena, or simply
24 hanging out and having a cup of coffee with their friends at the
25 bridge, we want our students to embrace their campus experience.

1 You've heard from our students that they want a true student
2 union that provides them with modern amenities and services.

3 That's why this plan calls for reinvigorating and
4 renovating the Mary Graydon Center as a campus hub for a myriad
5 of student-focused activities with a focus on mental health,
6 wellness, counseling, recreation, and fitness services.

7 This plan also includes ground floor campus life uses
8 that will be integrated in new development, where appropriate,
9 from a range of retail dining options and social gathering places,
10 that we will evaluate in consultation with the community.

11 Next slide.

12 AU's intercollegiate athletic programs are thriving,
13 but our on-campus athletic facility limitations present a
14 significant challenge for us. We want to provide our student
15 athletes with the type of first-rate facilities and fields that
16 they deserve.

17 The plan proposes additional space and facilities to
18 support a range of athletics and recreational activities,
19 including the Center for Athletic Performance, which will provide
20 training and support areas for AU athletics, as well as varsity,
21 club, and intramural competition. We're proposing a video
22 scoreboard at Reeves Field. We would like to re-turf fields at
23 Reeves and the 45th Street Field, and also building a filming
24 tower at Jacobs Field.

25 Now, let me take a moment to discuss Jacobs Field.

1 Jacobs Field is a key campus athletic facility, dating back to
2 at least the 1950s when it was used as an intercollegiate baseball
3 field.

4 The 2021 Campus Plan proposes a new sound barrier wall,
5 and small filming tower in the vicinity of the field. Since the
6 approval of the 2011 Campus Plan, the University has been in
7 regular communication with Dr. Jessica Herstein and Mr. Elliott
8 Gerson, whose home shares a boundary with the field. AU has
9 maintained compliance with the conditions of Zoning Order 1107,
10 regarding the use of the field, including providing Dr. Herstein
11 and Mr. Gerson with the event schedules and contact information.

12 We've also taken proactive steps including installing
13 a new sound system in 2012, to mitigate sounds are originating
14 from the field.

15 In 2018, not long after receiving the Hall of Science
16 Order 1107(g), the University launched its Campus Planing
17 process. The sound barrier wall was discussed with neighborhood
18 stakeholders during that process, including Dr. Herstein, who
19 served as a member of the partnerships Facilities and Planning
20 Working Group.

21 Outside of the Campus Planing process itself, senior
22 leadership at AU continued to meet with Dr. Herstein and Mr.
23 Gerson on multiple occasions to discuss the issues surrounding
24 Jacobs Field; however, despite the willingness of AU to move
25 forward with the design and construction of a sound barrier wall,

1 we could not come to an agreement as it relates to the conditions
2 and future use of the field once the sound barrier wall is built.

3 So, as the Campus Planning process continued through
4 2019 into 2020, it was determined that AU would not file any
5 additional further processing applications until the Zoning
6 Commission reviewed and approved the 2021 Campus Plan. This
7 included the sound barrier wall at Jacobs Field with the
8 understanding that this approach would allow for the input of
9 community members, including residents of Woodway Lane and
10 University Avenue, who reside along the property boundary,
11 adjacent to Jacobs and Reeves Field to be considered.

12 While most members of the community involved in the
13 planning effort acquiesced to the idea of the Jacobs Field wall
14 being built, there were many perspectives regarding what
15 conditions would be appropriate, with respect to the future use
16 of Jacobs Field. As a result, AU determined, and the partnership
17 agreed, that it was appropriate to maintain the conditions from
18 the 2011 plan regarding the use of Jacobs Field moving forward
19 to our 2021 Campus Plan, and then have further discussions
20 surrounding the conditions and use of Jacobs Field at the time
21 of further processing for the sound barrier wall.

22 Accordingly, as detailed in the plan, AU will work with
23 members of the community, including Dr. Herstein and Mr. Gerson,
24 and other residents in the vicinity of Jacobs Field to further
25 evaluate the details of specific impacts, the scope of permitted

1 uses of the field, and any potential alternative mitigation
2 measures during the further processing application.

3 In response to discussions with the Office of Planning,
4 AU has agreed to submit an application for further process in
5 connection with the wall within 12 months of a final order of
6 approval of our 2021 Campus Plan and prior to pursuing approval
7 for any other projects.

8 Next slide.

9 Student housing is a central component of our plan. We
10 want more of our students to live on campus. We want AU Eagles
11 to have an intimate experience with our campus, so we intend to
12 build new housing facilities that meet their needs and will
13 encourage them to live on our campus during their years at AU.

14 AU will continue to maintain a supply of housing for
15 67 percent of our full-time undergraduate students. Assuming
16 that the current status is maintained and 200 off-campus, master-
17 leased beds continue to be counted towards the requirement, the
18 University proposes to add up to 500 additional beds, again, on
19 our campus, over the course of the plan.

20 The new facilities on our campus would be designed in
21 marketable and competitive unit configurations that meet student
22 preferences, while also taking into consideration, the
23 implications of cost on our students' housing decisions.

24 Next slide.

25 Based on stakeholder feedback, coupled with AU's

1 institutional priorities regarding the residential sites
2 identified during the process, AU developed two levels of
3 prioritization for various residential sites to meet its target
4 of 500 beds. Sites 2 and sites 4 in our Main Campus, would,
5 together, meet our target of the 500 beds and have been identified
6 as priority residential sites.

7 As noted previously, these residence halls, along with
8 the proposed Center for Athletic Performance and consolidated
9 student health-and-wellness facilities, would effectively
10 transform an underutilized area of campus into a vibrant,
11 athletic, residential, and campus-like village, while maintaining
12 substantial distance and appropriate buffers from neighboring
13 residential properties.

14 Next slide.

15 AU believes --

16 Next slide.

17 AU believes that it's critically important that our
18 students have good relationships with the neighbors in the
19 surrounding communities. Our Student Life and Safety Working
20 Group met numerous times to develop policies and practices that
21 educate and inform students who live off-campus about
22 expectations, responsibilities, and duties. This is another
23 example of AU managing the impacts of our students.

24 As a result, we expanded the scope and strengthened our
25 student conduct code, which also American University students are

1 obligated to abide by as a condition of enrollment. This
2 obligation is applicable to all conduct, whether it occurs on or
3 off campus. In addition to the student conduct code, all AU
4 students are required to abide by all relevant University
5 policies, including our good neighbor guidelines.

6 The AU good neighbor guidelines informs students of
7 their responsibility to be aware of and abide by applicable D.C.
8 laws and regulations regarding noise, disorderly conduct, alcohol
9 and marijuana consumption, winter sidewalk safety, weed control,
10 and weed control around their residences.

11 Next slide.

12 To better inform our students who choose to live off
13 campus of their rights and responsibilities, the University would
14 implement an improved off-campus living orientation program.
15 Managed by the Office of Campus Life, this program will include
16 an online training module, developed in consultation with the
17 Student Life and Safety Working Group that students living in the
18 20016 or 20008 zip codes must complete. This online training
19 also includes a section on health and safety protocols related
20 to COVID-19.

21 The Office of Community Relations will also create a
22 neighbor education tool and an AU Eagle living guide that informs
23 residents of the University's strategies for student training and
24 includes resources and directions on how to contact the
25 University or file a complaint in the event of an undesirable

1 incident.

2 Next slide. Next slide.

3 As part of the collaborative work in connection with
4 the development of this consensus 2021 Campus Plan, neighborhood
5 partnership review and affirm the 18 proposed conditions of
6 approval to guide the implementation and enforcement of the
7 objectives and commitments set forth in the plan. Proposed
8 conditions address the Campus Plan term and scope, community
9 engagement, student enrollment and employee population,
10 development plan and campus character, student housing, and on-
11 campus life, neighborhood quality of life issues, and
12 transportation and parking.

13 In addition, AU agrees to undertake the actions in
14 support of the preservation of historic resources as outlined in
15 the OP report and AU also agrees with OP's recommendation
16 regarding master leases.

17 Next slide.

18 The future of the AU Neighborhood Partnership continues
19 far beyond the approval of this Campus Plan. As we implement
20 the plan over the next decade, AU will maintain its commitment
21 to continued transparency and information sharing. Our Steering
22 Committee and working groups will continue to meet and discuss
23 the relevant issues to ensure that the commitments and
24 obligations set forth in the plan are appropriately managed.

25 Next slide.

1 In addition to continuing to work with the membership,
2 members of the committee will be kept informed about various
3 topics related to the plan through comprehensive online
4 resources, robust engagement coordinated through the Office of
5 Community Relations, and regular meetings with the CLC.

6 And last slide.

7 In developing the 2021 Campus Plan and envisioning its
8 long-term implementation, AU's strives to ensure that the campus
9 will adapt to and meet the changing needs of AU students, faculty
10 and staff, while, at the same time, respecting and enhancing the
11 quality of life of those who live within the neighborhoods
12 surrounding campus. It is AU's fundamental goal that the 2021
13 Campus Plan successfully accomplishes both of these agendas.

14 This concludes my presentation and I thank the
15 Commission for allowing us to present today.

16 MR. TUMMONDS: Thank you, Mr. Fisher.

17 As Mr. Fisher said, that concludes our presentation.
18 We appreciate the Zoning commissioners' indulgence to let us go
19 a little over and we're now available to answer any questions
20 that you may have.

21 CHAIRMAN HOOD: Okay. Thank you for the presentation.
22 And before I go to any of my colleagues, let me say that I'm
23 highly optimistic, highly hopeful. I know we have the fifteenth
24 president of the American University with us. That does not go
25 unnoticed, so we want to thank you for taking the time to come

1 and present. Because when you have the president of the
2 University, to me, the concern is at a very high level, and so
3 we appreciate it.

4 And even more, to me, the senior vice president, Mr.
5 Fisher, I know Mr. Fisher's track record. He's batting a hundred.
6 I'm not going to necessarily put the pressure on him to bat a
7 hundred with working with the neighbors over at AU, but I'm going
8 to put the pressure on him. I know his track record.

9 Citizens in this city will benefit from things that
10 he's done in his previous life for years to come. So, Senior
11 Vice President Fisher, I'm going to put a little pressure on you.
12 And, listen, if you give me 95 percent here, man, you'll be
13 batting a thousand.

14 So, I'm optimistic about the commitment that's coming
15 from who I see at the table.

16 I'm also looking forward to -- I will have some
17 questions on some of the things that you all have spoken about,
18 but I am very optimistic. I like the change, make this for a
19 changing world, and Change Can't Wait. I will say change won't
20 wait, so let's make sure that we -- because change is going to
21 happen -- but I do understand the commitments and concerns of the
22 neighbors.

23 I've been around a while as well. I don't know how
24 many AU cases or Campus Plans I've heard. In fact, when the
25 Zoning Commission first started taking Campus Plans, I was here,

1 so I'm optimistic that we can do like we did at some of our other
2 universities.

3 So, I just wanted to start off with that, and let me
4 see if my colleagues have any questions or comments.

5 And I also want to not leave out Mr. Don Edwards, who
6 I know has worked here in this city, as well, or anybody. I'm
7 not cutting anybody short, but I just know we have a few new
8 faces in my 22 years of dealing with a lot of Campus Plans.

9 So, anyway, be as it may, Commissioner May, do you have
10 any questions or comments?

11 COMMISSIONER MAY: I do have a few questions and
12 comments.

13 First of all, I will say, you know, having been here
14 for the 2011 Campus Plan review, it seems like the relationship
15 with the neighborhood has improved substantially, based on the
16 fact that there is, you know, there's support from the two ANCs
17 and the establishment of the neighborhood partnership, I think
18 was a positive development. So, walking in the door, it seems
19 better. It's disappointing that we have five parties in
20 opposition, even at that stage, but there are positives about
21 where we are.

22 So, and I think the presentation was very thorough and
23 the submitted materials that we have, so I don't have too many
24 specific questions. I am interested in the fact that there's
25 emphasis in the presentation on the historic preservation aspects

1 and the development of a plan. And I'm curious, you showed us
2 an older version of the plan or, sorry, the original version of
3 the plan, and I'm wondering, was any of that built, actually?

4 MR. BELL: Well, yeah. McKinley Hall was built, which
5 turns the corner. If you go to Slide 23, you can see it. The
6 building that turns the corner.

7 And let's see, let me think what else was built --
8 Hurst was built as part of this, as well. But the basic
9 configuration of the quadrangle that parallels Nebraska Avenue
10 was sort of the imprint that it gave. And, you know, you don't
11 see it from Nebraska, but McKinley Hall is a very impressive
12 building, buried in the middle. It's got the turret on the
13 corner, right in the middle of the slide there.

14 And so, when we looked at this and saw the way in which
15 Olmsted's Office had made this bell shape, we started thinking
16 about ways to connect the part of the campus further to the north
17 and the east, back to the center of campus. So, that's what gave
18 birth to the Eva walking ways just through that, because,
19 obviously, there have been buildings built where that
20 perpendicular quadrangle would have been.

21 COMMISSIONER MAY: Okay. So, it's helpful to know that
22 that one building was built. It's a little hard to appreciate
23 how that original plan actually, the extent to which anything
24 actually survives because it's such a wide assortment of
25 buildings there now.

1 Now, the buildings that are being replaced when new
2 buildings are built, Numbers 11 and 12 at the -- I'm not sure
3 how to describe it. On the plan, it's the lower left-hand corner;
4 that's Nebraska and Rockwood, that area.

5 What are the buildings now? There might be one on
6 there -- no, there are two.

7 (Audio interference)

8 COMMISSIONER MAY: I think if everybody except for Mr.
9 Bell could mute, I think that would help, because we're getting
10 a lot of echo.

11 MR. BELL: Yeah, your question was, Commissioner May?

12 (Audio interference).

13 MR. BELL: Something is happening here.

14 COMMISSIONER MAY: Is there somebody else in your
15 office there with the sound on?

16 MR. BELL: Yeah, I think we're going to go to my sound
17 now as we go around.

18 COMMISSIONER MAY: All right.

19 MR. BELL: Mr. Tummonds was causing problems with his
20 quality over there.

21 COMMISSIONER MAY: I'm sure -- oh, I see, you're in the
22 same room.

23 MR. BELL: We are.

24 COMMISSIONER MAY: Okay. So, yeah, I mean, the question
25 is, what are those Buildings 11 and 12 actually replacing?

1 There are four sort of low-rise buildings there and
2 it's hard to tell what the vintage of those are.

3 MR. BELL: Yeah, I think they're probably 1970s
4 buildings -- no? -- '50s?

5 Sherry is going to look it up. I don't have it right
6 offhand. There are a couple of stories --

7 Sorry. Go ahead, Paul.

8 MR. TUMMONDS: So, if you look at the --

9 (Participants confer)

10 MR. TUMMONDS: In the Office of Planning report, page
11 33, is really the, I would say is the addendum to the historic
12 preservation review, and so those buildings are called Clark,
13 Roper, and Gray. They were all constructed in 1954 -- '54, '55
14 -- so, mid-fifties buildings.

15 COMMISSIONER MAY: Okay. (Audio interference.)

16 MR. TUMMONDS: (Indiscernible) residents.

17 And I think what's interesting to note is that in that
18 historic, kind of analysis, none of those buildings were deemed
19 to be notable when we looked at the historic preservation. And
20 I think that's what we concluded, as well, so that's why we
21 thought that it was appropriate to have 11 and 12.

22 COMMISSIONER MAY: Okay. Let's see. The next thing
23 is the sound concerns coming from Dr. Herstein and Mr. Gerson.
24 This is longstanding issue and, frankly, it is one of the most
25 disappointing aspects of the current Campus Plans, that we're

1 reviewing this again and those issues were not resolved as a
2 result of the extensive discussions and the conditions that were
3 imposed in the 2011 plan.

4 So, it's just disappointing that there is not peace in
5 the neighbor when it comes to that and to hear what, you know,
6 was presented today or to read your submissions, compared to the
7 submissions that were made by Ms. Herstein and their attorney, I
8 mean, it seems like there doesn't seem to be much agreement at
9 all. We'll put it this way.

10 So, I'm wondering what's happened there. What, really,
11 from your perspective, what, you know, where -- why have things
12 gotten us to this same difficult stage?

13 I mean, granted, there might be a little bit better and
14 there might be a little bit better path forward at this moment,
15 but, you know, why are we where we are right now?

16 I mean, it seems like it's been 10 years. There's been
17 a lot of stuff happening there. Why isn't this aspect been fixed?

18 MR. FISHER: Thank you, Commissioner.

19 You know, we have made every effort to work with Dr.
20 Herstein and Mr. Gerson over the years to mitigate the sound. As
21 I said, we installed a new sound system in 2012. We have, you
22 know, making sure that we gave them all the updates and the
23 calendar events.

24 The wall was a last resort and that's where we are now.
25 We were not able to satisfy Dr. Herstein and Mr. Gerson, as far

1 as the activities and the events that take place on the field;
2 again, the wall was a last resort, so this is where we are today
3 after we have tried to -- you know, we've worked with them. We've
4 worked with sound engineers. We've talked about possible designs
5 for the wall.

6 And then, as I stated previously, you know, after the
7 2018 order and we started our campus planning process, we agreed
8 that we would not come back before the Zoning Commission with any
9 further processing. So, using this Campus Plan process, Dr.
10 Herstein is a member of the working group. We discussed the wall
11 with not only her, but other members of the community, and that
12 is why we made the decision to, like, we're going to do this and
13 we're going to put it in this plan and get started with it right
14 away.

15 COMMISSIONER MAY: So, I mean, if you sort of reached
16 the conclusion that there really wasn't going to be a solution
17 back in 2019, why is it 2021 and we're only talking about building
18 the soundwall. Why wasn't -- you know, have you been negotiating
19 with them about building a wall all this time or did you --

20 MR. FISHER: We've had many meetings with them and one
21 of the main issues here is the conditions after the wall is built
22 and the restricted use of the field once the wall is built.

23 It's our belief that once the wall is built and it
24 mitigates the sound, that we should be able to have a little bit
25 more control of the activities on the field. You know, we would

1 | like to have more than just the women's lacrosse and field hockey
2 | that uses that field right now.

3 | So, we were not able to come to an agreement on what
4 | the conditions would be post-construction of the wall.

5 | COMMISSIONER MAY: Okay. Have you been monitoring the
6 | sound levels?

7 | MR. FISHER: Yes.

8 | COMMISSIONER MAY: Have they reached the property line
9 | there?

10 | MR. FISHER: I'm sorry, yes, we have.

11 | COMMISSIONER MAY: As they reach the property line,
12 | though, right?

13 | MR. FISHER: Yes.

14 | COMMISSIONER MAY: Yeah.

15 | MR. FISHER: Our athletic department, they have the
16 | right equipment and then our facilities team, as well.

17 | COMMISSIONER MAY: Uh-huh. And it's been, throughout
18 | the last 10 years, it's been consistent with what was expected
19 | coming out of the last Campus Plan?

20 | MR. FISHER: The sound levels?

21 | COMMISSIONER MAY: Yeah. I mean, I don't know that we
22 | necessarily specified anything, but I think we heard a lot of
23 | testimony about it.

24 | MR. FISHER: So, you know, we continue to measure the
25 | sound levels. I could not give you a readout right now on what

1 | those levels are, but we have been keeping track of that,
2 | especially when we have events, most notably, women's lacrosse
3 | and field hockey on the field.

4 | And, again, we don't have amplified sound for any other
5 | events. The only thing that we have there is the shot clock for
6 | those intercollegiate events.

7 | COMMISSIONER MAY: Okay. Well, I'm sure we are going
8 | to be hearing a lot more about this as we go through it.

9 | The last question I have is the concern about building
10 | those two additional buildings, the athletic support facility or
11 | whatever it's called, and a residence hall --

12 | (Audio interference.)

13 | COMMISSIONER MAY: -- that are, you know, reaching
14 | alongside of the ball field, there, I guess, replacing tennis
15 | courts or where the tennis courts are now?

16 | MR. BELL: Yes. They would be replacing the tennis
17 | courts.

18 | COMMISSIONER MAY: Why is that now coming in? You
19 | know, there's testimony in the record that there was a
20 | longstanding agreement that, you know, you wouldn't be building
21 | that close. And it wasn't necessarily in a written agreement,
22 | but it was an understanding that that building shouldn't be
23 | creeping closer to the neighborhood on that side.

24 | Why is it now that that makes sense and what can you
25 | say to the neighbors who would be concerned about having that

1 development so close on that side?

2 MR. BELL: You're talking about sites 3 and 4?

3 COMMISSIONER MAY: Yes.

4 MR. BELL: On University Avenue?

5 COMMISSIONER MAY: Yeah.

6 MR. BELL: You know, we looked very carefully at this
7 and we feel that what's being proposed with the tree buffer and
8 the amount of setback, and also the setback that, you know,
9 continues across the street from the University property line
10 that, these buildings would be very well-suited for these
11 locations.

12 We think that, you know, a health and wellness
13 community can be realized with the Center for Athletic
14 Performance. And, you know, I noted the setbacks and the
15 distances from the AU property lines and they're significantly
16 more than the height of the buildings, which is sort of the rule
17 of them with zoning in terms of setbacks with some Campus Plans.
18 So, we felt like this was a reasonable approach.

19 We're saying that, you know, building or site 2 --
20 excuse me -- the Center for Athletic Performance at site 3 would
21 be a maximum of 60 feet, measured from the grade adjacent to the
22 building, you know, that's between 110 or 140 feet from the campus
23 boundary, and then some across the street. So, we think that
24 that's a reasonable way to proceed with these important sort of
25 campus elements.

1 COMMISSIONER MAY: Uh-huh. And that's the one that's
2 the closest. I mean, how do you -- what do you imagine -- I know
3 you haven't designed anything yet, but how do you imagine that
4 that face of the building would present itself on that wooded,
5 buffer area?

6 I mean, are we talking about a large blank wall? Are
7 we talking about windows that are going to be lit up at night?
8 You know, what's the potential for --

9 MR. BELL: Yeah, I think in terms of further processing,
10 the building is not designed yet, Commissioner May.

11 COMMISSIONER MAY: Right. That's what I said, yes.

12 MR. BELL: So, what I think would be the proper path
13 would be, as part of further processing, would be to talk to the
14 community and look at their concerns and look at the vegetation,
15 and look at the way in which the program lays out, and look at
16 options, and arrive at something that works for them and works
17 for the University.

18 You know, this is -- one of the things we did do was
19 not put a residence hall right up where the edge of number 3 is,
20 where the lights would be going on and things -- we pushed those
21 further back and further away from the edge. So, we do have an
22 opportunity there, I think, with further processing, to design a
23 building where the impacts could be negotiated and managed.

24 COMMISSIONER MAY: Okay. All right.

25 I think that's it for my questions. Thank you.

1 MR. TUMMONDS: What I would note is that President
2 Burwell has an appointment at six o'clock, so if there are
3 questions for President Burwell from the Commissioners, we would
4 love to take those now.

5 CHAIRMAN HOOD: Let me see if -- thank you for letting
6 us know that. That's why I caught myself thanking her, because
7 I know her schedule is probably pretty tight.

8 Commissioners, any questions or comments to President
9 Burwell?

10 (No verbal response)

11 CHAIRMAN HOOD: Okay. Not seeing any, again, Madam
12 President, I want to thank you, again, as well. You are the
13 fifteenth president of the University and I want to thank you for
14 taking the time.

15 It does not fall on deaf ears or on us or
16 (indiscernible) notice that you took the time to come and make a
17 presentation. So, we really appreciate you coming to give us
18 your testimony and tell us what your position is, as far as moving
19 forward with American University, so thank you very much.

20 MS. BURWELL: Thank you, all. I will stay until 6:00,
21 but I do want to say thank you to the Commission. We very much
22 appreciate your time and thank you for the opportunity to be
23 before me to be able to speak as part of this important process
24 that I hope you understand are we are taking very seriously in
25 terms of our work with the community. And we want to work, and

1 we hope we have worked, to a place where we are in a better place
2 with our community in terms of how we think about that
3 relationship and working together. So, I want to thank you all
4 for allowing me the opportunity.

5 CHAIRMAN HOOD: Okay. Thank you. Thank you so much.
6 We appreciate it.

7 Let's see. Commissioner Shapiro, do you have any
8 questions or comments?

9 COMMISSIONER SHAPIRO: I do. Just a few brief ones,
10 Mr. Chair. Thank you.

11 Probably the bigger one is I just want to make sure I'm
12 getting my head around this with the student cap and
13 (indiscernible). And so, the apples-to-apples comparisons, the
14 piece that I really want to make sure that I have my head around
15 (indiscernible).

16 CHAIRMAN HOOD: I usually make about two or three
17 mistakes.

18 Commissioner Shapiro, excuse me for interrupting -- I
19 want to make sure that I'm legally sufficient on legal grounds.

20 President Burwell did make a presentation. I want to
21 make sure nobody has a problem with cross-examination. Let me
22 just run through this and I beg your indulgence, Mr. Shapiro, so
23 forgive me.

24 Does AU Neighborhood Partnership have any cross -- and
25 they can just let Mr. Young know or Ms. Schellin know -- do you

1 have any cross of President Burwell?

2 (No verbal response)

3 CHAIRMAN HOOD: Does ANC -- I'm just going to go quickly
4 -- if somebody has cross, just chime in and let them know, because
5 she does have to leave, and I want to make sure that I'm on legal
6 footing.

7 Does ANC 3(b) have any cross of President Burwell?

8 (No verbal response)

9 CHAIRMAN HOOD: ANC 3E, any cross?

10 (No verbal response)

11 CHAIRMAN HOOD: Spring Valley --

12 MS. SCHELLIN: They can't unmute themselves,
13 unfortunately.

14 CHAIRMAN HOOD: Let me finish. Let me just finish.

15 Spring Valley Wesley Heights, any cross?

16 (No verbal response)

17 CHAIRMAN HOOD: Neighborhood for a Livable Community,
18 any cross?

19 MR. SMITH: Yes, we do.

20 CHAIRMAN HOOD: Westover Place, any cross?

21 (No verbal response)

22 CHAIRMAN HOOD: Laura Horvitz, Esquire, any cross?

23 (No verbal response)

24 CHAIRMAN HOOD: And concerned neighbors, any cross?

25 MR. SMITH: Spring Valley Wesley Heights has a

1 question.

2 CHAIRMAN HOOD: I've got Spring Valley. I got you.

3 So, everybody's been unmuted. So, I think what you
4 could do, if all of us, if you could mute yourself, and I will
5 start with Spring Valley -- let me -- does the ANC have any,
6 anybody from ANC 3B or 3E?

7 (No verbal response)

8 CHAIRMAN HOOD: Okay. Spring Valley, you have cross?

9 MR. SMITH: Thank you, and thank you, President
10 Burwell.

11 My name is Tom Smith with the Spring Valley Wesley
12 Heights Citizens Association. I live on 4601 Tilden Street NW.

13 After the pandemic -- you were talking about online
14 learning -- do you have any kind of assessment of what percentage
15 of AU's learning will actually be online learning after the
16 pandemic?

17 MS. BURWELL: It is our plan to go back into the (audio
18 interference.) We are a residential institution and we note the
19 demand of our students is to be on campus and to have that
20 residential (audio interference.) It's our expectation that in
21 the fall, those students who are coming back, that we'll have the
22 majority of classes face-to-face and we'll have students in
23 residence.

24 I think there's a separate (audio interference) that
25 you're proposing, which is the consideration of online learning

1 and how that goes beyond the (audio interference) what you
2 consider the main, four-year, face-to-face degrees, masters, and
3 other things. We, right now, have joined in partnership with
4 Martha's Table, an organization that you all may know of, as well
5 as Trinity, another school, and we will be offering an online
6 certificate for early learning in the District.

7 The District has put certificates that need to be
8 gained, and we'll do things like that. But I think for purposes
9 of the Campus Plan, in terms of the main groups of students that
10 we're talking about, that part, we think, will be consistent over
11 time. There may be opportunities for hybrid learning, that a
12 student may want to take a summer class online.

13 But I think with regard to, I think, your question is
14 about the students that we now have, is it our expectation that
15 those students are going to be learning online, and it is our
16 expectation that the vast majority of those students will be
17 learning face-to-face.

18 MR. SMITH: Thank you. Actually, that was my question.

19 So, when you did the Campus Plan, you didn't really
20 need them to give any consideration to this online learning
21 campaign, as far as accessing facilities. Would that be a fair
22 statement to make?

23 MS. BURWELL: I think the definition of what types of
24 administrative functions and other things that we will need, we
25 need to have that and consideration as we think about it.

1 In terms of a plan, what we're focused on is making
2 sure that there's the capacity for that face-to-face learning we
3 have, and we know that we have the caps in terms of the numbers
4 that we can have on students, and we're focused on how we meet
5 the needs of that.

6 The other piece is, to your point, those students
7 aren't students that will be on campus. I think that's your
8 question, if there are online elements, are those students on
9 campus, and that's not -- you know, that will be separate, and
10 we understand the caps and respect that that's something that we
11 need to work within and that's what we plan to do.

12 MR. SMITH: Thank you very much. I appreciate it.

13 CHAIRMAN HOOD: Okay. Thank you very much.

14 All right. Let's see, Ms. Schellin, did anybody else
15 speak up?

16 (No verbal response)

17 CHAIRMAN HOOD: Okay. Let the record reflect that we
18 have asked for cross-examination of President Burwell, to her
19 conversation and testimony to us.

20 Again, President Burwell, we won't come back to you
21 because I know you have to leave. You can stay as long as you
22 can, but, again, we thank you.

23 Okay. Commissioner Shapiro -- forgive me -- you can
24 continue.

25 COMMISSIONER SHAPIRO: Thanks again, Mr. Chair.

1 Yeah. So, if -- just go through the student cap, again,
2 briefly, just so I have an apples-to-apples comparison, so I
3 really understand what it is that you're proposing.

4 MR. FISHER: Sure. If we could pull Slide 28 up from
5 our presentation, I can talk you through that. There we go.

6 So, what you see here on the left here in the
7 infographic is how we had to count students in the 2011 Campus
8 Plan there in the blue. So, back then, we only had to count our
9 Main Campus and our Tenley Campus. So, if you look at that,
10 you'll see 11,800 students are included there.

11 When you look at the three other locations that are
12 (indiscernible), the 4801 Massachusetts, the 2200 Wisconsin --
13 (audio interference) --

14 MR. TUMMONDS: All on one side.

15 MR. FISHER: Oh, I'm sorry.

16 COMMISSIONER SHAPIRO: Yeah, it's just that that echo
17 is still there, Mr. Chair, if it's something you can do.

18 MR. FISHER: I couldn't hear your question. I'm sorry.

19 (Audio interference)

20 (Participants confer)

21 CHAIRMAN HOOD: I believe --

22 MS. SCHELLIN: Also, if there's more than one computer
23 on in the same room, that will be an issue, too. We need to make
24 sure that the others are muted, for sure.

25 MR. FISHER: All right. Sorry about that.

1 Your question, Commissioner?

2 COMMISSIONER SHAPIRO: That was (indiscernible). I was
3 working on (indiscernible), so keep going with exactly what you
4 were (indiscernible).

5 MR. FISHER: Okay. And so, if you take the red part
6 of the infographic, we had to count these three additional
7 locations. So, as a result of that, 780 students had not been
8 added to our enrollment count. And so, 1101 plus the 780, put
9 us at 12,581 students.

10 And so what we propose to do was the 780 students
11 represents a 6.61 increase. So, we propose to adjust our
12 enrollment cap originally by 6.61 percent.

13 After conversations with the AU Neighborhood
14 Partnership and other stakeholders, we came to an agreement that
15 we would only propose adjusting our enrollment cap by those
16 additional 780 students. So, we took our 13,600 cap and we added
17 780 students to it. So, that's how we got to 14,380. That still
18 includes the 2,000 enrollment cap at the Tenley Campus.

19 COMMISSIONER SHAPIRO: So, how many additional
20 undergraduates are you expecting to study on campus, as proposed?
21 How many are you planning for?

22 MR. FISHER: How many undergraduates are we planning
23 to have?

24 COMMISSIONER SHAPIRO: How many additional undergrads
25 are you planning to have building into this plan?

1 MR. FISHER: Well, again, we had to make projections
2 as we've done in previous years. So we're anticipating a mix of
3 students that would make up those, any mixed students that are
4 added to our enrollment. So, they could be graduate students.
5 They could be lifelong learners. They could participate in some
6 other program that the University offers.

7 COMMISSIONER SHAPIRO: I understand that from a -- as
8 you're managing this, these are -- (indiscernible), but I imagine
9 you're planning for an undergraduate enrollment (indiscernible)
10 and some measure of recent undergraduate enrollment, and I'm
11 trying to get a sense of what that is.

12 MR. FISHER: So, any undergraduate enrollment would
13 also be impacted by our housing requirements. So, our 67 percent
14 that we have as a condition, again -- it was in the last plan -
15 - we will make sure that we can house at least 67 percent of our
16 full-time undergraduates. So, in a lot of ways, that housing
17 requirement would serve as a cap one in undergraduate enrollment.

18 COMMISSIONER SHAPIRO: Because you have some kind of a
19 requirement around having undergrads (indiscernible) on campus
20 (indiscernible) second year.

21 MR. FISHER: We don't have a data requirement for first
22 years. What we have, housing is available for a hundred percent
23 of our first-year students, first- and second-year students.

24 COMMISSIONER SHAPIRO: Okay. I think that's good
25 enough on that one for now. Thanks for that.

1 MR. FISHER: Sure thing.

2 COMMISSIONER SHAPIRO: (Indiscernible) and I appreciate
3 the level of detail that you provided and (indiscernible) it
4 could be for you, it could be for the transportation consultant,
5 but how are you managing shared mobility, beyond just Capital
6 Bikeshare. Now, there's, you know, the scooters and the electric
7 bikes are everywhere and it's a good fit, right, but how are you
8 planning for that? How are you managing that? How do you think
9 about the neighborhood impact with that?

10 I'm just curious about where the conversations have
11 been.

12 MR. BANKS: So, there's certainly been a number of
13 different conversations regarding that through the Transportation
14 and Parking Working Group, as well as within the TDM plan of the
15 EUST, itself.

16 So, Dan Nichols, who heads-up the Transportation
17 Department has been grouped with, along with their coordinator,
18 is actually in the process of finalizing a sort of Micro-Mobility
19 Program and resource book for not only students but, for obviously
20 anyone that's (indiscernible) University.

21 There are limitations on who can bring scooters and
22 bikes, you know, particularly, the Micro-Mobility bikes onto
23 campus where they can be parked. And, obviously, within the
24 campus itself, the University can begin to enforce that and they
25 do enforce that.

1 Obviously, outside of the campus, it becomes more of a
2 DDOT-related issue in terms of where those Micro-Mobility
3 companies enforce their regulations, making sure that they're not
4 just left within neighborhoods and things like that.

5 Obviously, the University wants to be a partner with
6 DDOT and the neighborhoods within that, but they certainly
7 control the interior of the campus as much as they can.

8 COMMISSIONER SHAPIRO: Thanks for that.

9 The Student Code of Conduct that you referred to,
10 clearly describes what kind of behaviors should or shouldn't be
11 associated with the housing that they have. I just don't -- does
12 the Student Code of Conduct also apply to these kinds of Micro-
13 Mobility issues, and if it doesn't would (indiscernible)?

14 MR. BANKS: So, in terms of the code of responsibility,
15 the concern is they not house e-bikes and e-scooters within
16 internal campus locations, such as their dorm rooms. They have
17 to be parked within the appropriate bicycle parking facilities
18 and (indiscernible) --

19 COMMISSIONER SHAPIRO: I'm focusing more on the
20 neighborhood impact. And, I mean, no disrespect, but
21 (indiscernible) campus impact related to, and, again, I just
22 think it's something for, you know, you're being very mindful
23 that the Student Code of Conduct does apply to students when
24 they're living off-campus.

25 MR. BANKS: Yeah.

1 COMMISSIONER SHAPIRO: And I would just encourage you
2 to extend that to conduct related to Micro-Mobilities
3 (indiscernible).

4 MR. BANKS: And we can certainly ensure that that gets
5 included within the Micro-Mobility rules and regulations that are
6 currently being drafted up.

7 COMMISSIONER SHAPIRO: Okay. I think that's all I have
8 for now, Mr. Chair.

9 And thank you, both, and President Burwell, again, as
10 Chair Hood said, I really appreciate you participating in this
11 process. It's very helpful to have you here.

12 CHAIRMAN HOOD: Okay. Thank you.

13 I'm going to remind everyone, even if you're speaking,
14 when you finish speaking, and I do, I go on mute, so as not to
15 cause any background noise. So, I know it's a lot of work to
16 have to keep muting and unmuting, but, please, that would help
17 us all so we could hear good.

18 So, if you don't mind, and once you're finished
19 talking, mute it. The person will ask you a question. Once they
20 answer your question, you've got to come back with another
21 question, mute again. I know that's a lot, but that way the
22 sound won't be as distorted.

23 So, with that, Commissioner Turnbull?

24 COMMISSIONER TURNBULL: Thank you, Mr. Chair.

25 And I want to thank the Applicant for his presentation.

1 And like the chair and Commissioner May, I was onboard 10 years
2 ago when we did the 2010/2011 Campus Plan. And unlike the rather
3 interesting venue which we're doing now, that venue was in our
4 hearing room and I think the atmosphere was a little bit more
5 agitated and it was quite a different sense of a hearing. It
6 went on for -- I don't know -- Mr. Chair, five meetings or five
7 hearings. I forget.

8 Six hearings. Mr. Tummonds remembers.

9 So, it's sort of like the deja vu all over again, to
10 misquote Yogi Berra, but I think one of the things that came up
11 during that time period, at that time of year, we were looking
12 at four Campus Plans at some point. We had Georgetown, AU, George
13 Washington, I think we had Howard, and God knows what else.

14 But one of the things that came up with Georgetown is
15 that it looks like AU, at the same time, was getting very
16 clobbered by the citizens, the neighborhood community for a lot
17 of similar reasons: things going on, students out of the
18 neighborhood, young men been drinking too much and having to do
19 things, and it got to be a little bit -- it was funny, because I
20 thought at that time, after several hearings where things were
21 not going well, the president of Georgetown stepped in, made an
22 executive decision to change how the group that represented
23 Georgetown and the neighborhood would work, and instituted what
24 became a model of -- it was incredible. It had an incredible
25 change.

1 So, seeing your presence here, Ms. Burwell, is
2 encouraging. I think that is a big step. I think an investment
3 by the highest level at the University means that the commitment
4 is really there. So, I greatly appreciate your involvement.

5 And so, I think my next question, then, is on the carbon
6 neutral, that Mr. Bell was talking about, the carbon neutral, is
7 Perkins Eastman committed or signed on to the American Institute
8 of Architects 2030 Carbon Neutral Program?

9 (No verbal response)

10 COMMISSIONER TURNBULL: You are, okay. I see you
11 nodding your head.

12 Is that -- are we trying to achieve net zero, then, at
13 the University?

14 MR. BELL: I don't know if you want to take that, Ed.
15 I don't know that net zero could be one path, but I think carbon
16 neutrality is a broader umbrella.

17 COMMISSIONER TURNBULL: Okay. Do you see going -- I
18 mean, obviously, a lot of this of what you're looking at, we're
19 looking at the broad-brush for the Campus Plan. In the future
20 processing, do you see the various projects are going to be LEED
21 Gold or better?

22 MR. BELL: That's the commitment the University has
23 made, new buildings to LEED Gold.

24 COMMISSIONER TURNBULL: Okay. Parking has been talked
25 about and it gives a broad-brush, and I guess that's going to be

1 developed further in the further processing.

2 Do you see a net-zero gain in parking or is this going
3 to accommodate -- so far, I think you've said there's no net
4 impact on the surrounding neighborhoods, but could you clarify
5 that.

6 MR. BANKS: Yeah. I mean, currently, the University's
7 condition of approval is that (indiscernible) of 3,000 spaces.
8 The University certainly doesn't see as though there's any need
9 to go beyond that 3,000.

10 I mean, certainly, if transportation trends continue
11 as they are, then they would like to see, themselves, beneath
12 that, certainly, in the future and they'll continue to monitor
13 it as these trends continue to evolve post-pandemic.

14 COMMISSIONER TURNBULL: Okay. Thank you.

15 I really don't have a lot more questions, but I think
16 my colleagues have basically answered or asked a lot of the
17 questions that I had.

18 The only thing was getting back to the wall, the
19 soundwall. Is there agreement or some kind of concurrence on
20 building the wall? Have you agreed it the wall, itself?

21 It's mainly the conditions after the wall is built?

22 MR. FISHER: So, the University has agreed to build the
23 wall. We want to have further discussions about the specific
24 conditions once the wall is built and the future use of the field.

25 So, we've agreed to build the wall. It will be the

1 first project in this expanse.

2 COMMISSIONER TURNBULL: And do the neighbors acquiesce
3 to the wall?

4 MR. FISHER: Which neighbors are you referring to?

5 Dr. Herstein would like for us to build the wall. We
6 have agreed to build the wall.

7 Again, the issue here is the future use of the field.

8 COMMISSIONER TURNBULL: Okay. So, I guess just for my
9 understanding, the wall is maybe not in question, per se; it's
10 the conditions after the wall is up?

11 MR. FISHER: That is correct. Yes, that is correct.

12 COMMISSIONER TURNBULL: All right. Well, thank you for
13 your presentation.

14 MR. FISHER: Certainly.

15 COMMISSIONER TURNBULL: I look forward to further
16 discussions.

17 MR. FISHER: Thank you.

18 CHAIRMAN HOOD: Okay. Vice-Chair Miller?

19 VICE-CHAIR MILLER: Thank you, Mr. Chairman, and thank
20 you to President Burwell and Assistant Vice President Fisher and
21 to the entire AU team for your presentation, for all the materials
22 you provided, and for all the community engagement that you've
23 been initiating and participating in.

24 And it looks like -- well, here, I'm interested to hear
25 from all of the parties, both those in support and in opposition,

1 but we'll hear from them shortly. But just on the surface, based
2 on the record, it looks like this is a process in terms of
3 community engagement that's been working better, and so I'll
4 applaud you for that. I'm sure we'll hear what the criticisms
5 are as we go along.

6 I don't want to take up too much time, so I really want
7 to get to the public testimony, and my colleagues have asked some
8 good questions, and I share their comments.

9 But just a couple specifics, if you could provide
10 either off the top of your head or as part of, or in the future,
11 a written submission, or just point me to the record where, if
12 the answers to some of these questions might be in the record
13 already, which I suspect they are.

14 I saw the chart are with the 15 development sites. I
15 think that's Exhibit 3(b). It shows the use. It shows the
16 height. And it shows the square footage.

17 The height is shown in stories, which is helpful, but
18 I'd also wonder if there's a maximum height by feet for each of
19 those development sites, which was in the record, or if you could
20 just provide that.

21 Because, I mean, the stories is useful, but, you know,
22 like, with an athletic center or you don't necessarily know how
23 tall from floor to ceiling it's going to be, so it would be useful
24 just to know and how that fits into the context of what's there
25 on campus currently and in the adjacent neighborhood in terms of

1 maximum heights.

2 Mr. Tummonds, I think you, or somebody may -- Mr. Bell,
3 maybe you can --

4 MR. BELL: Yeah, I can start.

5 Thank you, Commissioner Miller. So, for planning
6 purposes, we used the following guidelines: between 11 and 12
7 feet, floor to floor, for residential buildings, and about 15
8 feet, floor to floor, for academic buildings. That is standard
9 practice in terms of building these kinds of facilities.

10 And, you know, as we cited some of these, for example,
11 you know, when we were citing the height in terms of a number,
12 we're saying we're measuring that at the grade, adjacent to the
13 building.

14 MR. TUMMONDS: As a follow-up to -- I'm sorry, Mr.
15 Miller -- we can provide for the record, you know, approximate
16 building heights, under the understanding that, again, through
17 further processing, there'll be further refines, but we can get
18 -- we can provide a range.

19 VICE-CHAIR MILLER: Yeah, that would be useful. I
20 would like to have that. Thank you very much. I appreciate
21 that.

22 And if there's a visual depiction of that with the
23 existing heights of buildings on the campus with what's proposed
24 and also the existing homes and other structures that are agenda
25 to the campus, that would just be useful to see the context of

1 | those heights. So, thank you for that.

2 | The Center for Athletic Performance, that's replaced -
3 | - the footprint of that is currently the outdoor tennis courts
4 | and basketball courts?

5 | MR. TUMMONDS: That's correct.

6 | VICE-CHAIR MILLER: The first time I see outdoor tennis
7 | courts being eliminated, which I see all the time. It's telling
8 | me that I probably need to stop playing tennis.

9 | MR. TUMMONDS: Pickle ball.

10 | VICE-CHAIR MILLER: It probably corresponds with my
11 | dwindling ability.

12 | So, where's the tennis team going to play?

13 | MR. FISHER: Sir, we're going to look to relocate the
14 | tennis courts in a suitable place. If they can be built, maybe
15 | even on top of the Center for Athletic Performance, we might even
16 | do that. But we're going to identify other places on campus for
17 | tennis courts and basketball courts.

18 | VICE-CHAIR MILLER: Okay. And what's going to be in
19 | the Center for Athletic Performance? What is that?

20 | I mean, I understand that it's the health and wellness
21 | center. You said that it will be state-of-the-art. Is it
22 | replacing the facilities that you currently have in the Bender
23 | Arena or somewhere else?

24 | MR. FISHER: So, the Center for Athletic Performance
25 | will be an event space or a competition space for our wrestling

1 team, for women's volleyball. It will also be a practice facility
2 for men's and women's basketball. Then, it will be a place --
3 we'll move some of our fitness centers to the Center for Athletic
4 Performance, and that way, we'll open up some of that space that's
5 at Bender right now, but Bender will be our primary athletic
6 facility for, especially for men's and women's basketball, but
7 it will be a competition space for women's volleyball, wrestling,
8 and then practice space for other sports.

9 VICE-CHAIR MILLER: Okay. Thank you.

10 And the -- okay. Moving on to a couple other, just a
11 couple other quick things.

12 The shuttle bus routes, what is the current shuttle bus
13 routes that the AU -- I forget what that shuttle bus is called -
14 - you can remind me. Maybe it's something with "eagle" in it -
15 - but what's the current routes and is there any -- I think there
16 was going to be a change down at the 4801 Massachusetts site in
17 terms of a stop in order to not have as much impact on the
18 residential neighborhood and also because there's going to be
19 construction going on there.

20 But I'm not sure what else -- I think there was a
21 suggestion that somebody -- that it stop at the law school, where
22 the law school is, and I'm not sure. If we can get into the --
23 I don't need to have that off the top of your head.

24 If you can point me to the record of where the current
25 shuttle bus routes are and stops, and what will be planned under

1 | this plan, that would be useful to that.

2 | MR. BANKS: Yes. Just very quickly.

3 | Currently, there's no plan changes to the routes. What
4 | you had mentioned, obviously in regards to 4801 at Wisconsin, the
5 | (indiscernible), they are proposing just to change that route,
6 | as you mentioned, to not go through the neighborhood. So, it
7 | would actually stop outside of that building, rather than go
8 | through the neighborhood, itself.

9 | And so, it would extend the route up the road, around
10 | the circle, and back down the Massachusetts Avenue. So, it
11 | wouldn't actually go through 48th Street and Yuma Street there,
12 | which is one of the issues. So, it'll continue up Massachusetts,
13 | stop outside the building, go around (indiscernible) circle and
14 | then come down.

15 | That is yet to be formally agreed, but that's probably
16 | the plan right now. Nothing else is due to be edited in terms
17 | of the current shuttle routes -- bus routes that go to Tenley
18 | Campus and go to the AU Metro stations.

19 | VICE-CHAIR MILLER: And are there stops for those
20 | routes at the Main Campus and Tenley Campus, they're off of the
21 | main -- are they off of the main corridor?

22 | MR. BANKS: They are not. So, they are actually on -
23 | - so, the Main Campus is within internal to the campus, as well
24 | as on Massachusetts Avenue; whereas, the Tenley Campus is
25 | actually on Nebraska and then, obviously, you have the Metro Rail

1 Station, itself.

2 VICE-CHAIR MILLER: I was just wondering, in terms of
3 the Main Campus, wherever the shuttle bus stops, have you looked
4 at trying to get the for-hire Uber and Lyft and other automobiles
5 to use to direct them with signage to wherever the bus is stopping
6 on the Main Campus?

7 They probably don't want to do that, and that's
8 (indiscernible), but is there signage, even, that tries to get
9 them to do it or will there be signage?

10 MR. BANKS: That is certainly a work-in-progress. As
11 you currently mentioned, it's not overly easy to work with the
12 companies, certainly in terms of being able to select pickup
13 locations. That is something that AU is working with and has
14 continued to work with the transportation networking companies
15 to make sure that there are specific locations on campus where
16 they can pick up, and they are assigned on campus.

17 The dropping-off of students and/or visitors is a bit
18 more complicated, and so that is certainly something that the
19 University is continuing to work on.

20 VICE-CHAIR MILLER: Okay.

21 MR. TUMMONDS: And Commissioner Miller, I have an
22 answer to you: with regards to the Schultz will bus routes,
23 Figure 2-4 of the CTR includes a map of those shuttle bus routes.

24 VICE-CHAIR MILLER: Thank you. I'll look for that. I
25 appreciate that, Mr. Tummonds.

1 Just moving, a quick question on the student count on
2 the -- 67 percent or so, you're going to continue the 67 percent.
3 At least 67 percent of undergrads must be housed on campus or
4 housing must be provided to be available for them.

5 Which is it? What is the current requirement?

6 MR. FISHER: It's 67 percent must be available to them.

7 VICE-CHAIR MILLER: Available to them.

8 MR. FISHER: They're not -- yeah. It must be available.

9 VICE-CHAIR MILLER: I thought I -- I didn't understand
10 that to be the case until you said earlier in response to
11 Commissioner Shapiro's request, that there isn't a current
12 requirement for freshmen --

13 MR. FISHER: That is correct.

14 VICE-CHAIR MILLER: -- or sophomores to live on campus.
15 It's just that there's enough, there will be enough -- well,
16 answer the question.

17 MR. FISHER: (Indiscernible) more housing, yes.

18 VICE-CHAIR MILLER: Is there enough and will there be
19 enough housing? Is there currently and will there be under this
20 plan, enough housing for all freshmen and sophomores to be
21 residing on campus?

22 MR. FISHER: Yes, there will. And, to date,
23 approximately 99 percent of our freshmen live on campus, except
24 for those who might originate from the D.C. area, so they may
25 choose to stay home. But almost all of our incoming freshmen

1 reside on campus. We have 100 percent available for them and,
2 again, 67 percent is available to all undergraduates, full time.

3 VICE-CHAIR MILLER: And, Mr. Fisher, do you have the
4 percentage for the number of sophomores or the percentage of
5 sophomores not in this past year -- a typical year would be --

6 MR. FISHER: Sure.

7 VICE-CHAIR MILLER: -- is it -- I'm sure it's not 99
8 percent --

9 MR. FISHER: No.

10 VICE-CHAIR MILLER: -- what does it run off -- what
11 does it drop off to?

12 MR. FISHER: I would have to check on that and follow-
13 up to get that exact number. I don't know exactly how many
14 sophomores, but we can find that out.

15 VICE-CHAIR MILLER: Okay. And was there any -- well,
16 okay. I'll leave it at that.

17 MR. FISHER: I will say this, Commissioner Miller, that
18 one of the reasons why we are booking additional beds is so that
19 those sophomores stay on campus, instead of moving off. That is
20 one of the goals and why we're building more of these additional
21 beds; to keep more of them on campus.

22 VICE-CHAIR MILLER: For 500 additional beds.

23 MR. FISHER: Yes.

24 VICE-CHAIR MILLER: And, finally, lastly, again, you
25 can provide this for the record off the top of your head if you

1 have it, which of the Office of Planning and DDOT conditions, if
2 any, are you not agreeing to right now or you haven't yet agreed
3 to?

4 MR. FISHER: Right now, there aren't any conditions
5 that we have any objection to.

6 VICE-CHAIR MILLER: Okay. That's a good answer.

7 (Laughter)

8 VICE-CHAIR MILLER: Let me echo our chairman praise of
9 Mr. Fisher. I've had the opportunity to work with Mr. Fisher
10 for many years at both (indiscernible). I agree with his effort
11 to put pressure on you to resolve any outstanding issues that
12 come out of this hearing and I think you're up to that task to
13 do that, along with the whole AU team, and so I appreciate all
14 the efforts there.

15 MR. FISHER: Thank you for your kind words.

16 VICE-CHAIR MILLER: Thank you. That's it for me for
17 now.

18 CHAIRMAN HOOD: Okay. Thank you.

19 Let me see. Mr. Tummonds, the Campus Plan before 2011,
20 wasn't it about 2001, I believe, or 2002?

21 (No verbal response)

22 CHAIRMAN HOOD: Okay. So, Mr. Fisher, we kind of go
23 back to, and speaking in terms of the Herstein property, has
24 anything, or Mr. Tummonds or anybody, has anything ever been done
25 since 2001, when I first heard from the late Mr. Herstein about

1 the issues that we were having with the fields?

2 Because that's well over -- I mean, we're talking about
3 2011 and I'm going back to 2001. Has anything ever been done to
4 help try to mitigate that?

5 MR. FISHER: Yes, we have, as I mentioned, we installed
6 the new sound system in 2012. We have reconfigured the way that
7 the speakers are set up on the field. You know, we make sure
8 that anybody who uses the field, knows that they cannot use
9 acoustic, you know, sounds. They can't use, you know, a stereo
10 system. We have forbidden the use of cow bells and whistles and
11 any other types of sound, you know, sound equipment or instruments
12 out there.

13 So, we've made every effort that we can to reduce and
14 mitigate the sound there at that field. Again, we don't have an
15 issue with building the wall. The future use of the field that
16 is of concern to us.

17 CHAIRMAN HOOD: Okay. And I do recall, some of that
18 came up in our previous look at this campus.

19 Vice President Fisher, let me just ask this, I know
20 about the negative traffic concerns from the committee. I know
21 about the intensity of development.

22 Somebody -- I'm getting feedback. Maybe I need to cut
23 -- if I mute myself, then you won't hear me. Okay. There we
24 go.

25 Okay. I know about the intensity of development that

1 | some of the community has concerns. The community -- was the
2 | community involved with what we have here in front of us today?

3 | I mean, they might not have gotten all that they wanted
4 | or everything to the T, but was the community pretty much involved
5 | in the plan that I have in front of me?

6 | MR. FISHER: Absolutely. From day one, the community
7 | has been a part of this. I gave you guys a summary of the AU
8 | Neighborhood Partnership which represents a variety of various
9 | communities surrounding the University. We have had a very robust
10 | engagement process. We have had countless nights, meetings in
11 | the evenings and, again, this is obviously prior to the COVID
12 | pandemic.

13 | But, you know, I got here at AU two years ago and from
14 | day one, I hit the ground running with our community-engagement
15 | efforts to run this Campus Plan. I've lived it and breathed it
16 | for the last 24 months or so, and I think that we have made every
17 | effort to change how we did things from 10 years ago.

18 | I met with as many community members as I could to make
19 | sure that we got input from all of our stakeholders. And, you
20 | know, as I said, many neighborhoods have been represented. A lot
21 | of the changes that we made in the plan was because of the
22 | feedback that we got. So, there were certain buildings that were
23 | originally six stories and we dropped it down to five stories.
24 | There was a building that was 8 stories. We dropped it down to
25 | seven stories and we changed the courtyard.

1 And so, we definitely took the feedback of our
2 neighbors into consideration in putting forth this Campus Plan.

3 CHAIRMAN HOOD: Okay. Thank you.

4 I want to remind all of my colleagues that Georgetown
5 got to where they were -- I heard Mr. Turnbull allude to that,
6 but you remember, there was a lot of pressure from this Commission
7 on the Georgetown case and I don't want to -- I mean, we put a
8 lot of pressure on them, just like we put on AU. But I will tell
9 you when they had the celebration of everybody working together,
10 I don't think any of us got an invitation -- that's just a joke.

11 But I will tell you that there was a lot of pressure
12 put on by this Commission and I think they did give this
13 Commission credit and help to bring them together. And I'm
14 looking forward to the day that AU comes together. I know there
15 are different nuances that go into effect, but I'm hoping with,
16 again, as I've stated, I was serious about what I said earlier
17 about the vice president and the newly elected president of the
18 University. I believe with all of those efforts and listening
19 there, I think we could probably see the same thing here, as
20 well, even though there are some different announces in this
21 area.

22 And you mentioned about the training, and I know you
23 had about it in the records, but I want to ask you, is it online
24 training? Are there questions pertaining to the neighborhood?
25 Or was there a sample that we saw of the online training, because

1 I didn't see it. If it was in there, I might have missed it.

2 MR. FISHER: So, one of the new trainings is an online
3 module that is mandatory for our students. And this was created,
4 in partnership and in a new consultation with the Student Life
5 and Safety Working Group of the partnership. So, we clipped
6 through every page of this together for the neighbors to give
7 their feedback and input about what's being presented.

8 So, it gives our students all kinds of information,
9 but, again, it lays out the expectations that the neighbors have
10 of them and that the University has of them once they move out
11 into the community.

12 We're also doing more in-person, when it's safe to do
13 so, we'll have more in-person orientations. And, again, we're
14 creating these educational resources for students, as well. The
15 AU Eagle Living Guide is something that will be new, in addition
16 to a postcard that we sent out to all of our neighbors.

17 And then, along with our director of community
18 relations, we will visit with the various civic associations and
19 high-rise condominium (indiscernible) in the community, as well.

20 CHAIRMAN HOOD: As most know, I always like to hear
21 about the good neighbor policy. I believe in that for the City
22 of the District of Columbia, period.

23 I want to say that -- and Vice President Fisher, let
24 me know if I'm incorrect -- I'm stating this, basically, for the
25 record. You mentioned about the further processing. You all

1 | agreed not to even bring any further processing to the table.

2 | Normally, it's brought to the table. We might get one
3 | or two when we do the Campus Plan, then we have to deal with the
4 | Campus Plan first and then we deal with the further processing.
5 | But you all agreed as a commitment to the community, to resolve
6 | some of their concerns and issues of not doing any further
7 | processing.

8 | Is that a fair statement?

9 | MR. FISHER: Yes, that is. That's correct.

10 | CHAIRMAN HOOD: Okay. And I'm saying this for a reason,
11 | because I think, to me, I don't remember recalling a whole lot
12 | of that previously, and I've been around for a few years. To
13 | me, that's showing some commitment.

14 | But I, too, want to get straight to the concerns of the
15 | community. Let me see if I have all my notes.

16 | That's all I have. Let's see if anybody has any -- I
17 | do want a sample of one of the questions, Mr. Fisher. I don't
18 | think you have it, but apparently, they're available. Can you
19 | give me one right off the top of your head.

20 | MR. FISHER: The questions from the?

21 | CHAIRMAN HOOD: The training.

22 | MR. FISHER: The training.

23 | So, students have to know about 311. They need to know
24 | about alcohol and marijuana consumption with the new rules and
25 | laws in the District. Let's see. Noise and disorderly conduct.

1 So, they need to know that between 7:00 a.m. to, what I think is
2 10:00 p.m., that, you know, your noise level needs be below 60db
3 or whatever the exact times are.

4 So, it is very detailed. Student can't just click
5 through it and jump to the end. In between let's say every three
6 or four slides, they have to answer a few quizzes.

7 We can share this with the Commission. I don't have
8 it readily available right now. It's using the, I believe it's
9 a blackboard platform, but we can make sure that we provide the
10 Commission with an example of what this online training looks
11 like.

12 CHAIRMAN HOOD: And if it tracks -- I'm sure they're
13 not like I am, so this is just a question, I'm thinking about
14 myself -- does it track how many times they have to take it before
15 they pass it?

16 MR. FISHER: You have to get a certain number of
17 questions correct. All this data is also tracked by our Office
18 of Campus Life, so, if students do not complete it within a
19 certain time period, they get dinged and if they continue to not
20 repeat it, to not complete it, they can be brought in for a
21 student conduct violation.

22 We did a pilot run this spring -- I'm sorry -- last
23 fall. And I think we had a 97 percent completion rate, something
24 close to that.

25 CHAIRMAN HOOD: Okay. Thank you.

1 I was just withstanding what the enforcement tools were
2 to make sure that students are taking it, and it sounds like you
3 have that in order, so I appreciate that.

4 I don't have any other questions. Let's see if we have
5 any go-backs.

6 Commissioner May, any go-backs?

7 (No verbal response)

8 CHAIRMAN HOOD: Commissioner Turnbull?

9 (No verbal response)

10 CHAIRMAN HOOD: Commissioner Shapiro?

11 (No verbal response)

12 CHAIRMAN HOOD: Vice-chair, no go-backs?

13 (No verbal response)

14 CHAIRMAN HOOD: Okay. Ms. Schellin, do we have -- I'm
15 trying to figure out how we're going to do this. Hold on one
16 second.

17 MS. SCHELLIN: I think the party in support and then
18 maybe the ANCs could come up together and then I could ask Mr.
19 Young to just pull up the five opposition people who are going
20 to do cross for the opposition parties. And then you can ask
21 them one by one and if they're not, he could take them back to
22 the waiting room.

23 CHAIRMAN HOOD: Okay. That's the way we're going to
24 do it.

25 MS. SCHELLIN: Does that work?

1 CHAIRMAN HOOD: Yeah. The way we're going to do is
2 just like you said, but we're going to do it each time, so that'll
3 be --

4 MS. SCHELLIN: Yes.

5 CHAIRMAN HOOD: -- so we'll be organized.

6 MS. SCHELLIN: Okay.

7 CHAIRMAN HOOD: Okay. We'll bring up in the ANCs --
8 oh, no, the party in support first -- no, the ANCs first.

9 MS. SCHELLIN: The ANCs first, yes.

10 CHAIRMAN HOOD: Right.

11 MS. SCHELLIN: Mr. Young, I'll email you or text you.

12 (Pause)

13 CHAIRMAN HOOD: Okay. Let's go.

14 Commissioner Elkins, do you have any cross-examination
15 of the Applicant?

16 MR. ELKINS: No, sir. I do not.

17 CHAIRMAN HOOD: All right. Thank you.

18 Commissioner Hughes, do you?

19 MR. MCHUGH: No, sir. I do not.

20 CHAIRMAN HOOD: Okay. Thank you.

21 And I guess we can take them back down.

22 MS. SCHELLIN: Okay. And Mr. Kravitz is on the phone.
23 He's bringing him up.

24 CHAIRMAN HOOD: Okay. Is he on the phone?

25 MR. YOUNG: Okay. I'll take another --

1 (Pause)

2 CHAIRMAN HOOD: Mr. Kravitz, can you hear me?

3 MR. KRAVITZ: I can hear you.

4 CHAIRMAN HOOD: Okay. Great.

5 MR. KRAVITZ: I don't have any.

6 CHAIRMAN HOOD: Okay. Thank you.

7 Let's go to opposition. We're going to figure out a
8 better way, but right now, this is the way to do it.

9 Spring Valley Neighbors for a Livable Community,
10 Westover Place, Herstein and Gerson, and Concerned Neighbors. In
11 that order, when you come up, if you could just chime in as soon
12 as you come up, in that order.

13 Spring Valley Wesley Heights?

14 MR. SMITH: I have a number of questions, and, Paul,
15 if I could, maybe I could just direct the questions to you and
16 you could sort of figure out on your team might be best to answer
17 them, if that's okay with you?

18 MR. TUMMONDS: That works.

19 EXAMINATION

20 MR. SMITH: Okay. One curiosity here, your Campus Plan
21 does not expire until May of 2022, so I'm curious, why are we
22 doing this a year early.

23 MR. TUMMONDS: Okay. Great.

24 Mr. Fisher?

25 MR. FISHER: So, we are engaged or having days in this

1 process. I believe as President Burwell stated earlier, it's in
2 combination with our strategic plan and our fundraising campaign
3 that we are launching, I believe, next month. So, the Campus
4 Plan is a critical component of both of those.

5 And so it made sense for us to launch this Campus Plan
6 when we did and, as I mentioned, coronavirus did not slow us
7 down. We were able to proceed to engage and that's why we are
8 moving forward with the plan now.

9 MR. SMITH: Okay. Thanks for mentioning the strategic
10 plan.

11 In strategic plan, which is an attachment to the Campus
12 Plan, itself, you talk about having a downtown campus,
13 establishing a downtown campus, but there's nothing in the Campus
14 Plan, itself, that I could find, at least, other than in the
15 strategic plan, that makes any kind of reference to this downtown
16 Campus Plan.

17 Can you sort of elaborate. Is that something that
18 you're planning on doing as part of this next 10-year cycle or
19 what is the status of that.

20 MR. FISHER: We are still exploring having a downtown
21 location for possibly graduate students or other types of
22 programs. It would not be for undergraduate students.

23 It's not included in the program with any specifics
24 yet. We haven't identified a location. But because it will be
25 in a commercial district, it would not be subject to the same

1 regulations as our -- because it's high-density, it wouldn't be
2 subject to the same regulations as our primary campus.

3 MR. SMITH: Okay. Thank you.

4 I have a series of questions about the population cap.
5 Do you have consider the 2,000 cap for the Tenley Campus to apply
6 the Tenley Campus as a whole or just to the law school?

7 MR. FISHER: As a whole.

8 MR. SMITH: As a whole, okay.

9 And page 68 of the CTR, the comprehensive
10 transportation report, states the following, and I don't
11 understand this and so I'm asking for some clarification of this.
12 It says:

13 "In terms of the enrollment projections for the 2021
14 Campus Plan, AU has proposed to accommodate potential growth in
15 the on-campus student population over the 10-year term of the
16 2021 Campus Plan below the cap established in 2011."

17 So, and then it says, "When adjusted for the 2016 regs."

18 So, are you saying that you don't plan to reach your
19 cap at any point during this next 10-year period?

20 MR. FISHER: No, that's not what we're saying. We will
21 grow within the cap.

22 MR. SMITH: So, what type of growth are you actually
23 anticipating over the next 10 years?

24 MR. FISHER: Any growth to the University will come in
25 a mix of students. They could be undergraduates, graduates,

1 lifelong learning, special certificate programs. There's various
2 types of students that could fit within that cap.

3 MR. SMITH: Well, that's not what I'm asking.

4 My question is, what type of growth? I mean, are you
5 looking at, you know, 5 percent? 10 percent? 20 percent? What
6 type, generally, what type of growth are you anticipating over
7 the next 10 years in the total enrollment of the school?

8 MR. FISHER: We don't have a specific percentage number
9 of growth; it's growth within the cap.

10 MR. SMITH: Okay. And you're adjusting the cap
11 primarily because of the students taking classes in commercial
12 buildings, correct?

13 MR. FISHER: Students taking classes at 4200
14 Massachusetts and -- I'm sorry -- 4200 Wisconsin and 4801
15 Massachusetts. Those are the two buildings that have students
16 that have been included in this (indiscernible).

17 MR. SMITH: And that total is 780 between the two
18 buildings?

19 MR. FISHER: Those are 780 students who have not
20 previously been (indiscernible).

21 MR. SMITH: Okay.

22 MR. FISHER: We have over 1200 or so students who take
23 classes at the Spring Valley Building. (Indiscernible) is the
24 number.

25 MR. SMITH: So, how many students do you have at 4200

1 Wisconsin? How many students attend classes at 4200 Wisconsin?

2 (No verbal response)

3 MR. SMITH: I think you're muted.

4 MR. FISHER: Sorry -- 118.

5 MR. SMITH: One eighteen.

6 And then, the remainder would be at 4801?

7 MR. FISHER: Five hundred and seventy-five are at 4801.

8 MR. SMITH: And none of those students attend any
9 classes at all on the Main Campus?

10 MR. FISHER: Some of them do.

11 MR. SMITH: Some of them do?

12 MR. FISHER: Yes.

13 MR. SMITH: So, how many of those 570 [sic] students -

14 -

15 MR. FISHER: No, I'm sorry. The 575 students are on
16 that 4801 Massachusetts.

17 MR. SMITH: Oh, okay.

18 MR. FISHER: I'm sorry. I misspoke.

19 MR. SMITH: Okay. And are they primarily graduate
20 students or undergraduates students, do you have any breakdown?

21 MR. FISHER: They are special program students. We
22 have a program called Specks (phonetic). We have some in an IAP
23 program, and then some other non-credit courses.

24 MR. SMITH: Okay. And so, you'll have to excuse my
25 ignorance here, but does that mean that they are not undergraduate

1 students or they are undergraduate students?

2 MR. FISHER: They are not undergraduate students.

3 MR. SMITH: Okay. All right. And how long have these
4 students been attending classes at 4801?

5 MR. FISHER: I would say since around 2015, when the
6 (indiscernible). Yeah, I think 2015. I would have to get an
7 exact date for when those courses were offered there.

8 MR. SMITH: Okay. But these students would not have
9 been attending class there when the law school was located there;
10 is that correct?

11 MR. FISHER: I believe that is correct.

12 MR. SMITH: Okay. So, over the last 10 years, we've
13 seen AU's undergraduate growth going from 6100 to 6900. So, are
14 you saying here that the undergraduate population -- forget that
15 question. Just forget that question.

16 Have you reached your overall cap at Tenley since the
17 campus opened in 2016?

18 MR. FISHER: No, we have not.

19 MR. SMITH: What's the highest number of students you
20 have had there since Tenley opened in 2016?

21 MR. FISHER: Give me one second. The highest number
22 of enrollment we had at Tenley was in 2015. We had 1,478
23 students.

24 MR. SMITH: And as far as the overall cap that you have
25 for the University, you have not reached that overall cap,

1 correct?

2 MR. FISHER: No, we have not.

3 MR. SMITH: And is the 11,799 current enrollment the
4 highest that you've had since the last Campus Plan was approved?

5 MR. FISHER: No.

6 MR. SMITH: It's not.

7 MR. FISHER: It's not the highest that we've had.

8 MR. SMITH: Do you know what number?

9 MR. FISHER: It was in 2016: 11,866.

10 MR. SMITH: I'm sorry, 11,000 and what?

11 MR. FISHER: Eight hundred and sixty-six.

12 MR. SMITH: Thank you.

13 CHAIRMAN HOOD: Let me just interrupt for a second.

14 Mr. Tummonds, I think I know what the root of the
15 problem is. It's coming from you guys all sitting in there.
16 It's been going on for a while. We want to make sure we try to
17 create a clear are record.

18 I don't know what you all can do. And if we call a
19 (indiscernible), please try to adjust whatever you're doing,
20 because, you know, every time Mr. Fisher speaks, it's like an
21 echo. Every time, Mr. Tummonds, you speak, it's like an echo.
22 And there may be an echo here.

23 But for some reason, something is triggering that. I'm
24 not an expert at technology, but I know that that's the root of
25 all the problem. But we want to make sure we have a clear record,

1 | because this is going to be a lot of the record.

2 | So, if you all could minimize that, that would be most
3 | appreciated by the public, and the Commission, and myself. Thank
4 | you.

5 | MR. FISHER: We'll try to fix that.

6 | MR. SMITH: So, you're falling about 2,000 students
7 | below your cap. Given that, why do you need an increase in your
8 | cap or an adjustment in your cap at all? If you've never reached
9 | a cap, why do you need to -- and you're not close to reaching
10 | your cap, why do you need to adjust your cap number?

11 | MR. FISHER: Well, as you know, President Burwell
12 | mentioned, the state of higher-education is changing. There may
13 | be a population of students who are seeking to come to AU, which
14 | (audio interference) have. You know, we are 93 percent tuition
15 | dependent, and we need our students, in order to be successful,
16 | and in order to thrive.

17 | And so we think that with the adjustment to the way the
18 | students are counted, we think it makes sense to shift our cap
19 | that way. As I mentioned earlier, we have the capacity now.
20 | These are students who have always been here and we believe that
21 | we can effectively mitigate the impact to those students.

22 | MR. SMITH: So, would it be safe, then, based on what
23 | you just said, would it be safe to say that you are looking to
24 | try to max out your -- your goal, ultimately, would be to max
25 | out your student enrollment to reach that new cap in terms of

1 | looking at growth over the next 10 years, you want to try to max
2 | out that cap; is that fair? Is that a fair statement, given
3 | (audio interference)?

4 | MR. FISHER: My response to that is we want to grow
5 | within that cap. That cap is what has been set and we feel that
6 | we can handle students within that cap.

7 | MR. SMITH: You say in your Campus Plan that you
8 | anticipate the traditional, full-time, undergraduate enrollment
9 | will remain cash flows to current levels; is that correct?

10 | (No verbal response)

11 | MR. SMITH: I'm not hearing anything.

12 | MR. FISHER: Sorry. Yes, that's correct. Sorry.

13 | MR. SMITH: Okay. So, if you have the 6900 -- you have
14 | roughly 6900 undergraduates as of December of 2020. I know you're
15 | going to try to avoid putting a number to this, but I'd like to
16 | kind of push you a little bit.

17 | Can you give us any degree of certainty as to what kind
18 | of number you'd be looking to have ideally, as part of your goal
19 | for undergraduate enrollment.

20 | MR. FISHER: We don't have a target number for
21 | undergraduate enrollment.

22 | MR. SMITH: Okay. How are students who study abroad
23 | counted in your cap?

24 | MR. FISHER: They're not included, as they are not on
25 | campus.

1 MR. SMITH: Okay. I don't want to ask you the same
2 question over and over again that I don't think you can answer.
3 So, unlike -- I'd like to talk now, though, specifically, about
4 undergraduate students.

5 Unlike previous plans, why is AU unwilling to provide
6 any kind of projections for undergraduate student growth over the
7 term of the proposed Campus Plan?

8 MR. FISHER: We've provided projections in previous
9 years and we've learned that that's not a best practice. We have
10 not been able -- those numbers never really helped, so we don't
11 think it's the best practice to put forth projections or estimates
12 on those undergraduate numbers, but, again, our focus is on
13 managing the impacts of our undergraduate students.

14 MR. SMITH: So, without those numbers, how do we know
15 and how does the Commission know that your construction plan is
16 adequate, excessive, or even sustainable? I mean, how can we
17 assess whether the plan, itself, is not objectionable or even
18 meets the University's needs over the next 10 years?

19 MR. FISHER: That's what our proposed cap is parallel
20 with the proposed development plan. We can manage everything
21 within the cap that we proposed.

22 MR. SMITH: Okay. As someone who's been involved in
23 planning, I guess I'm struggling with this idea that how do you
24 plan if you don't know what number you're planning for?

25 MR. FISHER: We're planning for 14,380 students.

1 MR. SMITH: Okay. How many undergraduates are
2 currently enrolled in AU this semester?

3 MR. FISHER: Our fall enrollment number was 6,833. I
4 don't have an updated or current number of undergraduates for
5 this spring semester yet, as the (indiscernible) has not been
6 completed.

7 MR. SMITH: Are you aware that your own website shows
8 that undergraduate enrollment right now is in excess of 7400, and
9 are you aware that an AU Eagle article on February 17th reported
10 that undergraduate enrollment exceeded 7400?

11 MR. FISHER: I was not aware of that.

12 MR. SMITH: Can you somehow, you know, as part of the
13 record or something, explain or get the numbers, so that if it's
14 on the AU website saying it's 7400 and then The Eagle confirms
15 it and you don't know, how come, how can you not know? I mean,
16 can you verify that for us.

17 CHAIRMAN HOOD: Mr. Smith, let me just interrupt.

18 Mr. Fisher, if you could give us the accurate count.
19 I do know websites and articles get things wrong -- trust me, I
20 know that firsthand -- so if you could just provide that for the
21 record, and I think we can move on from that, Mr. Smith. You've
22 made your point.

23 MR. SMITH: Thank you. In the last Campus Plan, you
24 advised everybody, the neighborhood, the Zoning Commission, you
25 know, in writing, that undergraduate enrollment would grow about

1 1.3 percent. So, why has AU, over these last 10 years, increased
2 undergraduate enrollment by roughly 13.3 percent?

3 MR. FISHER: Since 2010, our undergraduate enrollment
4 has increased by 9.7 percent.

5 MR. SMITH: Can you provide us with the figures that
6 show that?

7 MR. FISHER: Yes, I can.

8 MR. SMITH: That would be helpful, because I have a
9 feeling we're using different starting figures from the last
10 Campus Plan.

11 But July of 2016, I know this was before your time at
12 AU, and as part of the modification of 1107(f), AU undergraduate
13 enrollment had grown by about 10 percent and AU pledged to the
14 Zoning Commission at the time and to the neighborhood and to the
15 ANC, that that enrollment would decline by the fall of 2020, to
16 about 6400.

17 Why was that changed? Why was that goal altered?

18 MR. FISHER: I can't speak to, again, what might have
19 been said in 2016. We, again, have modestly grown our
20 undergraduate enrollment over the last 10 years to the levels
21 that are manageable for the University.

22 MR. SMITH: But I don't want to beat a dead horse here,
23 but this pattern of undergraduate growth being larger than what
24 was projected, you know, going back to 2001, isn't that kind of
25 a pattern that we've seen with AU. In 2001 it was higher than

1 | what AU had said and we saw it again in 2011, and the result was
2 | a pretty significant expansion, a pretty significant development
3 | of residential facilities.

4 | So, are we likely to see the same pattern here going
5 | forward?

6 | MR. FISHER: We expect that our undergraduate
7 | enrollment will remain steady over the course of this plan and,
8 | again, within our 14,380 cap, we feel comfortable that we can
9 | mitigate and manage all aspects of that.

10 | MR. SMITH: What steps would you be willing to take -
11 | - not you -- but what steps would AU being willing to take to
12 | give the community a little bit more confidence that AU's
13 | commitment that it's undergraduate growth would be steady, that
14 | that would actually be the case. Are there some kinds of
15 | conditions, perhaps, that could be included in the plan that you
16 | would be open to?

17 | MR. FISHER: We've already laid out our condition
18 | regarding enrollment and that is our proposed cap of 14,380.

19 | MR. SMITH: Would you agree that undergraduate students
20 | pose more potential impacts on the University and the surrounding
21 | community than graduate students?

22 | MR. FISHER: I would not, no.

23 | MR. SMITH: Are you required, under the order, to
24 | provide housing for graduate students?

25 | MR. FISHER: No, we're not.

1 MR. SMITH: Do you offer a sports program for graduate
2 students?

3 MR. FISHER: I'm not exactly sure what athletic (audio
4 interference), I'm not 100 percent sure, but our graduate
5 students do use our athletic services.

6 MR. SMITH: Yeah, but what I'm asking is can graduate
7 students be on teams on your sports teams?

8 MR. FISHER: I I don't believe so, but I'm not 100
9 percent sure. I'll have to check on that.

10 MR. SMITH: Can we at least agree that as the Zoning
11 Regulations state, that the numbers of students can pose
12 objectionable impacts.

13 MR. FISHER: We believe that we can manage the students
14 in our 14,380 enrollment cap that's been introduced.

15 MR. SMITH: Okay. And isn't it true that you would not
16 now have to keep proposing, you know, last time we saw about a
17 thousand new beds. We're seeing another, about a thousand new
18 beds. Isn't it true you wouldn't have to keep proposing new
19 housing facilities were it not for the increased number of
20 undergraduate students?

21 MR. FISHER: We're proposing these additional beds
22 because we want more of our students to live on campus. We want
23 to give them the type of residential experience that they want
24 with new amenities.

25 MR. SMITH: And would you support -- are you aware that

1 the same thing was said 10 years ago?

2 MR. FISHER: No, I'm not aware of what was said 10
3 years ago.

4 MR. SMITH: Okay. Would you support a cap on
5 undergraduate students, similar to the cap at Georgetown?

6 MR. FISHER: No, we do not. As stated earlier, we
7 believe that we could manage the impacts of all of our students
8 within the 14,380 enrollment cap.

9 MR. SMITH: When AU's undergraduate enrollment
10 increased dramatically about 4 years ago, AU initially told the
11 Zoning Commission that was because they weren't able to -- they
12 were surprised in terms of how the acceptance process work and
13 they just didn't have the system down.

14 Do you all feel that you have that, that you can better
15 manage the acceptance processes now?

16 MR. FISHER: I'm confident in our Office of Admissions
17 and Enrollment that they have a good grasp on the enrollment
18 process for accepting students.

19 MR. SMITH: And how did you determine the appropriate
20 amount of new housing in this plan?

21 MR. FISHER: We based that number on the space needs
22 and the space that is allotted on the campus for these residential
23 buildings.

24 MR. SMITH: So, without any projections for
25 undergraduate enrollment, how do you know that you're going to

1 | be able to meet your housing requirements?

2 | MR. FISHER: Can you repeat that, again, please.

3 | MR. SMITH: Without having any projections for
4 | undergraduate enrollment, how do you know you're going to be able
5 | to meet your housing requirements?

6 | MR. FISHER: Our projection is a cap of 14,380 students
7 | so, that helps determines our housing.

8 | MR. SMITH: Taking the number of new beds that you're
9 | proposing, if you extrapolate that out, you're looking at roughly
10 | 1500 new undergraduates.

11 | Is that your intent?

12 | MR. FISHER: Again, the 500 beds does not necessarily
13 | correlate to an increase in undergraduate enrollment. We want
14 | to keep our students on campus. Those who move off of campus
15 | after their freshman year, we would love them to stay longer.
16 | That is one of the goals and one of the reasons that we are
17 | including these additional 500 beds. It is not necessarily to
18 | grow our undergraduate enrollment.

19 | MR. SMITH: Okay. Just to talk a little bit more now
20 | about housing, if you say that you only need the 500 beds, then
21 | why are you proposing roughly 377,000 GFA of new dorm construction
22 | that will have as many as 1,030 beds?

23 | MR. FISHER: Throughout this planning process, we have
24 | laid out the places and the locations on campus warehousing is
25 | possible. And so, when you see the (audio interference)

1 | locations, we show you how many beds can be built at each
2 | location.

3 | We have, as my mentioned in our presentation earlier,
4 | we have prioritized site 2 and site 4 for those 500 beds that we
5 | want to grow. In the event that we no longer count 200 off-
6 | campus beds, we would need to build 700 beds.

7 | So, what you see across the Campus Plan are multiple
8 | sites where we have the possibility to build beds as needed. We
9 | only want to build 500 beds at site 2 and site 4, which have been
10 | prioritized.

11 | MR. SMITH: So, then, would AU be willing to agree to
12 | a condition in the Campus Plan that limits the construction of
13 | new beds, wherever you choose to put them to, the 500 and then
14 | not any of these other additional sites that are being proposed
15 | in the Campus Plan?

16 | MR. FISHER: AU would be open to a condition to say
17 | that we would only build 500 beds or 700 beds if you no longer
18 | were able to count those 200 off-campus.

19 | MR. SMITH: Okay. That's very helpful and I hope that
20 | happens.

21 | Do you have a plan for retrofitting old dorms?

22 | MR. FISHER: Some of the dorms would be renovated
23 | throughout the course of the Campus Plan. Currently, I believe
24 | Centennial Hall has been doing some HVAC renovation in some shared
25 | space (audio interference.)

1 MR. SMITH: Now, three of the new dorms you're proposing
2 at sites 1, 2, and 4, they are on what you called the West Campus,
3 on sort of the western edge of the campus, adjacent to University
4 Avenue. It's what you would now call backup house. Those
5 buildings will directly face residential homes on University
6 Avenue.

7 What conditions are you proposing in this plan to
8 mitigate the impacts of these new dorms on those neighboring
9 homes?

10 MR. FISHER: We would address those conditions at a
11 further process once we got to that place. We don't have that
12 level of detail about the building plans (audio interference)
13 yet.

14 MR. SMITH: Have you considered what potential impacts
15 there would be from those buildings?

16 MR. FISHER: Not at this time. We would deal with that
17 at a further processing.

18 MR. SMITH: But just from a physical standpoint of
19 looking at the site and looking at the neighborhood homes,
20 wouldn't there be something that comes to mind that you've got
21 some problems with.

22 MR. FISHER: I'm going to let Mr. Bell chime in on
23 this. Give me one moment, please.

24 MR. BELL: We're laying out a planning strategy that
25 locates those buildings a very significant distance away from the

1 areas that you're talking about and further details would be
2 addressed at further processing.

3 MR. SMITH: All right. In the last Campus Plan, you
4 actually proposed to get rid of the master lease program and to
5 get rid of triples, but you're planning to keep both of those,
6 am I correct, as part of this Campus Plan, including the access
7 to triples?

8 MR. FISHER: That is correct, yes.

9 CHAIRMAN HOOD: Mr. Smith, let me just ask you, how
10 many more questions do you have?

11 MR. SMITH: Mr. Chairman, I have quite a few and I
12 apologize for that, but I don't think we got a whole lot of level
13 of detail in the presentation. And so, I --

14 CHAIRMAN HOOD: Okay. (Audio interference.) I'm just
15 trying to sit here and figure out about how far --

16 MR. SMITH: I will tell you what I have to ask. I have
17 some questions about the 67 percent requirement. I have some
18 questions about the Center for Athletic Performance. And I have
19 some questions about transportation and parking. And that's
20 pretty much it.

21 CHAIRMAN HOOD: Okay. So, you have probably about 25
22 more questions?

23 MR. SMITH: I have more than that, sir. In all honesty
24 and all candor, I have more than that.

25 CHAIRMAN HOOD: Okay. You can continue.

1 MR. SMITH: Okay. My question is, are you in
2 discussions with Wesley Theological Seminary to enter into a
3 master lease to how has about 500 AU students in that new land
4 leased dorm on the seminary?

5 MR. FISHER: No, we're not. AU has no agreements in
6 place, nor do we intend to have any master lease agreements with
7 Wesley to house our students on their campus.

8 As I stated earlier, our goal is to house our students
9 on our campus.

10 MR. SMITH: Okay. Are you aware that Wesley Seminary
11 has told neighbors that the institutions have been having those
12 discussions?

13 MR. FISHER: I have said in the last three Wesley CLC
14 meetings, we first learned of their program and their project at
15 the January 14th meeting. It was the first time that AU had
16 heard of it in that level of detail.

17 As I stated in the press, AU has no agreements in place
18 with Wesley, nor do we intend to. We want to house our students
19 on our campus.

20 MR. SMITH: And given that Wesley is immediately
21 adjacent to the University, I mean, literally right next door,
22 and that many of your dorms or current dorms would be located
23 immediately adjacent to this proposed new dorm of Wesley, is
24 there a problem? What would be the problem for you all to
25 actually use those beds of Wesley, the 500 beds of Wesley to meet

1 | your housing needs?

2 | MR. FISHER: Residence halls and (audio interference)
3 | stores are also revenue generators for the University. We would
4 | like to have our students housed on our campus.

5 | MR. SMITH: Thank you. Okay.

6 | You have a master lease now with the Frequency,
7 | correct, up to 200 beds with the Frequency.

8 | MR. FISHER: That's correct.

9 | MR. SMITH: How do students get back and forth from the
10 | Frequency to the campus?

11 | MR. FISHER: Most of them would use the shuttle or they
12 | might walk.

13 | MR. SMITH: And can anybody choose an off-campus master
14 | lease room, or is it limited to only certain classes or majors?

15 | MR. FISHER: It is not limited to certain classes or
16 | majors, no.

17 | MR. SMITH: And as I understood you to say, you had
18 | accepted OP's condition on the master leases that, there would
19 | be no additional leases beyond what you have right now.

20 | Did I understand that correctly?

21 | MR. FISHER: That is correct.

22 | MR. SMITH: Okay. Has AU always been in compliance
23 | with the 67 percent housing requirement?

24 | MR. FISHER: Since the construction of the (audio
25 | interference), yes.

1 MR. SMITH: I'm sorry, since the construction of the
2 what?

3 MR. FISHER: Since the completion of the dormitories
4 on the East Campus, yes.

5 MR. SMITH: Okay. Thank you.

6 If you do have the 7400 undergraduate students,
7 wouldn't you be out of compliance with your 67 percent housing
8 requirement?

9 MR. FISHER: We currently have 6,933 undergraduate
10 students and we have 68 percent of housing that's available; we
11 meet the requirement.

12 MR. SMITH: If we could move on to the Center for
13 Athletic Performance and, particularly, the dorm that would be
14 adjacent to that.

15 You mentioned tonight, or I believe it was Mr. Bell,
16 who gave the measurements for the height of floors and said
17 residence floors are about 12 feet, if I heard that correctly.

18 Did I hear that correctly, per floor, 12 feet per floor?

19 MR. BELL: The standard planning module depends on the
20 construction system. It can be anywhere between 10 to 12 feet
21 floor to floor.

22 MR. SMITH: So, with a five year -- I believe that
23 building is five or six -- is it listed as five stories or six
24 stories?

25 I don't have my sheet in front of me.

1 MR. BELL: I'm sorry, could you repeat the question.

2 MR. SMITH: How many stories is the dorm adjacent to
3 the Center for Athletic Performance?

4 MR. BELL: We are showing that at --

5 MR. SMITH: I think it's five, if I'm not mistaken.

6 MR. BELL: Five stories. I'm showing that at five
7 stories.

8 MR. SMITH: So, then, that would also be a 60-foot-
9 tall building, about the same height as the Center for Athletic
10 Performance; is that correct?

11 MR. BELL: The precise measurement would be determined
12 at further processing, but, you know --

13 MR. SMITH: (Indiscernible.)

14 MR. BELL: -- but we using a plan module, depending on
15 the construction system.

16 MR. SMITH: All right. And you mentioned about
17 measuring the height from the adjacent -- I'm sorry -- from the
18 adjacent grade.

19 MR. BELL: Yes.

20 MR. SMITH: Which adjacent grade? There are multiple
21 adjacent grades there and different grades there. So, what are
22 we looking at?

23 MR. BELL: Well, you can't put dormitory rooms into the
24 grade that are going to have windows, so you have to measure it
25 in a reasonable way for the height of the building to achieve

1 | its (audio interference).

2 | MR. SMITH: Yeah, but if you measured --

3 | MR. BELL: I can't give you a specific answer exactly
4 | where we would be measuring from right now.

5 | MR. SMITH: Okay.

6 | MR. BELL: (Indiscernible) we would be measuring from
7 | an adjacent grade.

8 | MR. SMITH: Okay. So, would you be measuring from the
9 | grade on the University Avenue side or on the Campus Roadway side
10 | --

11 | MR. BELL: I can't --

12 | MR. SMITH: -- or the tennis courts?

13 | And I'm asking that because of the topography there and
14 | the fact that the heights are different.

15 | MR. BELL: Yeah, we'd have to get back to you and take
16 | a look at that and give you a more specific answer about how that
17 | would work.

18 | CHAIRMAN HOOD: Okay. Here's what's happening,
19 | everyone. We're getting a lot of complaints about the background
20 | noise. Again, I'm going to ask -- the only way I know to do it,
21 | because I'm not where you are -- I'm going to ask that even, Mr.
22 | Smith, when you ask a question, if you can mute. So, the
23 | complaints are now coming from the public, so we need to try to
24 | do what we can do so they can hear the exchange between Mr. Smith
25 | and Vice President Fisher and others and they can hear the

1 | answers, because we don't want to run afoul and somebody say,
2 | well, we didn't hear those answers during the hearing. So, we
3 | want to do everything we can to minimize the background.

4 | All right. So, you may continue. Thank you.

5 | MR. SMITH: Okay. I'm sorry. You said you were going
6 | to get back to us on that, Mr. Bell?

7 | MR. BELL: Yeah, I mean, it's five stories of
8 | residential living there.

9 | MR. SMITH: Okay. I mean, are you aware that the grade,
10 | that the University Avenue is 10 feet lower than what would be,
11 | than the current tennis courts?

12 | MR. BELL: We are aware that there is some changes in
13 | topography there, yes.

14 | MR. SMITH: Yeah. And then on the other side is
15 | potentially 20 feet; isn't that correct?

16 | MR. BELL: It's because it changes significantly around
17 | the building.

18 | MR. SMITH: Well, those buildings, you mentioned about
19 | possibly putting the tennis courts on the top of the Center for
20 | Athletic Performance.

21 | Will both of these buildings have a penthouse on them,
22 | as well, you know, a penthouse (audio interference)?

23 | MR. BELL: Those will be shown at further processing,
24 | but I can tell you, in general, buildings today do have
25 | penthouses.

1 MR. SMITH: And, again, if you put the tennis court on
2 top of this building, the Center for Athletic Performance, would
3 you be planning to have lighting there?

4 MR. FISHER: So, we have not identified a location for
5 the tennis courts. There was a recommendation from neighbors
6 that maybe we put it on top of the Center for Athletic
7 Performance, but it's way too early to say that.

8 We would probably not do that and try to find a more
9 suitable location for the tennis courts.

10 MR. SMITH: And are you also going -- I'm sorry -- are
11 you also going to look to relocate the basketball courts that are
12 there?

13 MR. FISHER: Yes, we would look to relocate the
14 basketball courts and tennis courts somewhere on the campus.

15 MR. SMITH: The AU property line, there's a fence there,
16 but if I'm correct, the fence is not the property line. The
17 property line is actually between the fence and University
18 Avenue.

19 It's about 32 feet from University Avenue; isn't that
20 correct?

21 MR. BELL: I don't have the survey information in front
22 of me.

23 MR. SMITH: But the building will be set back, though,
24 from the property line, correct, not from the fence?

25 MR. BELL: I think we're indicating or the numbers that

1 | were indicated that I cited are from the property line.

2 | MR. SMITH: And what type of -- are you planning
3 | conditions -- are you willing to include conditions in the Campus
4 | Plan that address lighting and landscaping in that area?

5 | MR. BELL: I think, as we mentioned, that would be part
6 | of further processing as those projects come up before the
7 | community and before Zoning Commission.

8 | MR. SMITH: So, without that kind of information, how
9 | is the neighborhood, how is the Zoning Commission supposed to be
10 | able to make a determination as to whether the location and the
11 | uses of these buildings will be objectionable to neighboring
12 | property?

13 | (No verbal response)

14 | MR. SMITH: Okay. No, I mean, without some kind of
15 | commitment on that within this Campus Plan, how do we assess the
16 | standard for campus -- under the Zoning Regulations for Campus
17 | Plan approval?

18 | MR. TUMMONDS: This Paul Tummonds.

19 | Consistent with our 2011 Campus Plan, consistent with
20 | what we're proposing here in 2021 we, have proposed and
21 | appropriate landscape offer to mitigate impacts of the use.

22 | The specific questions about lighting that may or may
23 | not be exterior to the buildings of building site 2, building
24 | site 3, building site 4, are more properly addressed during the
25 | further processing application.

1 Mr. Smith, we could propose a question right now or a
2 condition right now and that condition would say something to the
3 effect of, when building sites 3 and 4 are going through further
4 processing, lighting impacts will be reviewed and discussed the
5 during that further processing application.

6 That doesn't really say anything, because that's what
7 the further processing application requires us to do. So, we
8 think we are providing the level of detail that is necessary for
9 the Zoning Commission, for the Office of Planning to determine
10 that, yes, the Campus Plan that we are proposing satisfies the
11 Zoning Regulations and will not create objectionable impacts on
12 neighboring properties.

13 MR. SMITH: Thank you, Mr. Tummonds.

14 And one other piece, dealing with the West Campus,
15 before I move on to transportation issues, there always seems to
16 be a lot of confusion between Jacobs Field and Reeves Field. And
17 I wonder if you could maybe put up your slide number 13, I think
18 it was, 13 of the West Campus.

19 And can you sort of explain the differences in the uses
20 of Reeves Field and Jacobs Field or just even physically where
21 they are on the map for all of us.

22 MR. TUMMONDS: Sure. I'll start with, Mr. Young, if
23 you could put up Slide 13 for us from the PowerPoint, and then
24 Mr. Fisher will talk to that.

25 (Pause)

1 MR. TUMMONDS: Not that.

2 Maybe it's Slide 12.

3 MR. FISHER: So, if we want to use this screen, this
4 map here, the far, I guess, the top-left corner that's green
5 space there is Jacobs Field. You'll see a green bar there; that
6 is the proposed wall.

7 And to the immediate right of that is Reeves Field.
8 Reeves Field is our track, where our track is located. It is
9 also used for soccer, and then Jacobs Field is primarily used for
10 womens lacrosse and field hockey, and there's also a baseball
11 diamond on the opposite side of the field.

12 MR. SMITH: Okay. And can you point on that map where
13 the homes are, across from Reeves Field.

14 MR. FISHER: I don't have the ability to do that.

15 MR. SMITH: Going -- with -- as far as Reeves Field is
16 concerned and this video scoreboard, that scoreboard in the
17 pictures you showed previously, looked like it was aimed at the
18 houses.

19 Is that how it's facing?

20 MR. FISHER: No, it is not facing the houses. There's
21 an existing scoreboard already there. This would just be a new
22 scoreboard. The scoreboard there is, it does not face the houses.

23 MR. SMITH: Is it an electronic, is it a digital
24 scoreboard?

25 MR. FISHER: Yes.

1 MR. SMITH: It is a digital scoreboard.

2 MR. FISHER: Yes, it is.

3 MR. SMITH: And you don't have a digital scoreboard
4 there now, do you?

5 MR. FISHER: There is a video scoreboard there now.

6 MR. SMITH: Is it digital?

7 MR. FISHER: I believe that it's digital.

8 MR. SMITH: Okay. If we could move to transportation
9 issues, you said your transportation study was done in February.
10 Do you remember the dates that you collected the data
11 in February?

12 MR. BANKS: I'd like to believe it was 23rd, I think,
13 through the 27th of February. So, it was when school was in
14 session, prior to the pandemic.

15 MR. SMITH: Okay. But the Congress would not have been
16 in session on the 23rd and the 24th, in fact would not have
17 returned until, I believe, the 28th, if we're talking about 2020.
18 So, you're saying the 23rd through the 27th?

19 MR. BANKS: Yeah, I'm just looking at the date now.

20 They were -- it was the week of February 25th and that
21 was in accordance with DDOT regulations and upon approval from
22 DDOT, as well.

23 MR. SMITH: With respect to the traffic study, did the
24 pandemic inhibit the overall data collection?

25 I know you did this before the pandemic hit, but the

1 last time around, when Gorove Slade did the transportation study
2 in 2011, they collected the data over multiple seasons, you know,
3 and they spaced it out.

4 Was that the plan here and it didn't happen because of
5 the pandemic or was it always intended just to be limited to
6 those dates?

7 MR. BANKS: It was always intended to be limited to
8 those dates, purely because of the growth of the span of the
9 scope of work, now that we are including five different campus
10 locations. We happened to take transportation data collection
11 at 48 different locations, whereas the scope of the previous
12 study was much smaller, and so, obviously, budgetary
13 considerations of undertaking such a data collection is
14 important, as well as the scope of work. But our methodology,
15 which, again, was approved through DDOT, was that we would take
16 them one time only when it was anticipated that the school would
17 be in peak session.

18 MR. SMITH: And your traffic volumes to and from the
19 campus were conducted only during the peak hours, correct? There
20 was not collection throughout the course of the day. It was only
21 collected during peak hours; is that correct?

22 MR. BANKS: We undertook them through the peak hours,
23 which was from 6:00 till 10:00 a.m. and then from that 3:00 to
24 7:00 p.m. So, that four-hour peak period where the traffic is
25 highest.

1 MR. SMITH: And how did that correspond with the
2 classroom schedule?

3 MR. BANKS: Obviously, one of the facets of the
4 methodology of the traffic analysis is to undertake the analysis
5 when TASC is at its peak and when the most amount of vehicles,
6 as well as modes, in terms of people are walking and biking are
7 on the roadway.

8 And so, again, in a methodology approved by DDOT and
9 industry standard, we undertook them during those peak hours. We
10 did not specifically look at the different class schedules to
11 ensure that they were coinciding, but we coincided with the peak
12 transportation periods.

13 MR. SMITH: During the last Campus Plan cycle, AU made
14 a lot of very good points about how the amount of volume -- the
15 number of -- the volume of cars coming to the campus and from
16 the campus had decreased 3.1 percent each year between 1999 and
17 2011. But what we see, though, from the numbers in the CTR is
18 that the volumes have increased by about 25 percent in the a.m.
19 peak hour and at about 11 percent in the p.m. peak hour when your
20 compare the current numbers to the numbers in 2011/2012.

21 What do you attribute that to?

22 MR. BANKS: I haven't specifically looked at the
23 numbers that came into campus in 2011, but, certainly, as we look
24 at existing conditions in 2021, I think as we begin to look at
25 the future projections of the growth of the campus to 2031, which

1 is the data that we show within the CTR, that's where we begin
2 to see that growth in traffic.

3 And I think by a point, as a percentage, it does
4 somewhat injustice to the amount of traffic coming to the
5 University, because a small increase and a small number presents
6 a larger percentage of traffic.

7 So, for example, if we take a look at Glover Gate in
8 the morning and p.m. peak periods, the traffic actually coming
9 into campus is only around 100 vehicles. And so, when we look
10 into the growth of the campus at potentially its full cap in
11 2031, perhaps, the growth in traffic appears to be much higher,
12 where, as in effect, it's actually only around 25 to 30 vehicles.

13 MR. SMITH: I'd like to move on to parking, if I could.
14 Isn't the 3,000 parking spaces a lot of parking for you all to
15 offer? I mean, you're only offering 2200 now. Why do you feel
16 you need to offer 3,000 parking spaces?

17 MR. BANKS: Well, I think if you take a look at the
18 analysis we've done, and the table within the CTR -- and I can
19 get to that table shortly, if I can just -- if you look at Table
20 3.4 within the CTR, you can actually see the University right now
21 has a total of 3,045 spaces, if we include every single parking
22 space it has access to on Main Campus, Tenley Campus, as well as
23 the three subsidiary campuses, of which currently then you only
24 have 2700 spaces available to them. It's the spaces on Tenley
25 and Main which are -- have that minimum space of 2200, where they

1 are currently at 2300.

2 So, in fact, if the University were to have access to
3 all of its spaces that it has under its control, they would
4 actually be right at that 3,000 cap.

5 MR. SMITH: I'm being asked on the side of me to wrap
6 it up and I'm trying to make sure I'm only asking the most
7 important questions here.

8 Can you just explain under the terms that you're
9 proposing, the conditions that you're proposing, you would not
10 necessarily need to have 3,000 parking -- you would not be
11 offering 3,000 parking spaces, necessarily, at any one time; is
12 that correct?

13 MR. BANKS: That's correct. I mean that, would be a
14 maximum that the University would be willing to go to.

15 I mean, obviously, transportation trends are hidden
16 away from parking. The University has, over the last few years,
17 not been using its full complement of parking, and so they
18 obviously just want to have that flexibility moving forward, but
19 it's only if they can fall within that ceiling, they would
20 certainly like to.

21 MR. SMITH: And can you University just explain why
22 they want to get rid of a number of minimum parking spaces and
23 what the potential impact would be on the neighborhood if those
24 numbers fall below the 2200 that you're now offering.

25 MR. BANKS: Well, I think the University is a business,

1 just like anyone else, and data that we have for the Main Campus
2 and Tenley Campus show that right now, pre-pandemic, the
3 utilization, the peak utilization of those parking numbers were
4 around 75 percent of that 2200. So, they were running a surplus
5 of around 600 spaces. I think they would certainly continue to
6 monitor and evaluate those parking trends, and if they feel as
7 though they can possibly use parking spaces for a higher and
8 better use for educational or for campus life activities, then
9 they would certainly like to do that, assuming that the trends
10 show them that they can do that, while still providing a suitable
11 amount of parking not to be detrimental to the community.

12 MR. SMITH: Thank you very much, and I appreciate your
13 patience.

14 And I appreciate your patience, also, Chairman Hood.

15 And I only have one last question. I actually have a
16 lot more, but I'm just going to ask one more question and let
17 others have some time to ask questions. This has to do with the
18 historic piece that you all were talking about earlier.

19 There were -- you talked about the many buildings, but
20 the one building you didn't talk about that I know there has
21 always been some interest on the part of the people in the
22 neighborhood is the former president's house, which is used as
23 the President's Office building right there off of Massachusetts
24 Avenue.

25 Is there any plan to seek historic designation for that

1 building? I think it was built somewhere in the '20s or '30s or
2 something like that.

3 MR. BELL: I think the University has agreed to discuss
4 with the Office of Planning, what buildings on campus would be
5 priority buildings in terms of either listing or part of the plan
6 moving forward.

7 I don't know. Does it show it here, Paul?

8 MR. TUMMONDS: (Indiscernible.)

9 MR. BELL: Yeah, in their report, they do note the
10 President's Office as a notable property and I think the
11 University agrees with that. We certainly didn't undertake any
12 studies to either eliminate it or alter it, in any way.

13 MR. SMITH: And actually, I'm sorry, but let me just
14 follow-up one other thing on that historic piece, something that
15 has always been important to me, personally, is McKinley
16 Building. I was really thrilled that you said what you were
17 saying about the McKinley Building.

18 But, you know, you added sort of a very modern feature
19 to the McKinley Building probably about 15 years ago or something
20 like that. Do you think from your standpoint that that would
21 harm the historic significance of that building going forward?

22 MR. BELL: Well, how much time do you have to talk
23 about this?

24 (Laughter)

25 MR. SMITH: That's okay.

1 MR. BELL: I'll let you know that I'm on the Historic
2 Preservation Review Board --

3 MR. SMITH: Okay.

4 MR. BELL: -- so, I think the facade of the McKinley
5 Building is quite majestic and terrific and is really one of the
6 salient aspects of it. And I think when they were designing that
7 building, they did a good job of making sure that piece of it
8 was really the piece that was featured and they didn't alter that
9 in any way. Probably, you could have a whole variety of opinions
10 about the addition to the other side.

11 MR. SMITH: You would love to have a conversation with
12 you offline about McKinley, especially the entrance through.

13 But, thank you, Chairman Hood.

14 MR. BELL: It's very good architecture.

15 MR. SMITH: It's a beautiful building.

16 But, thank you, Chairman Hood. I appreciate it.

17 CHAIRMAN HOOD: Okay. Thank you.

18 Let's go to Ms. Gates, Neighbors for a Livable
19 Community.

20 Ms. Gates?

21 (No verbal response)

22 CHAIRMAN HOOD: Okay. We will come back to Ms. Gates.

23 MR. MCHUGH: Sorry. I just noticed I was off. I have
24 no cross.

25 CHAIRMAN HOOD: Who was that?

1 MR. MCHUGH: Commissioner McHugh.

2 CHAIRMAN HOOD: Didn't we already do the ANCs?

3 Yeah, we already did the ANCs.

4 MR. MCHUGH: Sorry. I saw myself getting
5 (indiscernible).

6 CHAIRMAN HOOD: Oh, okay. I was calling for Ms. Gates.

7 Okay. She's unmuted now. Ms. Gates, do you have cross?

8 MS. GATES: Chairman Hood?

9 CHAIRMAN HOOD: Yes. Now we can hear you.

10 MS. GATES: Chairman Hood, can you hear me?

11 CHAIRMAN HOOD: Yes, we can.

12 MS. GATES: Thank you. Yeah, I do have -- okay.

13 EXAMINATION

14 MS. GATES: For Mr. Fisher, I was a little surprised,
15 given the commitments the University has made, to learn that the
16 14,400-whatever-it-is cap, 14,380 cap is not a hard cap; it is
17 just a suggested cap and that you oppose having it made a hard
18 cap.

19 Was this ever discussed with the partnership?

20 MR. FISHER: Yes. The 14,380 enrollment cap is a hard
21 cap, which was something that we came to after numerous
22 discussions with members of the partnership. AU originally
23 proposed a cap of 14,499, and after many meetings and discussions
24 with the partnership, we settled on 14,380 students, which is the
25 780, plus our current cap of 13,600, hard cap.

1 MS. GATES: Okay. So, what was the agreement, then,
2 that you would aim to keep it as a 14,380 or you would have the
3 flexibility to move up over the course of 10 years?

4 MR. FISHER: It is a hard cap of 14,380 over the course
5 of 10 years. It would not exceed that number.

6 MS. GATES: You wouldn't exceed 14,380 over the course
7 of the 10-year Campus Plan, correct?

8 MR. FISHER: That is correct. We would not exceed that
9 number.

10 MS. GATES: Then, why are you opposed to having this
11 be a hard cap?

12 MR. FISHER: I don't know if I quite understand.

13 It is a hard cap; 14,380 is the number that we have
14 proposed has an overall enrollment cap.

15 MS. GATES: Correct. However, you don't want it made
16 a condition of the Campus Plan?

17 MR. FISHER: We have proposed it as a condition of the
18 Campus Plan. It is something that we put forward in the Campus
19 Plan.

20 MS. GATES: Perhaps I misunderstood you. I thought you
21 said you did not want it as a hard cap.

22 MR. FISHER: I did not state that this evening.

23 MS. GATES: Okay. I'm sorry. There's been so much
24 feedback and hard to hear, so I'm glad that to know that that is
25 a hard cap that you are offering as a condition.

1 Is Mr. Tummonds available?

2 CHAIRMAN HOOD: Yes, he's there, Ms. Gates.

3 MR. TUMMONDS: Yes, Ms. Gates, I am.

4 It's been a long time. How are you?

5 MS. GATES: Well, thank you. Hello.

6 I have a question about all the further processing and
7 not being able to answer questions. I think you're asking the
8 community to enter into an agreement, sort of trust us. Doesn't
9 the Applicant have the burden of proof to prove that there won't
10 be objectionable conditions without having to wait until further
11 processing?

12 MR. TUMMONDS: Well, first, I would say that in the
13 Campus Plan materials that we filed back in December, in the
14 book, I will call it, on pages 60 through 64, we've outlined our
15 18 proposed conditions of approval. We think that those
16 conditions of approval help guide the ability for AU to operate
17 in the residential zones and meet the standards of the Zoning
18 Regulations to allow this type of academic use, with regards to
19 individual, specific development sites, like site 11, a site 12,
20 a site 15.

21 When there are questions being raised about saying,
22 when it's from Westover Place, for Neighbors for a Livable
23 Community concerns about what will be the visual appearance of
24 that building, we think it is appropriate for AU to say, we are
25 showing you, through this Campus Plan and process, the location

1 of this building. This is the setback of this building. Through
2 those -- that site, those general heights, that setback, we
3 satisfy the requirements for the Campus Plan regulations.

4 When we want to do it a further processing application,
5 we will show you the window location, the lighting, as Mr. Smith
6 requested. That, I believe, is entirely appropriate for the
7 Zoning Commission to say, yes, we will look at the lighting
8 associated with building on site 15, or the massing on building
9 site 15, when it comes to a further processing application. We
10 believe that AU had, in fact, satisfied the standards for the
11 Zoning Regulations and, truthfully, the Office of Planning has
12 agreed with us, as well, through their support of AU's Campus
13 Plan application.

14 CHAIRMAN HOOD: Let me just interject here.

15 Typically, the counsel does not answer questions. I
16 don't want to run into another problem while you're answering
17 questions for Neighbors for a Livable Community, I may run into
18 another problem with another party perceive this as asking the
19 counsel a question, because they cannot be cross-examined. I
20 think that was more of a process question, if anything, so we
21 will leave it at that, and I wanted to make sure I put that on
22 the record.

23 You may continue, Ms. Gates.

24 MS. GATES: Thank you.

25 And now, I guess I'm going to turn to Matt Bell.

1 MR. BELL: Yes, ma'am, how are you?

2 MS. GATES: And a number (audio interference.)

3 MR. BELL: I'm not hearing her.

4 CHAIRMAN HOOD: All right. Let me see --

5 MS. GATES: No, I haven't said anything yet.

6 MR. BELL: Oh, okay.

7 CHAIRMAN HOOD: Let's all relax and let's just be
8 patient. She's coming.

9 (Pause)

10 MS. GATES: I think this is your first AU Campus Plan,
11 isn't it?

12 MR. BELL: As far as I can recall, yes.

13 MS. GATES: Okay. Well, during the last Campus Plan -
14 - and I would have taken this up with Mr. Tummonds separate, so
15 I'll follow-up with the further processing with you -- there was
16 a tremendous amount of discussion about buffering, about planting
17 trees, about creating berms, and this was done at the very
18 beginning of the planning process.

19 So, the community went into creation of the East
20 Campus, believing that a buffer would be in place at the time
21 that construction began. I think that AU just finished planting
22 the last of the trees, which are like twigs, not too long ago.

23 So, when you talk about landscaping, can you flush that
24 out just a little bit to give us a sense of comfort about what
25 this is going to look like, especially for those living on

1 University Avenue, where, even though they planted a number of
2 trees, there are still huge gaps, and lighting, noise, all of
3 that, is a real concern for the community.

4 MR. BELL: Yes, ma'am. Well, any of these building
5 projects, as part of further processing, would have with them a
6 lighting-impact study uh -- exterior and interior -- and also a
7 landscape plan. And we are showing, I believe, sufficient setback
8 on both, University Avenue and also next to site 15, to allow
9 for generous plantings that would be included as part of a
10 landscape package for those buildings when they come in for
11 further processing.

12 I'm told by Mr. Fisher that the buffer at the Westover
13 was just refreshed in October, but I think that would be something
14 that would be subject to review by the community and the ANC for
15 the sizes of the trees and the amount of landscaping and the
16 maintenance and also the lighting levels and things like that.
17 So, those details would be provided as the buildings and the
18 landscapes are designed as part of the further processing.

19 By the way, at Westover, I mentioned that we are showing
20 minimally 65 feet, which is, I think, more than enough room to
21 make significant additions of landscaping in there.

22 MS. GATES: Well, I'm not so worried about Westover as
23 I am for University Avenue, because I think there is a building
24 there that is proposed to be fairly tall and it is fairly close
25 to the campus property line.

1 Another issue that I think is important is, if
2 penthouses -- and we now they're allowed -- are proposed, let's
3 show the penthouses so people really know, oh, there's another
4 story on this building, that kind of thing, so there are no
5 surprises.

6 Is that possible? Can you talk about --

7 MR. BELL: I think those would be included --

8 MS. GATES: Can you see --

9 MR. BELL: I think the heights and the numbers we've
10 shown in the plan are related to the University's program for
11 those buildings, so I think that's what you would use to measure
12 the buildings and it would be part of the further processing
13 review.

14 Penthouses are a little bit hard to predict, because
15 depending on the mechanical system type and the amount of roof
16 space required, if there's mechanical space up there, they are
17 subject to a 1:1 setback as part of the building. So, you know,
18 those would be reviewed, as well: what you would see, what levels
19 of screening would be appropriate, and things like that.

20 MS. GATES: Correct. But I'm not just talking about
21 mechanical penthouses. I'm talking about recreational
22 penthouses, putting workout rooms up there. Tonight we learned
23 about tennis courts and maybe basketball courts on the roof of a
24 building. The community had no idea about these discussions.

25 So, there are two communities here. I think there's

1 | the partnership and there's the Community Liaison Committee, who
2 | probably really do represent the community. So, we have not been
3 | part of those partnership meetings or discussions or outcomes
4 | until right now, when we hear it in the Campus Plan. So, if
5 | we could just have a sense, Matt, of the kinds of uses that might
6 | appear on the tops of these buildings, that also would be helpful,
7 | because don't most of these buildings exceed the height of the
8 | houses around them?

9 | MR. BELL: The heights of the buildings were shown to
10 | reflect the program that the University intends. So, in other
11 | words, there's not hidden square footage in there that are going
12 | to appear as part of those. This is what, you know, is going to
13 | be built, at least from a master planning point of view, with
14 | whatever mechanical equipment might be required and need to be
15 | screened.

16 | We think that the way we have developed the plan
17 | provides sufficient protections and buffering from residential
18 | neighborhoods nearby and it's been very carefully studied to do
19 | that.

20 | And as far as the basketball and the tennis courts and
21 | things, I think Mr. Fisher clarified the University's approach
22 | on that, you know, and we could probably ask him to provide,
23 | certainly some written clarification about what the University
24 | intends there. It seems like that would be a good idea.

25 | CHAIRMAN HOOD: Listen, Mr. Fisher, let me help move

1 things along. Mr. Fisher, I think what I'm hearing Ms. Gates -
2 - and Ms. Gates, I'm not trying to take over your cross-
3 examination -- but I think what I'm hearing from Ms. Gates, is
4 she's looking for more predictability, more certainty.

5 Is there any way you can give her some assurances --
6 and she hasn't finished asking her questions -- maybe you need
7 to be better advised to answer these questions, as to what she's
8 looking for, the way I understand it, is more predictability and
9 some certainty for the community.

10 And, also, if you can answer it, you can also explain,
11 are you meeting with both groups? Are you just meeting with one
12 group or how that's working, as well. And I'm not trying to take
13 her cross-examination, I'm just trying to move it along.

14 And, then, Ms. Gates, you can continue once he finishes
15 answering those questions.

16 MR. FISHER: So, let me first state about our
17 engagement, again. We have actively worked with the partnership
18 throughout this process; again, we basically copied the
19 Georgetown model and we brought it here to AU. We have also
20 actively engaged the CLC throughout this entire process. Most
21 importantly, we have invited every member of the CLC to
22 participate in the AU Neighborhood Partnership process.

23 And so, anyone has had an opportunity if they wanted
24 to be a part of this process and to go along this journey with
25 us. So, there are not two communities. We have not ignored one

1 over the other. We have made sure that we brought everybody into
2 this. We gave everyone an opportunity to voice their opinion.

3 As I said on our Campus Plan website, any member can
4 go in there and ask a question and, you know, Mr. Smith and Dr.
5 Kraskin have done so, and we have responded to their questions
6 and put them on the community input portal. But, again, we've
7 invited anyone who wants to participate in the partnership
8 process to be involved.

9 And, I'm sorry, if I missed -- if there was another
10 part of the question -- so, oh, as far as the rooftop uses.

11 You know --

12 MS. GATES: Have you been meeting with the CLC?

13 MR. FISHER: I'm sorry, Ms. Gates?

14 MS. GATES: Has the (audio interference) been -- I
15 think the second part of the question was, has the CLC been
16 involved in these meetings?

17 MR. FISHER: The CLC has been informed at every step
18 of the way. We first released the Campus Plan framework draft
19 on March 3rd, 2020, and then, again, we've had at least three
20 special meetings, April 28th, April 30th, and August 6th, for the
21 CLC, to specifically discuss the Campus Plan process and our
22 proposals.

23 We also presented at every CLC -- we have least four
24 CLC meetings per year, every quarter, and we have updated the CLC
25 throughout the entire process. And we have taken feedback and

1 suggestions from --

2 MS. GATES: Excuse me?

3 MR. FISHER: Yes, ma'am.

4 MS. GATES: And then, when suggestions are taken back
5 from the CLC to the partnership, the partnership discusses that
6 and makes decisions with the administration, not with the CLC,
7 correct?

8 MR. FISHER: The partnership is a vehicle for us to
9 reach consensus on the proposed Campus Plan. So, wherever we get
10 suggestions or recommendations from, it comes back to the
11 partnership, and then we reach consensus.

12 And that's what we did, as I said, in June of 2020, we
13 reached consensus on the Campus Plan.

14 MS. GATES: And so, the partnership that was
15 established in 2000, I think it was '18 --

16 MR. FISHER: Uh-huh.

17 MS. GATES: -- really replaced the role of the CLC. I
18 don't believe you were at the University at the time, but I
19 believe that is a correct statement.

20 MR. FISHER: Well, I disagree with you, Ms. Gates. The
21 partnership did not replace the CLC; they are complementary to
22 each other.

23 MS. GATES: I guess we'll have to agree to disagree on
24 that. Thank you.

25 I have one more question, and it is -- I don't know if

1 | this is for you or Matt -- and it's about prioritizing the list
2 | of the 15 buildings, how the Campus Plan is going to be phased.
3 | So, have you set priorities for construction, that sort of thing;
4 | again, I'm looking for predictability for the community.

5 | MR. FISHER: So, the first project that we're going to
6 | move forward with is the sound barrier wall at Jacobs Field, as
7 | we outlined in our testimony earlier today.

8 | We have also prioritized our housing sites, again,
9 | those are site 2 and site 4, and I would probably say it's safe
10 | to say that the Center for Athletic Performance is another
11 | priority for us, as well.

12 | Regarding the remaining buildings in the Campus Plan,
13 | we have not put them in any specific order this time. It will
14 | be dependent on funding availability for any of these projects
15 | and, again, the continuing need for additional academic or
16 | administrative spaces across the University.

17 | MS. GATES: Okay. You were breaking up a little bit.
18 | So, your priorities are the soundwall and the two residential
19 | buildings, 2 and 4, and then you'll move to the academic
20 | buildings, but you're not sure yet?

21 | MR. FISHER: And I would also say that the Center for
22 | Athletic Performance --

23 | MS. GATES: Is that correct?

24 | MR. FISHER: I would say that the Center for Athletic
25 | Performance is also a priority with those housing sites, as they

1 are in that health and wellness cluster that we would like to
2 build on the campus. We have not made any other decisions in
3 the other buildings at this time.

4 MS. GATES: I do have one question, please, for the
5 traffic consultant and it is, you have talked about the University
6 having 3,000 as a number of parking spaces, were you nowhere in
7 the Campus Plan do I see mention of the spaces that are reserved
8 for the University, under the proposed Valor site (phonetic). I
9 think there are 236 spaces there.

10 MR. BANKS: It's my understanding that that site is not
11 a University site, so they would not be included. That is a
12 priority development that the University has no jurisdiction
13 over.

14 MS. GATES: Well, there was certainly a lot of
15 discussion about those spaces being reserved for the University
16 through a shared agreement. So, there are 236 spaces at that
17 site.

18 MR. BANKS: They are certainly not within the
19 University's inventory right now and there's no known lease
20 agreement for those.

21 MS. GATES: Thank you.

22 I'm through, Commissioner Hood.

23 CHAIRMAN HOOD: Okay. Thank you, Ms. Gates.

24 Let's go to Westover Place. Mr. Kirkpatrick -- there
25 you are -- do you have any cross-examination?

1 MR. KIRKPATRICK: Yes, we do, and thank you, Members
2 of the Commission. I think most of my questions would be for
3 Mr. Bell, so I will start there.

4 EXAMINATION

5 MR. KIRKPATRICK: There's been repeated reference
6 through this evening, through this process about the consensus
7 for the plan, but wouldn't it be fair to say that Westover is
8 one of the major community groups that's affected by this plan
9 with 149 townhouses and 300 residents, and doesn't Westover
10 object to the plan -- we have filed party status and would be
11 objecting to it -- so, isn't it fair to say that Westover is not
12 part of this consensus?

13 So, there isn't quite the consensus that's been
14 represented, wouldn't that be a fair statement?

15 MR. BELL: I'm going to let Mr. Fisher take that on.
16 I don't agree with you, but Mr. Fisher can answer that.

17 MR. FISHER: So, when we reached consensus back in
18 June, the Westover Homes Corporation was in agreement with the
19 plan. They were in consensus. We had three members of the
20 Westover Homes Community Corporation, who were members of our
21 Facilities and Planning Working Group. We also had a Steering
22 Committee member, until recently, Mr. Jerry Gallucci, who, again,
23 was a member of the Steering Committee of the neighborhood
24 partnership, when we reached consensus in June and when we filed
25 this plan in December of 2020, Westover was still onboard with

1 the plan.

2 I understand that when the new calendar year came
3 around, the Westover Board had a new administration. There is a
4 new president in place, and so I believe the position changed
5 after the fact.

6 MR. KIRKPATRICK: When you say "changed" did the
7 Westover Board of Directors or the Westover community ever vote
8 to approve it?

9 I mean, there was a representative who sat in on the
10 hearings, but isn't that true that the Westover Board of Directors
11 never approved the plan and the Westover community never voted
12 to approve the plan?

13 MR. FISHER: I am not exactly sure what your
14 organization did, but the representative from Westover, the three
15 members who I earlier referenced, said they were in consensus and
16 that they represented Westover. And, actually, we even received
17 a letter from Mr. Ben Tessler (phonetic), I believe it was in
18 December, who raised his concerns about the Campus Plan, but did
19 not object to or say that they were in opposition to the plan at
20 that time, and that was in December of 2020.

21 MR. KIRKPATRICK: Well, of course, it's clear that
22 Westover seeking party status now -- and I believe you've probably
23 received any number of letters from people at Westover -- so, I
24 think it is clear that maybe there was some confusion about this
25 issue and the authority of the people that were sitting in on

1 | those hearings.

2 | But the community, as a whole, has never -- the Board
3 | hasn't approved it and (audio interference) and you'll hear more
4 | (audio interference) and other representatives at the hearing
5 | later, testify in opposition.

6 | And I think there are other neighborhood groups that
7 | have, of course, claimed party status. So, I think the idea that
8 | this has been a consensus project is not really accurate. There
9 | are some very serious concerns about the neighbors that still
10 | exist.

11 | I guess the next question I want to pose relates to
12 | that. The recurring theme here, apart from consensus, that I've
13 | heard this evening is the goal of American University to have
14 | this process respect the neighbors and enhance the quality of
15 | life of residents in the community. That's in the -- President
16 | Burwell said that -- that's in her statement in the plan itself.
17 | It's in the executive summary; in fact, it's put in bold face.
18 | But I want to ask some questions about that.

19 | One of the statements Mr. Bell made was about the
20 | setoffs. So, I take it, setoffs are a way to respect the
21 | neighbors, right; the more of a setoff you have, the less
22 | objectionable the developments would be to the neighbors.

23 | So, Mr. Bell, I think you said you had a 400-foot
24 | setoff, a 220-foot setoff in another part of the plan, 140-foot
25 | setoff. Could you say again -- because you kind of skipped over

1 | this and I think you came back to it a few minutes ago -- what's
2 | the setoff at Westover for building (audio interference) 15?

3 | MR. BELL: If you look at Slide 19, we're showing
4 | minimally 65 feet from the property line for a two-story building
5 | in that location.

6 | MR. KIRKPATRICK: This is a building that goes up to
7 | four stories, right?

8 | Also, isn't there a --

9 | MR. BELL: Excuse me. Excuse me -- it steps up -- you
10 | asked me a question. It steps up from two to three to four.

11 | MR. KIRKPATRICK: Are you aware that the two-story
12 | building that you built at the MITRE Center that's next to
13 | Westover, actually is higher than the three-story Westover
14 | townhouses?

15 | I mean, you may call it a two-story house -- project,
16 | by your measurements, but have you ever noticed that it was
17 | actually higher than the Westover townhouse that's three stories?

18 | MR. BELL: I'll have to take your word for it. I mean,
19 | I think this is something you would want to review at -- sir, I
20 | think it is something that you would want to review at the further
21 | processing.

22 | MR. KIRKPATRICK: Well, I think the concern I have is
23 | that in terms of respect for the community and respect for the
24 | neighbors, the setoff is a huge issue. And so, here, the largest
25 | building in the whole plan, the building 15, 135,000 square feet,

1 is being put with the most narrow setoff of all the structures.

2 I'm one of the people that live on the wall. I'm part
3 of the neighbors on the wall that are opposed to this project.
4 All of us on this section of Westover have our back patios
5 bordering right up to the wall. And that's not true everywhere
6 in Westover, but in this area --

7 MR. BELL: Well, let me see if I can explain something.
8 It is also the shortest building, one of the shortest buildings
9 in the plan, that location, the two stories.

10 MR. KIRKPATRICK: Can you put the slide for building
11 15 up so we could look at it. Is that possible?

12 MR. BELL: I think that is Slide 19.

13 MR. KIRKPATRICK: And you just had it there, I think.

14 MR. BELL: No, it's back up a couple -- 16, sorry.

15 Yeah, that's it.

16 MR. KIRKPATRICK: Out of all the buildings in this
17 project, isn't it fair to say that the 10 townhouses where I live
18 and where my neighbors live that are just adjoining that property
19 line, are the closest neighborhood to the new construction. We
20 have the least protection of any units of any residential housing
21 that's being affected by this plan.

22 Wouldn't that be fair to say?

23 MR. BELL: That's your opinion. I think the 65 feet
24 is a very good dimension and the two-story building there is
25 sufficient mitigation.

1 MR. KIRKPATRICK: Isn't 65 feet about equivalent to
2 three car lengths? An average car is about 18 feet, so three
3 and a half car lengths is what we're talking about, three and a
4 half car lengths from our wall, from our back patios to the start
5 of that building.

6 Isn't that what we're talking about, three and a half
7 car lengths?

8 MR. BELL: And it's also the width of a typical lawn
9 front street (phonetic). It is also not just simply the
10 dimension, but it's also the character and the density of the
11 landscaping that gets put in there. It's not simply one thing
12 as you characterize it.

13 MR. KIRKPATRICK: But the landscaping, as I'm sure you
14 would acknowledge, most of those trees are 10 feet high, 15 feet
15 high. The size of the buildings are twice as much. So, the
16 landscaping gives no protection at all against the height of the
17 --

18 MR. BELL: Sir, the building there is two stories. The
19 building there is two stories.

20 MR. KIRKPATRICK: Yes, two stories going up to three,
21 going up to four.

22 And are you aware that there's an elevation there. So,
23 the parking lot goes up, rises. So, say, the four-story building
24 on the far side of 15, when it goes up to four stories, that's
25 really equivalent to five stories from our vantage point, and the

1 three-story building is more equivalent to a four-story, because
2 it's on a rise. So, we're looking up at that building. So, it's
3 at a higher height than you're suggesting. And a two-story,
4 building, as I said, is higher than -- it certainly would extend
5 into the townhomes of Westover.

6 Most of us have a view of the sky, can see the sunrise
7 from our back deck. If it were light -- I'm sitting right here
8 in my office -- I could show you what it looks like out there,
9 but most of us have a view of the sky and enjoy the natural light.
10 We use -- all of us have back patios. Half of the units here
11 have decks that look in that direction.

12 All of us are going to lose a tremendous amount of
13 natural light in the building is built with that kind of setback
14 and at those heights. So, that is the concern that we have on
15 this row. I mean, all of Westover has a variety of concerns,
16 but certainly those of us who live along the wall --

17 CHAIRMAN HOOD: Mr. Kirkpatrick?

18 MR. KIRKPATRICK: Yes?

19 CHAIRMAN HOOD: You're doing a lot of testimony.

20 MR. KIRKPATRICK: Oh, I'm sorry.

21 CHAIRMAN HOOD: But I want you to know that I am sure,
22 I know myself, and I'm sure I can speak for my colleagues, we
23 got your point. So you may want to go down some other line of
24 questioning --

25 MR. KIRKPATRICK: That's fine.

1 CHAIRMAN HOOD: -- so, we understand what your point
2 is.

3 MR. KIRKPATRICK: No, I appreciate that. So, I will
4 move on.

5 But the height of the building, how does it compare
6 with the height of the buildings at the Main Campus? Are there
7 any buildings on the Main Campus of American University that are,
8 you know, academic or administrative buildings that are more than
9 three stories?

10 MR. BELL: Are there any buildings on the Main Campus
11 that are more than three stories?

12 MR. KIRKPATRICK: Yes.

13 MR. BELL: Yes.

14 MR. KIRKPATRICK: And "academic," I'm talking about
15 academic or administrative buildings, not the residence halls.

16 MR. BELL: We can provide a list of what those things
17 are. The library is one.

18 MR. KIRKPATRICK: Well, that's not more than three
19 stories. I mean, anybody can walk around there, but I guess the
20 point I'm making is, why are you proposing a building that is
21 higher in an area zoned residential, than on the Main Campus of
22 American University, because four stories is higher than any
23 academic building you have on the Main Campus.

24 MR. BELL: This seems to us to be an appropriate size
25 --

1 CHAIRMAN HOOD: Let me interrupt. I actually want --
2 I would like an answer to that, and I don't want an off-the-cuff
3 answer, so if you need some time to think about it --

4 MR. BELL: Okay.

5 CHAIRMAN HOOD: -- I would suggest you do that.

6 And I would also suggest that you take Mr.
7 Kirkpatrick's issues to heart. I would ask, Mr. Fisher, if we
8 could look and revisit that, as well.

9 I'm not saying change the plan or whatever, but I don't
10 know if Mr. Kirkpatrick or his group were involved in all those
11 discussions, and if you all are hearing this for the first time
12 or if you've heard it previously.

13 But I think you can answer his question tonight, but I
14 don't want that question to just be off-the-cuff, okay.

15 And excuse me for interrupting.

16 MR. KIRKPATRICK: Are you done, Mr. Bell?

17 CHAIRMAN HOOD: Yeah, I want him to answer your
18 question, but I don't want an off-the-cuff answer, myself.

19 MR. KIRKPATRICK: Oh, certainly.

20 CHAIRMAN HOOD: He can answer your question now, yeah.

21 MR. KIRKPATRICK: I think everybody is waiting for your
22 answer, Mr. Bell.

23 MR. TUMMONDS: I'm sorry, this is Paul Tummonds.

24 I think, you know, a more beneficial answer for this
25 proceeding would be, we'll take a look for the academic buildings

1 on campus and look at the proposed heights of site 15 and compare
2 those to the academic, administrative and compare, and show, you
3 know, how this building height would compare to some of the other
4 buildings that line Nebraska Avenue on the Main Campus side.

5 MR. KIRKPATRICK: Okay. I appreciate that.

6 And could we go back to the slide, to the outlines of
7 Building C -- Building 15, I'm sorry.

8 Building C -- 15, obviously, is formed like a reverse
9 C, it seems to me. So, you've got three parts to it. The bottom
10 part is what's closest to Westover. That's the one that is going
11 to interfere most with the light, the access to the fresh air,
12 the use of our decks and back patios, having a building that high
13 -- you call it two stories -- it's as high as any building here,
14 so it will clearly block light.

15 Have you given any consideration to dropping the third
16 segment that's at the bottom of that reverse C, the part that is
17 closest to Westover?

18 That would, number one, eliminate the loss of light and
19 (audio interference) to enjoy our back patios and decks, but
20 also, instead of a parking garage, that area could be reserved
21 for surface parking.

22 Has any consideration been given to that possible
23 compromise that would show more respect for what, you know, the
24 obstruction to our quality of life here, and still provide some
25 parking, just keep that bottom part for the parking lot and have

1 the two-thirds of the parking lot devoted to the new building,
2 has any consideration been given to that?

3 MR. BELL: I think in deference to Chairman Hood, I
4 think we'll take that under advisement.

5 MR. KIRKPATRICK: I think that would, in terms of, you
6 know, the commitment that American University made, which we very
7 much appreciate, the quality of life and respect for neighbors,
8 that would be make a huge difference if that setoff were more
9 comparable to the setoffs you have on your other construction.
10 This is the biggest building with the narrowest setoff.

11 One last question relates to the parking. The parking,
12 a big part of the proposal is to have a two-level parking garage
13 under that building approved. The hole that would have to be
14 dug would actually have to be gargantuan, wouldn't it, to put a
15 parking lot under that building?

16 MR. BELL: If you're digging a hole to put parking in,
17 I don't know what measure gargantuan is, but it would be dug to
18 put parking in there. But --

19 MR. KIRKPATRICK: Well --

20 MR. BELL: -- let's be clear. As we said before, the
21 University and the process is committed to further processing
22 review on any proposal like that and I think -- maybe I'll let
23 Mr. Fisher talk a little bit more about what might be intended
24 there or not.

25 MR. FISHER: So, you know, we are -- I'm sorry -- we

1 are exploring, you know, the opportunity to have parking there
2 only if necessary. You know, it's not a goal of this Campus Plan
3 to build significant underground parking.

4 You know, there currently is underground parking there
5 on that site, underneath the Myers Building. I believe it's two
6 stories -- it's two levels, as well. But, again, that would be
7 something that we would prefer to bring back once we get to
8 further processing.

9 But, you know, again, it's not our intention to build
10 parking, but it's only if necessary.

11 MR. KIRKPATRICK: Have you done any type of structural
12 analysis on the effect it would have on Westover homes?

13 These homes, unfortunately, weren't built like San
14 Francisco structures to handle earthquakes. A lot of damage was
15 done, just in the construction last time. On the last project,
16 many of us have cracks on our ceiling, doors that would misalign.

17 So, has there been any construction -- if you now went
18 even deeper and put a huge garage there, the damage that that
19 would do to our houses. Has there been any assessment of that?

20 MR. FISHER: We would put together a construction
21 management program. I believe I have at least heard about what
22 happened the last time around there at the Westover, and make
23 sure that we would do any pre-construction assessments and post-
24 construction assessments and rectify any problems or compensate
25 folks along the wall in the event that there was some damage done

1 to the homes.

2 MR. KIRKPATRICK: I guess another question maybe for
3 you, Mr. Fisher, since you've worked with this collaborative
4 process, I mean, just looking at the plan, I think it's pretty
5 obvious that the residential units most affected by this proposal
6 with the biggest building going next to them, with the possible
7 garage underneath is this unit of 10 townhouses right along the
8 wall that I'm proudly representing in my testimony tonight.

9 Have you reached out in any way, you know, given the
10 concern about working with neighbors and the collaborative
11 process to, poll those of us on the wall, to check how it would
12 work or get our feedback?

13 I mean, given that we're the most-affected people, has
14 there been any outreach to us?

15 MR. FISHER: Your neighbor, Jerry Gallucci, has
16 represented Westover on the AU Neighborhood Partnership. He
17 lives, I believe, along the wall next to the Myers Building.
18 Again, he's been a part of this process and there's also been
19 two other members of the Westover community that have been
20 intimately involved in the Facilities and Planning Working Group
21 as part of the partnership.

22 Mr. Gallucci has been in communication with Mr.
23 Tessler, who was the president at that time, and then, again, he
24 signed off. We had consensus at that time from the
25 representatives of the Westover community when we filed the

1 Campus Plan.

2 MR. KIRKPATRICK: Have you aware that many of us have
3 asked Mr. Gallucci to resign, based on the work he's done?

4 He had a meeting with the group along the wall, a number
5 of people, and said he personally had signed a letter of support.
6 All of us along the wall were absolutely shocked that that was
7 the position that he took. He said he wasn't representing
8 Westover and he signed a personal letter of support.

9 But are you aware that those of us along the wall (audio
10 interference) as a representative with authority to sign off
11 (audio interference.)

12 MR. FISHER: So, you know, Mr. Gallucci reached out to
13 me a few days ago to let me know that he would no longer be
14 serving on the Steering Committee, but he is also -- he is the
15 co-chair of our Facilities and Planning Working Group and he will
16 continue doing that moving forward.

17 I would suggest that, you know, Mr. Gallucci, I
18 believe, will be speaking at some point and, you know, because
19 his relationship with the Westover community is not appropriate
20 for me to speak to.

21 MR. KIRKPATRICK: But apart from a conversation with
22 Mr. Gallucci, there's been no effort to specifically contact
23 yourselves, take a survey, have any type of -- have you even
24 walked or even been (audio interference) in this area, visited
25 this row of townhouses that's right next to this largest building

1 that's in the whole proposal?

2 MR. FISHER: I have also been in communication with Mr.
3 Tessler, who, again, was the president of the association when
4 we reached consensus. I've talked to Mr. Tessler. I've talked
5 to Ms. Guzman, and also Mr. Saunders, who lives in that community.

6 MR. KIRKPATRICK: But have you personally seen the
7 area, I mean, have you personally seen how close we are to the
8 proposed structure?

9 MR. FISHER: I am literally in that part. I'll right
10 across the street from it right now. I'm on campus in our Public
11 Safety Building, which is right next to the parking lot. So, I
12 am very familiar with the site.

13 MR. KIRKPATRICK: Okay. But not looking at it from the
14 Westover side.

15 MR. FISHER: No.

16 MR. KIRKPATRICK: Okay. Well, that's all the questions
17 I have tonight, but there will be testimony by Westover.

18 And I realize this may have caused some confusion,
19 because it's clear that there was an attempt to work
20 collaboratively, but Westover, obviously, doesn't feel our
21 interests were represented, and particularly, those of us along
22 the wall, feel that we've been the voice that hasn't been heard
23 here. I mean, maybe were the sacrificial lambs, or thrown under
24 the bus -- different phrases -- but I think we've been the
25 forgotten group and we're the most affected since we have the

1 huge building, the largest building of all being proposed --

2 CHAIRMAN HOOD: Mr. Kirkpatrick, I realize you're
3 making your case.

4 MR. KIRKPATRICK: Okay.

5 CHAIRMAN HOOD: Believe me, I get it.

6 MR. KIRKPATRICK: Okay.

7 CHAIRMAN HOOD: I would also encourage Mr. Fisher and
8 others to maybe -- I'm not sure who was representing or who wasn't
9 representing. I would hope that they would reach out maybe to
10 you, Mr. Kirkpatrick, at some point, and start collaborating with
11 you since the other person, I guess, is no longer there, as Mr.
12 Fisher mentioned. I don't want to comment one way or the other,
13 because I don't know and I wasn't there.

14 But it sounds like you have the interests of everyone.
15 So, I would encourage, again, Mr. Fisher and the AU team, to
16 reach out to Mr. Kirkpatrick. I think he has some legitimate -
17 - I know, as a matter of fact, I know he has some legitimate
18 concerns.

19 And I would also ask Mr. Kirkpatrick, that we follow-
20 up with what he asked earlier, when I interrupted, of a more
21 concise response. So, I want you know I wasn't cutting you off.
22 I just wanted to make sure that we got a concise response so we
23 can analyze and you all can have some predictability. And then
24 we'll go from there to see where we're going to go with this as
25 we continue to move forward.

1 So, that's my ask. Mr. Kirkpatrick, do you have any
2 other questions?

3 MR. KIRKPATRICK: Not that I'll need to raise tonight.

4 Thank you, Commissioner Hood. And we'll be having
5 testimony. We'll present, I guess, at the next meeting.

6 CHAIRMAN HOOD: Now, is it too late -- you know, I
7 don't mind as we go along, to try to narrow the gaps -- is the
8 too late for Mr. Kirkpatrick or somebody on his team who's
9 representing their interests, to get involved, Mr. Fisher or
10 others?

11 MR. FISHER: We welcome participation from anyone who
12 wants to be a part of the partnership. We actually had done some
13 outreach to the Westover community to present to them and it
14 seemed, at times, many of those requests were denied. But we
15 are more than willing to involve Mr. Kirkpatrick or anyone else
16 from Westover, to participate in the partnership and,
17 specifically, in that working group.

18 CHAIRMAN HOOD: Okay. So, Mr. Kirkpatrick --

19 MR. FISHER: I'm sorry. We also added a Ms. Ruth Krouse
20 (phonetic), who lives along the wall. She is also a new member
21 to our Facilities and Planning Working Group, as well.

22 CHAIRMAN HOOD: Okay. All right.

23 So, I will leave it upon you, Mr. Kirkpatrick and Mr.
24 Fisher and others, to see how you all continue to carry your
25 issues to AU and you all collaborate in that fashion. I don't

1 want to intercede on that, but I'm just making a suggestion.

2 Anything else, Mr. Kirkpatrick?

3 MR. KIRKPATRICK: Not for this evening, Mr. Hood. Thank
4 you very much.

5 CHAIRMAN HOOD: Okay. Sure.

6 Let's go Herstein and Gerson.

7 Ms. Horvitz, I believe you are representing. Do you
8 have any cross?

9 MS. HORVITZ: Good evening, Chairman Hood and
10 Commissioners. Yes, this is Laurie Horvitz on behalf of Dr.
11 Herstein and Mr. Gerson. Most of my questions are for Mr. Fisher.
12 Obviously, we're going to be talking about the Jacobs Field area
13 and the acoustic barrier.

14 EXAMINATION

15 MS. HORVITZ: And let me start with a few basic
16 questions for you, Mr. Fisher. Where will the soundwall be built?

17 MR. FISHER: The soundwall will be built, adjacent to
18 the property line, between the two -- between the home and the
19 field. Right thorough, there's an iron gate there. I know that
20 the actual property line is a little bit, maybe a few feet off
21 from that, so, again, we haven't gotten to the point where we
22 have designed the wall yet, so it would be built along the
23 boundary line there.

24 MS. HORVITZ: Well, you testified (audio interference),
25 basically, agreed to build the wall, and that the problem was

1 | there was some difficulty reaching an agreement on conditions
2 | after the wall was (audio interference.)

3 | Do you remember that testimony?

4 | MR. FISHER: Yes.

5 | MS. HORVITZ: Okay. So, what treatment, as to the
6 | location of the wall after the sound studies were performed by
7 | AU's acoustic engineer?

8 | MR. FISHER: We agreed to build the wall along the
9 | boundary between the two properties.

10 | MS. HORVITZ: Have you even read the recommendations,
11 | because I will tell you that the agreement was to build the wall
12 | at the current fence line, which is not barely a few feet from
13 | the boundary line. So, would you like to correct your testimony
14 | to say that the wall will be built where it was agreed-upon?

15 | MR. FISHER: The wall will be built in the general area
16 | of the boundary line.

17 | MS. HORVITZ: Do you understand that the property
18 | (audio interference) in elevation because --

19 | CHAIRMAN HOOD: Ms. Horvitz, let me interrupt everyone.
20 | We've already heard, I think, from party that was unable to hear.
21 | So, what I'm going to ask, and I think I know who it is, Mr.
22 | Fisher, when Ms. Horvitz is talking, I need you to mute, and I
23 | think that will cut down noise.

24 | And then when he starts, when Mr. Fisher starts
25 | talking, Ms. Horvitz, I need you to mute.

1 You know, I know that's a lot of trouble, but it's so
2 people can hear. Let's see if that works. Let try it.

3 MS. HORVITZ: I will make that attempt to. It will
4 slow us down, I will be do that.

5 My question for you, Mr. Fisher, is do you understand
6 that the topography is such that between the fence line and the
7 boundary line, the property goes down in elevation?

8 MR. FISHER: I have walked the property line. I am
9 aware that there is, you know, changes in grade and topography.
10 I am aware of that.

11 MS. HORVITZ: Then why would the University, planning
12 to put a wall on a lower elevation when there's currently an
13 available site at a higher elevation?

14 MR. FISHER: The exact location and design of the wall
15 has not yet been done. So, we are proposing to build a wall in
16 the appropriate place that would mitigate the sound.

17 MS. HORVITZ: How long will the wall be?

18 MR. FISHER: Approximately 350 feet long, I believe,
19 15 feet high.

20 MS. HORVITZ: Why not put in the Campus Plan, and as a
21 condition, that the University is proposing a wall of
22 approximately 350 feet in length and 15 feet in height. That is
23 not in your Campus Plan at the present time.

24 MR. FISHER: I believe we do make a reference to length
25 of the wall in the plan. I would have to pull it up and tell

1 | you exactly which page it is on, if you give me a moment.

2 | But, again, the wall has not been designed, but we
3 | believe that the approximate length is about 350 feet.

4 | MS. HORVITZ: Well, in the Campus Plan process, isn't
5 | it the responsibility of the Applicant to identify the location,
6 | height, and bulk of the proposed structure that you want to build
7 | in the next Campus Plan period?

8 | MR. FISHER: Again, it's been identified that it would
9 | be approximately 350 feet long and approximately 15 feet height.
10 | This is not a building; it's a wall.

11 | And so, right now, without it being designed, that's
12 | what we believe the dimensions to be.

13 | MS. HORVITZ: And would you be willing to put that in
14 | as a condition, that when you apply for further processing of the
15 | acoustic barrier, that it will be approximately 350 feet in
16 | lengthy and approximately 15 feet in height?

17 | MR. FISHER: You asked would we put that in as a
18 | condition at further processing; is that what I heard?

19 | MS. HORVITZ: I asked whether you would consider that,
20 | as a condition in the Zoning Commission proceeding, that that is
21 | what you're going to apply for.

22 | MR. FISHER: We'll have to take a look at that, because,
23 | you know, we'll have to -- I'll have to confer and we'll have to
24 | follow-up with you on that one.

25 | MS. HORVITZ: Now, when you originally filed the Campus

1 Plan, it didn't commit to when it would build the wall during
2 the next Campus Plan, if at all, and then in the prehearing
3 statement, the University has now agreed that it will apply for
4 the wall within a year after the Zoning Commission issues its
5 order in this Campus Plan proceeding; is that right?

6 MR. FISHER: That is correct. Based on conversations
7 that we had and recommendations from the Office of Planning, we
8 have agreed to make this the first project in this Campus Plan.

9 MS. HORVITZ: I certainly appreciate that, but can you
10 tell me why will it take a year for you to apply for further
11 processing, given that there's been years of analysis by your own
12 acoustic engineers about what should be built and where.

13 MR. FISHER: The wall also has to be designed. We have
14 to agree upon the materials and the look of the wall. We will
15 probably have to perform some additional sound studies, and so
16 we believe that a year is a reasonable amount of time to
17 accomplish these things. And we'll have to continue to discuss
18 the proposed conditions, as well.

19 MS. HORVITZ: Speaking now of the noise that's
20 generated from Jacobs Field, can you tell me, does Jacobs Field
21 generate any noise?

22 MR. FISHER: Yes, it does.

23 MS. HORVITZ: What kinds of invoices are generated from
24 Jacobs Field when we're not in the middle of a pandemic?

25 MR. FISHER: The general noise that accompanies

1 sporting events, such as women's field hockey and lacrosse. So,
2 there are athletes, our student athletes who are either
3 practicing or participating in intercollegiate sporting games.
4 So, cheering and, you know, a shot clock -- there is a shot clock,
5 as required by the NCAA -- so there is occasional noise from
6 that.

7 MS. HORVITZ: What about amplified rock music?

8 MR. FISHER: There's amplified sound that's used during
9 our intercollegiate events. So, we have approximately 20 events
10 per year that include amplified sound. I don't know about
11 amplified rock music, but there's amplified sound that is used
12 during those particular games.

13 MS. HORVITZ: Are you unaware, Mr. Fisher, that
14 approximately 60 to 90 minutes before many of those
15 intercollegiate contests, there is music being broadcast over
16 loud speakers onto Jacobs Field and then onto my client's
17 property?

18 MR. FISHER: No, I was not aware of that.

19 MS. HORVITZ: But you were aware, were you not, that
20 there would have been play-by-play announcements, for example,
21 during games that were amplified, correct?

22 MR. FISHER: Yes.

23 MS. HORVITZ: And how long would those typically last?

24 MR. FISHER: It's my expectation that a game is probably
25 about two hours' long.

1 MS. HORVITZ: When does the noise typically begin at
2 Jacobs Field (audio interference)?

3 MR. FISHER: That would be determined by the start time
4 of the match or game.

5 MS. HORVITZ: Well, certainly, there's more than just
6 matches and games occurring at the field, are there not? There
7 are practices and camps, right?

8 MR. FISHER: That is correct, there are practices that
9 occur on the field.

10 MS. HORVITZ: But isn't it true that on many occasions
11 during the summer and fall months, that the activities on the
12 field begin as early as 7:00 in the morning, if not before?

13 MR. FISHER: There are times when practices begin at
14 7:00 a.m., yes.

15 MS. HORVITZ: Well, did you see the prehearing
16 statement that was submitted by my client in this matter?

17 MR. FISHER: Yes, I did.

18 MS. HORVITZ: Did you see that during summer months,
19 that the 7:00 a.m. start time was the custom, day after day after
20 day?

21 MR. FISHER: (Audio interference.)

22 MR. TUMMONDS: This is Paul Tummonds.

23 Again, I want to make sure that Ms. Horvitz' testimony
24 is questions related to the testimony that Mr. Fisher provided.
25 If Ms. Horvitz wants to talk about her submission, her

1 (indiscernible) statement, she can do that when she presents her
2 testimony.

3 CHAIRMAN HOOD: I am going to agree with that
4 assessment, Ms. Horvitz. If you could move on to what they have
5 presented and we can talk about that when you present.

6 MS. HORVITZ: Thank you, Your Honor [sic]. I mean, I
7 was addressing the fact that Mr. Fisher has repeatedly
8 represented to this body that the University can manage the
9 impacts of our students, and I was exploring precisely that issue,
10 including start times at 7:00 a.m. But I appreciate the guidance.

11 Mr. Fisher, how many hours a day is the field used when
12 you're managing the impacts of noise on Jacobs Field?

13 MR. FISHER: The field, it usually varies, depending
14 on practice schedules or games schedules. You know, I would say
15 that the field could be used, some days, it might be used three
16 hours. Some days, it could be used six or seven hours. (Audio
17 interference.)

18 MS. HORVITZ: Is it ever used 10 or 11 hours?

19 MR. FISHER: I can't say, specifically, if it is or
20 not, is or isn't used for 10 or 11 hours.

21 CHAIRMAN HOOD: Mr. Tummonds, if you could mute,
22 please.

23 MS. HORVITZ: Now, (audio interference) you testified,
24 when asked about whether the University has done anything to
25 mitigate the noise during the last 10 years and you proudly

1 referred to revising the sound system.

2 Do you remember that testimony?

3 MR. FISHER: Yes, I remember that testimony from
4 earlier this evening.

5 MS. HORVITZ: Well, isn't it a fact that the revisions
6 to the sound system were mandated by the Commission in the last
7 Campus Plan and that the University wasn't allowed to use its
8 amplified sound system until it revised its amplified noise sound
9 system?

10 MR. FISHER: Yes, that is correct.

11 MS. HORVITZ: And after the amplified sound system was
12 revised, did the University comply with all of the
13 recommendations about how that system should operate thereafter?

14 MR. FISHER: We did.

15 MS. HORVITZ: Did the University, in fact, keep all of
16 the speakers facing away from my client's properties at 4710
17 Woodway property, as recommended and required by the new sound
18 system?

19 MR. FISHER: Yes, we did. The speakers were directed
20 away from the home.

21 MS. HORVITZ: Well, can you explain why your own sound
22 engineers went to visit the site and found the speakers pointing
23 in the other direction towards my client's property?

24 MR. FISHER: I cannot explain that.

25 MS. HORVITZ: Are the speakers that were installed,

1 pursuant to the revised sound system elevated or on the ground?

2 MR. FISHER: They're on the ground.

3 MS. HORVITZ: Are any of them on four-foot stands?

4 MR. FISHER: Not that I'm aware of.

5 MS. HORVITZ: You referenced a shot clock. Where does
6 the shot clock emanate from?

7 MR. FISHER: I'm not exactly sure. I believe it's on
8 the scoreboard.

9 MS. HORVITZ: So, is that an elevated location?

10 MR. FISHER: Yes, the scoreboard is elevated.

11 MS. HORVITZ: What about the air horn, where does that
12 come from?

13 MR. FISHER: I'll find out. I believe it's on the
14 scoreboard, as well.

15 MS. HORVITZ: Are you aware that the recommendations
16 for the revised sound system suggested that all amplified noise
17 be generated and broadcast only at ground level?

18 MR. FISHER: The amplified noise is broadcast at ground
19 level; that's where the speakers are.

20 MS. HORVITZ: Except for the shot clock?

21 MR. FISHER: (Audio interference) question.

22 MS. HORVITZ: No. What (audio interference) use does
23 Jacobs Recreational Complex, and I phrased that carefully, so as
24 not to be confused with just the field, but the entire Jacobs
25 Recreational Complex.

1 What are its current uses?

2 MR. FISHER: Women's lacrosse, women's field hockey,
3 and there's also a baseball diamond there.

4 MS. HORVITZ: Is there any volleyball?

5 MR. FISHER: There's no volleyball on the field. I
6 believe there is a volleyball -- what do you call it -- a court
7 in between Jacobs and Reeves.

8 MS. HORVITZ: So, by your answer -- correct me if I'm
9 wrong -- you're suggesting that there are essentially four uses
10 of the field. There's women's lacrosse, field hockey, a softball
11 diamond, and maybe some volleyball courts, approximate, thereto.

12 Are there any other uses of the field at the present
13 time?

14 MR. FISHER: Those are the general uses of the field.

15 MS. HORVITZ: Well, what about practices, sports camps,
16 special events, anything like that happening on the field?

17 MR. FISHER: There are special events from time to
18 time, and there are, sometimes, sports camps in the summer.

19 MS. HORVITZ: Well, how many hours a day are there
20 sports camps during the summer months?

21 MR. FISHER: Off the top of my head, I don't know, but
22 we can reach out to our Athletics Department to get more
23 information.

24 MS. HORVITZ: And are the sports being run by and for
25 American University students?

1 MR. FISHER: I would (audio interference) to our
2 Athletics Department and I will follow-up.

3 MS. HORVITZ: Does the University receive compensation
4 for renting out the field on occasion?

5 MR. FISHER: Yes, we do, on occasion.

6 MS. HORVITZ: How often is that?

7 MR. FISHER: I will check in with our Athletics
8 Department.

9 MS. HORVITZ: Now, you testified that kind of the divide
10 between the owners of the 4710 Woodway property and the University
11 ultimately came down to what the University wanted to in terms
12 of uses of the field after the wall was built.

13 Do you recall that testimony?

14 MR. FISHER: Yes, I do.

15 MS. HORVITZ: So, and, in fact, let me just read so
16 that we're talking about the same thing. In your Campus Plan,
17 AU says that you're building the wall to allow for greater access
18 to the field for a wider range of uses that are currently
19 permitted under the conditions of Zoning Commission Order 1107,
20 including, but not limited to, events with local public schools.

21 And for reference, that's on page 43, Mr. Tummonds.

22 So, my question for you is, what additional uses did
23 you want to make of the field that are not "currently permitted"
24 and that you want to have the opportunity to use the field for
25 after you build the soundwall?

1 MR. FISHER: Well, as you are aware, there are quite a
2 few limitations and restrictions to the use of the field in the
3 existing zoning order.

4 Moving forward, once we build the wall, we would like
5 to have additional uses, additional athletic uses that could be
6 without -- I don't have a list of what those sports would be
7 right now -- but we would like to have an expanded use of our
8 field.

9 MS. HORVITZ: Well, if the University is already using
10 the field for 10 or 11 hours a day during the mild weather, how
11 does it plan to expand access and use of the field?

12 MR. FISHER: I don't know if 10 or 11 hours is an
13 accurate assessment of the time that is used on that field. But
14 as the future of sports and our student athletes moves forward
15 and we continue to be competitive in the NCAA, we would like to
16 have more access and use of the field when appropriate.

17 MS. HORVITZ: Is it the University's aspiration to
18 extend the hours of usage into the night?

19 MR. FISHER: No.

20 MS. HORVITZ: Are these additional uses, do they
21 include non-athletic events?

22 MR. FISHER: It's too early for us to determine exactly
23 which types of events we would like to have there.

24 MS. HORVITZ: Well, you're here for a Campus Plan
25 approval and you've designated the field -- and correct me if I'm

1 wrong -- you've designated the field as athletic, correct?

2 MR. FISHER: Yes, that is correct.

3 MS. HORVITZ: So, (audio interference) tell the
4 Commission and the neighbors if you want to expand usage to
5 something other than athletics?

6 MR. FISHER: That it would be generally athletic uses;
7 for instance, you have special events. I believe it's in the
8 previous Campus Plan, that we needed it for possibly a graduation
9 or commencement ceremony or some other type of ceremonial event,
10 but it would be used generally for athletics.

11 MS. HORVITZ: So, is the purpose of building the
12 acoustic barrier to mitigate a current noise problem?

13 MR. FISHER: Yes.

14 MS. HORVITZ: So, you want to build a wall and then
15 expand forces of noise on the other side of that wall.

16 Is that a fair characterization of AU's plan?

17 MR. FISHER: No, it is not.

18 MS. HORVITZ: But the negotiations fell apart, you
19 testified, because the sticking point was future uses and
20 conditions on use, correct?

21 MR. FISHER: The negotiations fell apart because your
22 client wanted to have even more restrictive conditions put in
23 this Campus Plan, moving forward, after the wall was built. We
24 don't want conditions that are more restrictive than what's
25 currently in place now.

1 MS. HORVITZ: But, isn't it a fact that what AU wanted
2 was to have all of the conditions in the current Campus Plan, a
3 lot of them removed after building the wall?

4 MR. FISHER: No, that is not a fact.

5 MS. HORVITZ: You're unaware that that was precisely
6 the ask from the University?

7 MR. FISHER: That was not the ask of the University,
8 to remove all of the conditions.

9 MS. HORVITZ: Does the University have any
10 understanding of how effective the acoustic barrier will be if
11 designed to be approximately 350 feet and 15 feet high at the
12 current fence line, how effective it will be to mitigate sources
13 of noise from the field?

14 MR. FISHER: Once the wall is designed and additional
15 sound studies have been completed, we will be able to have a
16 better understanding of how the sound will be mitigated. We
17 can't say that without a wall that hasn't been designed yet.

18 MS. HORVITZ: Well, has the University retained in the
19 past, a company known as Miller Beam, to conduct evaluations of
20 the wall in 2012, 2017, and 2018?

21 MR. FISHER: Yes, Miller Beam was hired as a sound
22 engineering consultant firm by the University.

23 MS. HORVITZ: And didn't Miller Beam, at the expense
24 and direction of the University, express concern that the
25 soundwall would never fully mitigate objectionable noise on my

1 client's property?

2 MR. FISHER: I believe that Miller Beam said that it
3 would not eliminate all sound. It's virtually impossible to
4 eliminate all sound. The goal of the wall is to mitigate the
5 sound.

6 MS. HORVITZ: Well, if the goal of the wall was to
7 mitigate the sound, what determines success? What is the level
8 at which the noise becomes unobjectionable?

9 MR. FISHER: That's really not for me to say, ma'am.
10 That's -- I'm not the one who lives on the other side of the
11 wall.

12 MS. HORVITZ: It's actually the Commission's decision,
13 right?

14 MR. FISHER: It's not for me to say.

15 MS. HOROVITZ: Do you know whether or not the wall
16 would mitigate noise on the second and third floors of the
17 Herstein/Gerson property?

18 MR. FISHER: Not until the wall has been designed and
19 built.

20 MS. HOROVITZ: Now, the Campus Plan also has a request
21 to put a filming tower in; is that right?

22 MR. FISHER: That is correct.

23 MS. HOROVITZ: And where would the filming tower be
24 located?

25 MR. FISHER: The filming tower would be located where

1 | there currently is an observation on the deck at the field. It
2 | would be located in the same general area, replacing that
3 | observation deck.

4 | MS. HOROVITZ: All right. When you refer to an
5 | observation deck, are you referring to a retractable vehicle or
6 | two, on occasion that goes up and down, are as needed?

7 | MR. FISHER: No, that is what we have been using as our
8 | filming tower; it's a hydraulic lift that we have been using,
9 | because we don't have a permanent structure in place. That
10 | hydraulic lift is right next to the observation deck, which is
11 | used for a place for our coaches and players, you know, set down
12 | their bags and equipment while they're practicing.

13 | MS. HOROVITZ: All right. Thank you for clarifying
14 | that. So, the filming tower, am I correct, would be on the
15 | western side of Jacobs Field, close to 4710 Woodway Lane, correct?

16 | MR. FISHER: Yes.

17 | MS. HOROVITZ: And, in fact, the player benches and the
18 | observation area, are at the very far end of the field, nearest
19 | to 4710 Woodway, correct?

20 | MR. FISHER: That is correct.

21 | MS. HOROVITZ: So, the filming tower, how tall will it
22 | be?

23 | MR. FISHER: Approximately 15 feet tall.

24 | MS. HOROVITZ: And then will people be on top of it?

25 | MR. FISHER: They would be within it. It would be some

1 | sort of enclosure.

2 | MS. HOROVITZ: Would any sound generate from the
3 | filming tower?

4 | MR. FISHER: No, there would be no sound or light that
5 | would come from the filming tower.

6 | MS. HOROVITZ: But it would be above any soundwall,
7 | kind of peering down over the soundwall to my client's property;
8 | is that correct?

9 | MR. FISHER: Neither have been designed yet, but the
10 | height of the wall and the observation -- I'm sorry -- the filming
11 | tower, were both estimated to be 15 feet, so they would
12 | approximately be the same size.

13 | MS. HOROVITZ: There are currently restrictions in
14 | Zoning Commission Order 1107 that, for example, prohibit things
15 | like cow bells that are particularly obnoxious.

16 | Are you aware that that's the current condition?

17 | MR. FISHER: Yes, I am.

18 | MS. HOROVITZ: Is the University trying to remove
19 | conditions, such as that, which describe certain particularly
20 | discordant and distracting sound?

21 | MR. FISHER: No, that's not a condition that we would
22 | be looking to eliminate. We don't have any opposition to getting
23 | rid of cow bells or other noise-making instruments.

24 | MS. HOROVITZ: All right. And we had talked about the
25 | amplified sound system and music.

1 Does the University have any intention of revising the
2 amplified sound system again?

3 MR. FISHER: Are you saying that we would put in a new
4 sound system; is that what the question is?

5 MS. HOROVITZ: Yes.

6 MR. FISHER: That is something that we would have to
7 explore. Today, I wouldn't say that we are leaning either way
8 with a new sound system.

9 We would probably, at some point, if the sound system
10 is 10 years old, we are probably overdue for a newer one.

11 MS. HOROVITZ: And are you aware, do you know whether
12 anybody else brings speakers, users, visitors, bring portable
13 speakers that amplify music onto the field, are you aware that
14 that has been an issue or a problem?

15 MR. FISHER: Anybody who uses the field is instructed
16 that amplified noise is not allowed. If we do rent out the field,
17 it's a part of our standard contract that amplified noise is not
18 to be used, and so everyone who uses the field is made aware that
19 amplified noise is prohibited.

20 MS. HOROVITZ: And what enforcement mechanism is there
21 when that rule is violated?

22 MR. FISHER: In the event that we learned of it, we
23 send someone out there immediately to turn off any amplified
24 music that might be playing.

25 As far as an agreement that's in place, I would have

1 to check with Athletics about what, if any, additional
2 enforcement is within any contracts that they might have.

3 MS. HOROVITZ: Okay. And I'm almost done, but just to
4 understand a little bit better, AU knows that there is a noise
5 problem at Jacobs Field, right?

6 MR. FISHER: AU knows that Dr. Herstein and Mr. Gerson
7 believe that there are objectionable sounds, sound noise that
8 comes from the field, yes.

9 MS. HOROVITZ: And yet, in the last nine years, since
10 the last Campus Plan, the University has not, in fact, built an
11 acoustic barrier; is that correct?

12 MR. FISHER: In attempts to mitigate the sounds and,
13 as stated in the last Campus Plan, a sound barrier wall was the
14 last resort in the event that the parties could not come to an
15 agreement.

16 MS. HOROVITZ: That's all I have, Mr. Chairman.

17 CHAIRMAN HOOD: Thank you very much, Ms. Horvitz.

18 Let's see. I think we have one more, Concerned
19 Neighbors, Ms. Ambrose, and then I want to do an assessment with
20 my colleagues and see where they are.

21 Ms. Ambrose, do you have any cross?

22 MS. AMBROSE: Yes.

23 CHAIRMAN HOOD: Okay. Go right ahead.

24 EXAMINATION

25 MS. AMBROSE: Well, let me start with (audio

1 | interference).

2 | MR. FISHER: Good evening. How are you?

3 | MS. AMBROSE: It doesn't look like you're getting a
4 | picture of me, but maybe that's good.

5 | Okay. Matt, (audio interference) slides 11 and 12.

6 | CHAIRMAN HOOD: Ms. Ambrose and Mr. Bell, again, if you
7 | can mute, because we're getting a lot of feedback, as I stated
8 | earlier, because we already had a complaint -- we had a couple,
9 | actually -- so, let's make sure we mute and unmute.

10 | MR. BELL: How's this one?

11 | MS. AMBROSE: Oh, that's excellent. I mean, I guess
12 | you can't enlarge it in any way to --

13 | MR. BELL: I don't control the enlarger.

14 | MS. AMBROSE: Okay. Well, anyway, I don't see on for
15 | site 11 or 12, any distance from them on the different vantage
16 | points, the different corners and (audio interference) and
17 | whatnot, to (audio interference) Rockwood Parkway.

18 | Can you tell us what those are.

19 | MR. BELL: We can provide that information.

20 | MS. AMBROSE: Okay.

21 | MR. BELL: I don't have the (audio interference) in
22 | front of me.

23 | MS. AMBROSE: So, you prepared it for (audio
24 | interference).

25 | MR. BELL: Okay. I'm sorry, Ms. Ambrose. The bottom-

1 left corner of building 11 is 60 feet from University (audio
2 interference) in red there. So, if you're looking at 11, go to
3 the bottom-left corner, which would be the southern corner.
4 They're 60 feet.

5 Sorry. That is on page 39 of the Campus Plan.

6 MS. AMBROSE: Okay. So, you're sure the (audio
7 interference) are shown on the Campus Plan from the different
8 vantage points, the different facets to Rockwood and to (audio
9 interference). Provide me that information later?

10 MR. BELL: Yeah, we can -- I'm sorry, Paul.

11 Yeah. To the property line on Rockwood Parkway, it's
12 60 feet on page 39 of the plan. We can provide, you know,
13 something that illuminates more of the (audio interference) on
14 here for (audio interference).

15 MS. AMBROSE: Well, that would be much appreciated.
16 Thank you.

17 Also, I know I asked this question of (audio
18 interference), but can you give us the height of the two buildings
19 in terms of feet, not just floors, and if there's going to be
20 any kind of penthouse or anything.

21 MR. BELL: That'll be part of further processing.
22 (Audio interference) for how we arrived at the floors and what
23 one could anticipate in terms of academic building heights and
24 residential building floor to floors.

25 MS. AMBROSE: Okay.

1 MR. BELL: And I think in response to Commissioner
2 Miller, we can provide some more clarity on that. Ms. Ambrose,
3 I think in response to Commissioner Miller, we can provide you
4 some more clarity on that.

5 MS. AMBROSE: Great. Also, you know, my neighbor just
6 went to get our -- well, we told him -- I should disclose here
7 that I am (audio interference) were members of the Facilities
8 Planning and Working Group, and at those meetings, we were assured
9 that the building, Building 11, and the academic buildings being
10 proposed --

11 CHAIRMAN HOOD: Ms. Ambrose --

12 MS. AMBROSE: -- (audio interference) same size --

13 CHAIRMAN HOOD: Ms. Ambrose?

14 MS. AMBROSE: Yes.

15 CHAIRMAN HOOD: I would really like to hear what you're
16 saying, but I think it may be something on your end. I don't
17 know if you have your speaker up too loud, but every time you
18 say something, there's like a little scratchy noise, so we're not
19 really understanding.

20 I especially want to hear what you just said. So, I
21 don't know if you want to turn your speaker down.

22 I want everybody else to go on mute, because I can tell
23 you it's hard to understand what you're saying. So, if you could
24 help us with that.

25 MS. AMBROSE: Frankly, I just don't know what to (audio

1 | interference). Let's see.

2 | CHAIRMAN HOOD: Do you have headphones on?

3 | MS. AMBROSE: No, I don't.

4 | CHAIRMAN HOOD: Okay. Is there a cell phone or anything
5 | near your computer?

6 | MS. AMBROSE: Well, (audio interference).

7 | I usually do Zoom.

8 | (Pause)

9 | MS. AMBROSE: Okay.

10 | CHAIRMAN HOOD: Also, are you sitting too close to your
11 | computer? You may want to sit back a little bit.

12 | MS. AMBROSE: I'm sitting close up (audio
13 | interference).

14 | CHAIRMAN HOOD: Okay. The most important thing is we
15 | want to hear your testimony and right now, we're not going to
16 | hear. I mean, you're real scratchy.

17 | MS. AMBROSE: I know.

18 | CHAIRMAN HOOD: Let's try it again.

19 | MS. AMBROSE: Okay. Is it still scratchy?

20 | CHAIRMAN HOOD: Not for those words that you said, but
21 | right now, I think we're good.

22 | Let's try it again.

23 | MS. AMBROSE: Okay. Well, anyway, the neighbors and I
24 | (audio interference) envision (audio interference) four-story,
25 | 125,000 GFA building would look like, because during the meetings

1 when this was getting hashed out, we were told that the building
2 at site 11 was going to be comparable to the (audio interference),
3 which actually also has a garage underneath it.

4 And the SIS Building is four stories, but it's 65 (audio
5 interference) GFAs. It's -- the new building proposed for site
6 11 is (audio interference).

7 CHAIRMAN HOOD: So, do you have a question for me, Ms.
8 Ambrose?

9 MS. AMBROSE: This is not going to work, obviously. I
10 just don't know what is the problem.

11 COMMISSIONER MAY: Perhaps it would be best if she just
12 call in on a phone number, rather than trying to use the camera?
13 We're not seeing her anyway.

14 MR. BELL: I think if she turns her camera off it could
15 help.

16 COMMISSIONER MAY: You can try that, too. That might
17 help.

18 MS. AMBROSE: Okay. I turned my camera off.

19 COMMISSIONER MAY: Okay. That's better.

20 MS. AMBROSE: Okay. Good.

21 Okay. So, I guess I should repeat my question.

22 As I mentioned, I was a member of the Facilities
23 Planning Working Group, and at those meetings, when the topic of
24 Building 11 came up, we were always assured that it would be
25 comparable in size to the SIS building, which we actually see

1 | from our houses.

2 | And the thing is, though, is that the building at Site
3 | 11 is four floors high and it's 125,000 GFA, whereas the SIS
4 | building is four floors, but it's 65,000 GFA, so half the size.
5 | So, again, we're just trying to visualize, you know, how big is
6 | this building.

7 | We've been told that a lot of it will be put
8 | underground. The orientation has been changed around a little
9 | bit. But I still don't see how a building that's twice the size
10 | of the one next door to it can really be worked into the
11 | environment, not to be (audio interference) that we have to look
12 | at already. It's going to be much closer to us.

13 | (Audio interference.)

14 | MR. BELL: Well, a couple of things, Ms. Ambrose.

15 | The design of 11, of course, will be reviewed at further
16 | processing and one of the things you all brought to us was the
17 | idea of model massing, so that the massing was stepped down to
18 | Nebraska Avenue, and that it presented the shorter ends of the
19 | building to Nebraska, so that it was not a wall, which is what
20 | we were showing in previous iterations of four stories, and --
21 | like, SIS, which makes more of a wall -- and it was felt that by
22 | turning this into more of a U shape, it made a garden and was a
23 | more welcoming gesture to the community. And that was not
24 | something that I necessarily came up with on my own, but it was
25 | something that we got a lot of good feedback from you and your

1 | colleagues.

2 | I would also point out that SIS, in reality, is closer
3 | to 90,000 gross square feet, even though it only counts for 60,000
4 | in gross floor area, because of the way it's cut into the grade.
5 | So, the building is actually quite a bit closer in size to what
6 | we're proposing on 11.

7 | The advantage here, I think, is that by pushing it back
8 | and making the massing the way we have, is we are presenting a
9 | beautifully landscaped front to Nebraska Avenue, part of which
10 | will be three stories and then steps back to four stories, and I
11 | think that's very sympathetic with the buildings around it and
12 | also the context.

13 | CHAIRMAN HOOD: Ms. Ambrose, do you have any additional
14 | questions?

15 | MS. AMBROSE: Oh, yeah. I said that I'm curious.

16 | Some of the buildings around it aren't just American
17 | University buildings, but they're single-family homes across the
18 | street. And there is a -- you've got to -- let me ask you
19 | something, Matt.

20 | Have you ever crossed the street at Nebraska and walked
21 | to Newark and gone to my neighbor's house at 4500 Newark? She's
22 | right across the corner to the campus. Have you been to my house
23 | -- just walk to the sidewalk and looked across the street or gone
24 | to the two houses on Rockwood?

25 | And, again, it's the context, because what is being

1 suggested here is to replace four buildings, which, granted,
2 they're, you know, little 1950s buildings, but they are 14,000
3 square feet each, and there are two floors. And we go from that
4 to two big buildings, which one is 120,000 square feet, and one
5 is 125,000 square feet.

6 Now, I don't want to get into that, because I'm just
7 saying that when you talk about, because I will bring that up in
8 my testimony, but when you talk about the context, we're just
9 trying to get our hands around what it's going to be like to be
10 looking at two big, massive buildings across the street.

11 MR. BELL: I have walked the campus pretty extensively
12 and looked at various viewpoints and things. I think what we're
13 proposing here is what came out of the process of working with
14 the Steering Committee in terms of feedback, in terms of cutting
15 the height down towards Nebraska, and not making the building
16 what we originally proposed, with the more wall-like building,
17 but making it more pavilion-like on the ends, and we think it
18 fits right in there in the context across the street. It is a
19 residential neighborhood, but I think this building steps down
20 in a way that is appropriate, making a gesture to that.

21 MS. AMBROSE: I guess what concerns me is -- I don't
22 know. The reason I asked if you'd really walked the area is, I
23 know you're an architect. You said you're special and your
24 specialty is historic preservation.

25 You didn't -- I mean, even the Office of Planning talked

1 | about these buildings. Now, granted, they say that they're not
2 | architecturally significant, but they are from the 1950s. They
3 | are by a well-known Washington architect --

4 | CHAIRMAN HOOD: Ms. Ambrose?

5 | MS. AMBROSE: Yeah?

6 | CHAIRMAN HOOD: Ms. Ambrose, I hate to keep -- I don't
7 | want to keep interrupting you, because I'm going to make
8 | everything longer, but what I will ask you to do is, you don't
9 | necessarily have to give us the background or the preempt to the
10 | question, just give us the question and then when you do your
11 | testimony, you can give us a lot of the other details, if you'd
12 | like. Just go straight to the question.

13 | MS. AMBROSE: Okay. Well, like I said, I would like
14 | to know, because I've asked this before, I'd like to know the
15 | height of the buildings being proposed, 11 and 12, in feet, and
16 | I'd also like to know how far they're stepped back from the road.
17 | And the --

18 | MR. BELL: As we mentioned -- sorry -- as we mentioned
19 | before, we will answer this as proposed by Commissioner Miller,
20 | and give the detail on that and the ranges, realizing, of course,
21 | that the specific heights will be part of further processing when
22 | the projects come in for detailed design review. But I think we
23 | can probably honor that request and provide that information.

24 | MS. AMBROSE: Okay. Let me ask you two other questions,
25 | you know, from your position being an architect/engineer.

1 Is it cheaper to develop a -- can you not hear me?

2 MR. BELL: We can hear you just fine.

3 CHAIRMAN HOOD: Yes, we can hear you.

4 MS. AMBROSE: Okay. I guess one of the problems is
5 that from my neighbors is the sequencing thing, because Site 12
6 is supposed to be a secondary site, whereas Site 11 is not, and
7 if Site 11 gets developed, then wouldn't it be natural to just
8 develop Site 12 and the underground parking garage that goes
9 there, as well?

10 MR. BELL: I think Mr. Fisher is going to respond to
11 that.

12 MR. FISHER: Good evening, Ms. Ambrose.

13 I think if I heard your question correctly, it was
14 about prioritizing Site 12 (audio interference) housing site?

15 MS. AMBROSE: Yes.

16 MR. FISHER: As I stated, you know, our goal is, again,
17 to build those 500 beds at Site 2 and Site 4.

18 We do not -- we're not going into this with the
19 intention that we have to build Site 12 unless it was absolutely
20 necessary; again, we think we can get those 500 beds at Site 2
21 and Site 4, and that's where our focus is.

22 To your point about, if you build Site 11, wouldn't you
23 naturally build Site 12?

24 No, you know, Site 11 is proposed to be, you know,
25 academic space. If we meet all of our needs with the housing at

1 the other sites, then there's no need for (audio interference)
2 Site 12. And, again, that costs a lot of money and, you know,
3 we would prefer not to spend that money if we don't have to.

4 MS. AMBROSE: Let me ask you one thing, and it came up
5 in meetings, I know, a few times in our working group, and also
6 it was mentioned at the CLC meeting. There's no mention in the
7 plan about renovating some of the dorms you already have, like
8 Anderson, Letts, and Centennial.

9 Why are you not doing that? Why are you opting to
10 build new dorms, instead?

11 MR. FISHER: So, I just mentioned earlier today that
12 Centennial, I believe, is under some slight renovations right
13 now. But renovations generally don't have to be included in a
14 Campus Plan. We aren't change the use of the building and we're
15 not expanding the building or adding any GFA to it.

16 So, what we're doing right now at Centennial is, again,
17 some HVAC and some bathroom upgrades, in addition to transforming
18 some of our communal and shared spaces.

19 It was also mentioned, I believe it's on page 37 of the
20 Campus Plan, where we say that we will continue to pursue
21 strategic renovation and maintenance projects in our existing
22 facilities, on page 37.

23 MS. AMBROSE: Okay. And could you talk about what kind
24 of campus life might go into building Site 11.

25 MR. FISHER: Sure. So, we are proposing some ground

1 floor, student life campus life services such as grab-and-go
2 retail, you know, a coffee shop, a place for students to grab a
3 slice of pizza, or other types of services that our students
4 would utilize. It could be counseling services with their
5 academic advisor, anything like that. So, we're talking small
6 retail, again, like a place to grab a cup of coffee, to set out
7 and have a bite with friends.

8 MS. AMBROSE: Oh, my goodness. You are proposing
9 putting small retail or a pizza carryout or something like that
10 in this building right across the street from these single-family
11 homes?

12 MR. FISHER: (Audio interference) again, that we would
13 propose the details of at further processing and we would consult
14 with the community about the types of services that you would
15 want to see or not want to see there. Again, I'm not proposing
16 that we're going to put a Pizza Hut there or a McDonald's, but,
17 again, this is a place for students to grab something on their
18 way to class or some other sort of small, you know, dining
19 facility for our students.

20 MS. AMBROSE: Let me ask you, why would you put it in
21 11, and not a dorm, Number 12?

22 MR. FISHER: Again, we will continue to, you know, work
23 through these things at further processing with the specifics,
24 but, for instance, if you go over to SIS right now, you have
25 what's called the Davenport, which is a coffee shop. So, our

1 students go and they grab a cup of coffee or a doughnut before
2 class or after class. We are thinking about something along
3 those lines.

4 Any new residential facility that we build, we would
5 certainly consider putting a more robust dining program there if
6 it makes sense. If you go into the East Campus, at Congressional,
7 I believe, we also have another grab-and-go type of convenience
8 store where students can pick up a bag of chips, a soda, or you
9 know, a stick of deodorant. So, it's those types of campus life
10 services that we are looking to put on the ground floor there.

11 MS. AMBROSE: I understand that, but, again, Davenport
12 and the grab-and-go on East Campus do not face single-family
13 homes. The Davenport faces into the quad, the main quad, and,
14 again, the one on East Campus faces Nebraska Avenue.

15 MR. FISHER: Well, again, we haven't laid out the
16 orientation of where these specific uses will be. We're just
17 saying that it will be on the ground floor. It could be in the
18 back of the building. It could be on the side of the building.

19 MS. AMBROSE: Okay.

20 MR. FISHER: It has not been determined yet.

21 MS. AMBROSE: Yeah, I just wanted to -- well, I don't
22 want to -- one of the concerns about all of this is that with
23 the sequencing and, you know, with the primary and secondary
24 build-out --

25 CHAIRMAN HOOD: Ms. Ambrose, is there a question?

1 MS. AMBROSE: Okay. Let me move on. I know we're all
2 tired. Believe me, I'm exhausted.

3 CHAIRMAN HOOD: No, no, I'm not trying --

4 MS. AMBROSE: If you could only imagine how I feel.

5 CHAIRMAN HOOD: I just want to keep you focused. I can
6 go another two hours. We usually go till twelve o'clock
7 sometimes, so I'm going to keep you focused.

8 But I will say this, Mr. Fisher, instead of a bag of
9 chips, so hopefully the young folks will pick up some celery or
10 some (indiscernible) or something, as well.

11 MR. FISHER: I agree. We are a healthy campus, so we
12 will make sure that we have lots of fruits and vegetables and
13 hummus and everything else that is healthy for people.

14 MS. AMBROSE: Okay. One thing that I wanted to bring
15 up, what's happening, as you know, Ed, my group is very concerned
16 about some of the remediation efforts going on at public safety,
17 and so since those are only about 100 yards from Sites 11 and
18 12, what is the latest status there?

19 And one thing, I was under the impression that Dan
20 Nichols was supposed to be -- American University was supposed
21 to be publishing more regular update dates about remediation
22 sites around campus. And since two of my neighbors actually live
23 on Rockwood Parkway and the front of their houses look over at
24 the Public Safety Building and also at Site 11 and 12, they're
25 very concerned. So, we would like to know more about that.

1 | What's happening with the World War I chemicals and debris
2 | remediation at the Public Safety Building.

3 | MR. FISHER: So, thank you for that.

4 | We are going to update our website a little bit more
5 | regularly with the FUD's (phonetic) information. So, they do
6 | have their own website, which, you know, they update pretty
7 | regularly, but we made a commitment that we will put a lot of
8 | that information on our website, as well. So, we will be able
9 | to do that a little bit more frequently.

10 | But in the event that we are going to build in that
11 | area, we are going to work with the Army Corps of Engineers,
12 | we're going to consult with all of the relevant agencies to weigh
13 | in and conduct all of the environmental studies that will be
14 | necessary. So, you know, it's required of us and you have our
15 | commitment that we will do that, in the event that we're going
16 | to do anything in that general area.

17 | But to your first point, we're going to do a better job
18 | of updating our website with that information from the Army Corps
19 | of Engineers.

20 | MS. AMBROSE: Can you also update the immediate
21 | neighbors, because, again, the two especially on Rockwood, have
22 | to look at this, and have been doing so for the last couple of
23 | years. They never get any outreach from the University or
24 | anything.

25 | MR. FISHER: We'll be sure to start including that in

1 our communications that go out to the neighborhood lists, so we
2 can update our monthly newsletter, and then anytime that anything
3 else arrives, we'll be sure to send that out, as well.

4 MS. AMBROSE: One other thing I would like to ask is,
5 as you know, my neighbor, Tim Tally (ph), and I -- it was very
6 kind of the Facilities Planning Working Group -- I'll put in a
7 plug for them, that you even did a special meeting around our
8 concerns, and we do appreciate, you know, this step back. The
9 one familiar was taken off of the (indiscernible) 12. The concept
10 of the Eagle Walk, which, actually, shouldn't be too hard to
11 implement. I think maybe you could do that sooner than later
12 because --

13 CHAIRMAN HOOD: Ms. Ambrose --

14 MS. AMBROSE: But anyway --

15 CHAIRMAN HOOD: Ms. Ambrose --

16 MS. AMBROSE: -- one thing I would like to ask Mr.
17 Fisher is, did you ever -- we asked if you would reach out to
18 our neighbor, Senator Feinstein, since he's got the biggest
19 property amongst us and is going to overlook this corner, as
20 well, did anyone from the University reach out to her?

21 MR. FISHER: Yes, we did. Actually, President Burwell
22 reached out to Senator Feinstein and gave her an update about the
23 Campus Plan.

24 MS. AMBROSE: Good. Thank you.

25 MR. FISHER: You're welcome.

1 MS. AMBROSE: I guess that's about all I have for now.

2 CHAIRMAN HOOD: Thank you, Ms. Ambrose.

3 MS. AMBROSE: Oh, actually -- sorry -- one thing. It's
4 for Iain Banks. Is he still --

5 MR. BANKS: I am still here, yes.

6 MS. AMBROSE: Hey, Iain. How are you?

7 MR. BANKS: I'll doing well. Thank you.

8 MS. AMBROSE: Good. Let's see.

9 Again, since my neighbors and I live on Nebraska
10 Avenue, at the intersection of Rockwood and Newark, you can
11 imagine a very busy area already. We were looking at your CTR
12 report and on page 6-46, where you talk about, you have a table
13 there, Table 6.1. It shows the historic annual average daily
14 traffic counts.

15 MR. BANKS: Yes.

16 MS. AMBROSE: And, you know, we were just stunned when
17 it said that Nebraska Avenue, Westward Circle, that between 2008
18 and 2018, that it had declined by more than 17 percent.

19 MR. BANKS: Yes. So, that's over the total of the 10
20 years, and so, annually, it's been about a 2 percent decrease.

21 MS. AMBROSE: It's been how much?

22 MR. BANKS: Just under 2 percent annually.

23 MS. AMBROSE: Uh-huh. Well, I would just like to say
24 something about this because, again, since we live on Nebraska,
25 we know better than anybody what the traffic situation is like.

1 And we went -- we contacted DDOT and we got some information and,
2 first of all, 2010 to 2018 is actually 11 years, as you probably
3 know, and also, for some reason, 2018 was an outlier, it was an
4 anomaly, because it dropped dramatically, but when you look at
5 the prior years, the average works out to about 28,700.

6 And for some reason, 2018 was just much lower. And I
7 actually looked at some of the maps and Chain Bridge dropped from
8 its usual 30,000 to 20,000. So, again, why did you use 2018?

9 MR. BANKS: We used 2018 because that was purely the
10 most recent data that DDOT had for their annual daily traffic
11 volumes. So, we used the most recent data available and then
12 take it back to 2008 to get that 10-year span.

13 MS. AMBROSE: But it's not really 10 years, am I
14 correct? I mean, it's -- that's more like 11 years, from 2008
15 to 2018.

16 MR. BANKS: Well, we could have taken -- if we're going
17 to go into those kind of details, we could take it from 2009, as
18 well, to 2018.

19 MS. AMBROSE: It's just really weird, though, because
20 2018 is a year when the traffic declined both, on Nebraska Avenue,
21 in that section, and also declined on Chain Bridge.

22 And when you look before 2018, it all more like 26,000,
23 27,000, and 28,000.

24 MR. BANKS: Yeah. I mean, I'm not sure if there's a
25 particular reason for that. I, off the top of my head, I can't

1 think if there's any particular changes in traffic patterns or
2 traffic roadway projects that would have affected that area, and
3 that's certainly something we can take a look at and we can
4 certainly ask DDOT, as well.

5 MS. AMBROSE: And when is the data for 2019 going to
6 become available?

7 MR. BANKS: I do not know. That would be a question
8 that we can ask our DDOT representatives.

9 MS. AMBROSE: Okay. Thank you.

10 Okay. I'm through. Thank you.

11 CHAIRMAN HOOD: Okay. Thank you, Ms. Ambrose.

12 Commissioners, it's now a little after 9:00. I want
13 to do an assessment and see where we are. I'm also going to ask
14 Ms. Schellin to look for a third night, because if the third
15 night goes like this night -- and I understand that some of the
16 issues need to be hashed out -- but I will say this to all those
17 asking questions on cross, I allowed a lot of stuff tonight,
18 because I know this is our first hearing -- you're supposed to
19 ask a question. You don't want to give us a dissertation before
20 we get to the question. So, let's get to the question, and that
21 way, they go a lot smoothly, because if something is ever
22 challenged and it goes to court, somebody looking at this record
23 is going to say, whoever the chairman was of that Commission, he
24 just let anything just go on.

25 Typically, that's not how I really have done things and

1 this Commission has not done things like that in the past. So,
2 I would ask you to go straight to the question. I know we're
3 going to have questions of the Office of Planning and also from
4 the District Department of Transportation.

5 I will say this about Mr. Smith and Dr. Kraskin. They
6 had a lot of questions. They did a lot of time, but his stuff
7 was questions, and he didn't give us four sentences before we got
8 to the question. So, I would ask all those who want to do cross-
9 examination, to help us to help you make your case or help
10 convince us why your way is the way that we should try to mold
11 this Campus Plan. Make sure we ask questions. So, enough said
12 on that.

13 Let me open it up to my colleagues and see kind of
14 where you are, because as I was thinking the way the first part
15 went, even if we went to the Office of Planning and DDOT and we
16 did cross, we would go well into twelve o'clock or after hours,
17 and so I would like to have Office of Planning and DDOT and the
18 opposition to ask questions -- or the proponents and the
19 opposition to ask questions on the same day.

20 But let me open it up. Let me start with you,
21 Commissioner May, your thoughts?

22 COMMISSIONER MAY: Yeah, I actually think we're at a
23 reasonable breaking point right now. And I know this could mean
24 that we wind up doing more evenings, but, you know, we've been
25 at this for more than five hours now.

1 And if we could do something and get it done by ten
2 o'clock, I'd say okay, but, you know, everybody has got to go to
3 work in the morning, so that's pretty early. So, I would be up
4 for just stopping now and then continuing next Monday.

5 CHAIRMAN HOOD: Okay. Sounds good.

6 We could go all night and then just switch over to our
7 work at 6:00 in the morning. We'd already be at work, but anyway,
8 let me hear from Commissioner Shapiro.

9 (Laughter)

10 COMMISSIONER SHAPIRO: I agree, Mr. Chairman.

11 I think that makes sense. I think we should just stop
12 here.

13 CHAIRMAN HOOD: Okay. Commissioner Turnbull?

14 COMMISSIONER TURNBULL: I would agree with Commissioner
15 May and Commissioner Shapiro. I think we are at a point, after
16 seeing how the cross is going and how long it is taking, I think
17 -- I don't think -- if we could hear OP and Department of
18 Transportation, that's one thing, but, again, with the cross-
19 examination, that could take us another two hours with that.

20 So, I think we're at a point where it's good to just
21 stop.

22 CHAIRMAN HOOD: Okay. Thank you.

23 Vice-Chair Miller?

24 (No verbal response)

25 CHAIRMAN HOOD: Okay. So, also, again, to my point, I

1 did take the liberty of looking up under our rules, Section Z48.6,
2 being repetitive. There are things in the cross-examination I
3 can't exercise about being repetitive and some other things that
4 come into play, not germane, immaterial.

5 But I try not to do that, because I know for the most
6 part, the questions that are being asked is because people want
7 predictability. They want to understand, even to the point, I
8 gather that Mr. Fisher knows, people are nervous even about the
9 further processing, what to expect. They don't believe in the
10 process, so I believe what Mr. Fisher and the new president and
11 others, they're going to make all of us believers in the process
12 and I'm looking forward to that, because I know it can be done.

13 So, we're going to -- Ms. Schellin, can we get the next
14 date and the time.

15 MS. SCHELLIN: Yes, sir. It's Monday the 29th at
16 4:00 p.m.

17 CHAIRMAN HOOD: Okay. The 29th at 4:00 p.m.

18 COMMISSIONER TURNBULL: Mr. Chair, the only other thing
19 I would add is what was taking us a long time is the system itself
20 where you've asked several people to unmute, mute, mute, mute,
21 and I think we're having problems getting feedback because some
22 people don't know how to operate the system. And so, it's just
23 taking a lot of time for people to get in, ask questions, and
24 then get off.

25 CHAIRMAN HOOD: Okay. I realize that and, you know,

1 we're trying to be as patient as possible, but, again, you can
2 help us by asking questions that are germane to the process that
3 will help us to be helpful to the Commission that will help us
4 as we move along. I think that would help, as well, and getting
5 to the questions.

6 And then as Mr. Turnbull just mentioned, we understand
7 about the technology issues. We have them, too, and we're going
8 to be very patient with that as we proceed and move further.

9 We will start with the Office of Planning and DDOT on
10 the 29th at 4:00 p.m. So, I will not adjourn -- what do I do -
11 - it's after 9:00, I forgot -- okay. I'm not adjourning.

12 COMMISSIONER SHAPIRO: You can continue.

13 CHAIRMAN HOOD: We can just do a continuation.

14 Yeah, thank you, Mr. Shapiro. I had to figure out what
15 I am supposed to do.

16 We'll continue this hearing on Monday, March 29th at
17 4:00 p.m. We can't start earlier because it's been advertised
18 at 4:00 p.m.

19 So, the same Webex, same links you have today, we'll
20 be here Monday the 29th at 4:00 p.m.

21 But I would ask that the Office of Planning and DDOT
22 be ready to start us off.

23 Does that work for everyone?

24 (No verbal response)

25 CHAIRMAN HOOD: Okay. All right. So, with that one,

1 | thank you, and we will continue on that date.

2 | Good night.

3 | (Whereupon, the above-entitled matter went off the
4 | record at 9:15 p.m.)

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: 03-22-21

Place: Teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

A handwritten signature in black ink that reads "Gary Euell". The signature is written in a cursive, flowing style.

GARY EUELL

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