

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

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TUESDAY

APRIL 20, 2021

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

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- PETER SHAPIRO, District Resident
- MICHAEL TURNBULL, Architect of the Capitol Designee
- PETER MAY, National Park Service Designee

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

(4:00 p.m.)

CHAIRMAN HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public meeting by video conferencing. This is a continuation of Zoning Commission Case No. 20-31. This the American University Campus Plan.

My name is Anthony Hood. Joining me this evening are Vice Chair Miller -- this afternoon, Vice Chair Miller, Commissioner Shapiro, Commissioner May, and Commissioner Turnbull. We're also joined by the Office of Zoning Staff, Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations. I will let the previous opening statement be incorporated into this hearing, as this is a continuation.

I will just say, if anyone has any issues, please dial our OZ hotline number at 202-727-5471. Again, 202-727-5471. Again, this is a continuation of Zoning Commission Case No. 20-31.

Ms. Schellin, do we have any preliminary matters before we get started with the ANC's presentation?

MS. SCHELLIN: Just very quickly, the ANC 3D submitted a resolution that accepts the oral testimony that was given by -- I'm sorry. I forgot his name. I remember Chuck. But the oral testimony that was given by --

CHAIRMAN HOOD: Chairman Elkins.

MS. SCHELLIN: Elkins. Yes, Mr. Elkins. And that's

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1 at Exhibit 116. It was, I believe, submitted at seven -- I'm
2 sorry, nine days, where the regs say that it should be followed
3 up in seven days after given. And so they ask the Commission to
4 consider whether they will grant the waiver for the late filing.
5 There is opposition to that, filed by Spring Valley. That is at
6 Exhibit 117. They filed that it was untimely. So you have those
7 two exhibits to consider as preliminary matters.

8 CHAIRMAN HOOD: Okay, thank you, Ms. Schellin.
9 Commissioners, as we've done in the past with all of our frontline
10 leadership of elected officials, ANC commissioners, we take their
11 work very seriously, whether you agree with their comments or
12 not. I think Mr. Elkin's, if I'm not mistaken, and the record
13 will reflect this, if not, I will take it back, but I think he
14 mentioned there was some timing problems with getting that done
15 before he presented it. So I think that was mentioned. I have
16 no problems. I don't -- I'm not persuaded by the argument of
17 the opposition. I think we've done that in the past of accepting
18 ANC commissioners, because of, you know, just they're volunteers
19 and what they do. And I think it warrants out accepting the late
20 submission.

21 Any objections, or any further comments? Okay, so we
22 all agree. We will accept that, and give it -- we will accept
23 that late submission and give it the great weight that it is
24 afforded. And I've already mentioned about the other party's
25 opposition. So I think the record will reflect.

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1 But I'm more -- let me get to where we are tonight.
2 Anything else, Ms. Schellin?

3 MS. SCHELLIN: Just real quickly. One other party,
4 Natalie Ambrose, she tried to submit their testimony this
5 afternoon, and we had to reject it because the regs do require
6 submissions 24 hours prior to the hearing. It is the testimony
7 they plan on using this evening. If the Commission wants to
8 accept that, go ahead and accept that now. It'll give staff time
9 to upload it into the record so that the Commission would have
10 it ahead of time.

11 CHAIRMAN HOOD: Okay. Any objections? I think we
12 could accept that. Any objections? Nothing. No one's prejudiced
13 on that. Okay. So we will accept that as well, Ms. Schellin.

14 MS. SCHELLIN: Okay, thank you. That's it.

15 CHAIRMAN HOOD: Okay. Thank you.

16 Let me go to -- and I appreciate counsel for helping
17 me with the cross-examination, but I think this is very important,
18 especially in this case. I've had to use similar submissions to
19 me to remind me of how it goes, and I want to read it to everyone.

20 Under Subtitle Z-4, 8.5, "Nothing herein shall" -- and
21 this goes to cross-examination to these partisan support
22 opposition, the applicant, ANC, everybody who's going to be doing
23 any cross-examination, "Subtitle Z-4, 8.5, nothing herein shall
24 prohibit the Commission from placing reasonable restrictions on
25 cross-examination, including limitations on scope of cross-

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1 examination by the applicant or parties in support or opposition.
2 Subtitles Z-4, 8.6. A party may cross-examine any other party,
3 individual, or organization representative, except the
4 Commission, provided that the presiding officer may rule a
5 question out of order when it is irrelevant, immaterial, or unduly
6 repetitious, or otherwise outside the scope of cross-
7 examination."

8 And I wanted to read this example.
9 "Witnesses may be crossed about documents, and exhibits, and the
10 record on the basis of the witness's direct testimony about the
11 document, or exhibit, or the witness's involvement in the
12 preparation of the document or exhibit." And there's a lot more
13 to the submissions that have been received. But I will tell you
14 this, at the last two hearings, we've been talking about stuff
15 that happened in 2000/2001, and nobody even commented on it.

16 So I'm going to ask all the parties in opposition and
17 all those in support, and the ANC's as well, let's stick to this
18 case. And I've asked my colleagues in advance. I'm asking in
19 advance that you all help me to make sure we garner, because we
20 need to get the information to help us make the best decision
21 possible as we move forward.

22 So that's my opening statement. And with that, I think
23 we're going to start -- let me open my file here. Give me one
24 moment, please. I believe ANC 3E, Mr. Chairman, our commissioner,
25 Jonathan McHugh, who's the chairman of ANC 3E, I believe, I think

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1 we're starting with you and your presentation to us in the case.

2 So let's bring -- I see Commissioner McHugh is already
3 up, and Mr. McHugh, you may begin. But let me -- before you get
4 started, as we know there's a lot going on in the country. So
5 at 4:30 or so, I've already asked my colleagues if you all could
6 trigger me just before the verdict comes out. This is very
7 interesting to a lot of people in this this Nation and abroad.
8 So wherever we are, we're going to take a few minutes. Don't go
9 nowhere, but we're going to take a few minutes to hear decision.

10 So with that being the order, Commissioner McHugh, you
11 may begin.

12 COMMISSIONER MCHUGH: Appreciate that. Thank you, Mr.
13 Chair.

14 Good afternoon. My name is -- I'm going to read my
15 statement -- is Jonathan McHugh, commissioner of ANC 3E05, the
16 SNV that most of AU is covered by. And I'll be delivering the
17 general testimony for ANC 3E on the 2021 AU Campus Plan.

18 The University and the neighboring communities have
19 evolved for more than a century. Throughout, AU has contributed
20 significantly to the community and its surroundings:
21 economically, culturally, and academically. It is one of the
22 most significant community institutions in upper Northwest. Our
23 house is located in American University Park, so that says a lot
24 about how much of it impacts the local neighborhood.

25 This is both a potential benefit to the community and

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1 a source of potential impacts on it, hence the need for the campus
2 plan to manage those impacts. In contrast to the 2011 campus
3 planning process, a particularly difficult and contentious one
4 if we remember, the 2021 campus plan process has been fairly well
5 (indiscernible). Not without disagreements and vigorous
6 discussions, but one that has adjudicated stakeholder and
7 university concerns by incorporating them into an effective
8 vehicle for resolving those concerns, via collaborative,
9 respectful, and constructive dialogue.

10 The creation, implementation, and refinement of the
11 neighborhood partnership during the past four years, at the
12 behest of the Zoning Commission, and with the support of both the
13 University and the community, including the ANCs involved, 3D and
14 3E, can be wholly attributed to that success.

15 We've had our differences. I don't want to understate
16 that. But in contrast to 2011, we've worked through those
17 differences collaboratively, rather than battle endlessly over
18 them in ANC meetings, CLC meetings, and in front of the Zoning
19 Commission itself.

20 This is not to say that all stakeholders have been
21 satisfied, or even that all of them have chosen to participate
22 in a partnership. Despite many entreaties to do so, and
23 (indiscernible) withdrew after their voter approved participation
24 and had, in fact, participated for over a year, there are a
25 minority of stakeholders who have not participated

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1 (indiscernible), and continue to abstain, despite approving of
2 the idea of a partnership in previous testimony before the Zoning
3 Commission.

4 We earnestly hope these stakeholders reconsider their
5 refusal to participate, because ANC 3E, in theory and
6 application, believes this is the most effective vehicle for
7 engaging the community and the University.

8 The major differences between the 2011 campus plan and
9 2021 plan are the separation of the campus plan from any further
10 processing cases, something we (indiscernible) approve, and the
11 creation and the use of the neighborhood partnership to manage
12 University and community engagement.

13 This has had the effect of both clearly delineating
14 planning from (indiscernible), and imposing a structure of
15 discussing deciding how the plan is applied. The gray areas that
16 characterize in 2011 plan do not exist in this (indiscernible).
17 ANC 3 believes this state of affairs positions both the community
18 and the University to successfully manage development's impacts
19 and contributions the University contemplates during the next ten
20 years, giving community stakeholders both agency and input into
21 those decisions.

22 ANC 3 has submitted a resolution supporting the campus
23 plan, Exhibit 6, which contains a more detailed explanation of
24 that support. I will review briefly the main reasons why we did
25 that here.

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1 This is, again, in contrast to ANC 3's testimony on the
2 2011 plan and necessarily incorporated its views on further
3 processing, the campus plan itself, and the process for
4 discussing the plan, including recommendations.

5 The 2021 plan has no further process. The campus plan
6 has been very vigorously discussed for the past two and a half
7 years, via the neighborhood partnership, which was also the
8 process used for that discussion. Of the areas that we looked
9 at, community engagement, ANC 3 has participated in the creation,
10 implementation, and operation of the neighborhood partnership,
11 and believes it to be an effective and equitable vehicle for the
12 University to engage with the community.

13 It stands in stark contrast to the previous state of
14 affairs, which were ridden with confusion, mistrust, and
15 ineffectiveness. (Indiscernible), both the University and
16 stakeholders were pitted against one another.

17 The partnership is a tremendous improvement. ANC 3
18 wholeheartedly supports the continuance and enhancement of it.

19 For facilities, and this is related strictly for ANC
20 3, many of the facilities contemplated in ANC 3 in the 2011 plan,
21 campus plan, were constructed over the past ten years. The 2021
22 campus plan does not contain any plans to construct significant
23 facilities 3E would be impacted by in the next ten years.

24 And housing, 3E supports the 67 percent requirement for
25 on-campus student housing, in line with what the neighborhood

1 partnerships supports. Recognizing that the Frequency apartment
2 building on Brandywine Street in the middle of Tenleytown in 3E
3 is counted towards that requirement, we consider the Frequency
4 unique and that it is located in Tenleytown Center, within a
5 block of the Metro station, convenient to major bus routes,
6 including the AU shuttle bus, and near many community amenities.
7 This mitigates its impact on the surrounding community.

8 We also recognize the need for housing. We've had this
9 discussion in other cases, particularly affordable housing and
10 the possibility of displacing housing by using existing buildings
11 to meet the 67 percent requirement. We are wary of supporting
12 additional off-site housing, especially if it is located in the
13 nearby community, but acknowledge the University's plan to add
14 500 on-campus beds in the 2021 plan is a clear and concrete
15 affirmation that they will endeavor to meet their 67 percent
16 requirement via on-campus building.

17 Enrollment. As detailed in the resolution and detailed
18 more -- vis-à-vis the change in zoning regulations regarding
19 enrollment counts, ANC 3 supports the overall enrollment cap of
20 14,380 students and a cap on the Tenley campus, as part of
21 previous agreements, of 2,000 students.

22 In our 2011 testimony, we supported the idea of an
23 undergraduate enrollment cap, which we do not now, preferring to
24 evaluate the impact student enrollment has on the surrounding
25 community versus an arbitrary enrollment cap. The existence of

1 the neighborhood partnership makes this a far more tenable
2 possibility than during the 2011 campus plan.

3 Transportation. Also detailed in the resolution, ANC
4 3 supports the campus plan's transportation section with several
5 stipulations in its stated data and goals. Since the -- and this
6 is detailed in their resolution. Since the 2011 plan, AU has
7 made great strides in creating and implementing a modern
8 transportation management plan, or TMP, that focuses on
9 minimizing single occupancy vehicles and providing a diversity
10 of modalities in order to go to and from the campus.

11 The 2021 plan endeavors to build on those successes,
12 which ANC 3 wholly supports. We also support the 3,000-space
13 parking cap in service of those schools.

14 Neighborhood relations. In the 2011 testimony, ANC 3
15 noted a number of neighborhood relations problems it was having
16 with current and graduated American University students in ANC
17 3, as well as its frustration with AU's inability to manage them.
18 We have not had similar incidents since then, but are optimistic
19 even if we do, that via the Neighborhood Partnership Student Life
20 Working Group, if they arise, we will have a functional mechanism
21 for resolving those issues.

22 We also support the proactive approach the partnership
23 and the University are using to ensure incidents and situations
24 don't happen again. And I have to emphasize that we feel much
25 more confident in this campus plan than we did with the last, of

1 AU being able to handle the impacts of neighborhood relations
2 with the students.

3 In conclusion, ANC 3E has found the 2021 campus plan
4 process has been a far more constructive and effective one than
5 ten years ago, and we hope that augurs well for the next ten
6 years. The creation of the neighborhood partnership, while a
7 significant undertaking to stand up, has been a tremendous boon
8 in the creation of the plan, and we hope the Zoning Commission
9 agrees with and endorses its continued role as a centerpiece for
10 implementing it. Thank you.

11 CHAIRMAN HOOD: Thank you, Chairman McHugh. Let's see
12 if we have any questions or comments. Commissioner May? Okay.
13 Commissioner Shapiro? Commissioner Turnbull? And Vice Chair
14 Miller?

15 VICE CHAIRMAN MILLER: No. Thank you for your
16 testimony, Mr. McHugh.

17 CHAIRMAN HOOD: Okay. Commissioner McHugh, I will say,
18 it really sounds like in your testimony that there's been a lot
19 of progression in a positive way.

20 COMMISSIONER MCHUGH: Yes.

21 CHAIRMAN HOOD: So the next commission, ten years from
22 now, I hope to hear even more positive of what I've heard in your
23 testimony, even though you mentioned, you know that there are
24 some issues, but it's going in a positive direction, and we're
25 up to AC3 and others to keep it going in that positive direction

1 from your view. So thank you.

2 Let's see if we have any -- does the applicant -- I'm
3 not sure if we can bring -- Mr. Thomas, do you have any cross-
4 examination, AU?

5 MR. THOMAS: No cross.

6 CHAIRMAN HOOD: Okay. AU neighborhood partnerships,
7 Troy Kravitz, do you have any cross?

8 MR. KRAVITZ: No cross, sir.

9 CHAIRMAN HOOD: Okay. ANC 3D, Chairman Elkins, do you
10 have any cross?

11 CHAIRMAN ELKINS: No, we do not.

12 CHAIRMAN HOOD: Okay, concerned neighbors. Ms.
13 Ambrose, do you have to cross? I'll come back to Ms. --

14 MS. AMBROSE: I'm sorry.

15 CHAIRMAN HOOD: Okay, no problem. Do you have any
16 cross questions?

17 Ms. AMBROSE: No, I do not. Thank you.

18 CHAIRMAN HOOD: Okay. Thank you. Ms. Horwitz, do you
19 have any cross?

20 MS. HORWITZ: I do not.

21 CHAIRMAN HOOD: Okay, Mr. Kirkpatrick, do you have any
22 cross?

23 MR. KIRKPATRICK: No cross from Westover. Thank you.

24 CHAIRMAN HOOD: Okay. Thank you. Neighbors for Livable
25 Community, Ms. Gates, do you have to cross?

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1 MS. GATES: I do have a question, and it has to do with
2 hearing about how much better this situation is. Can you flesh
3 that out a little bit for me, please?

4 COMMISSIONER MCHUGH: Sure. The last one, it was very
5 chaotic in the sense that a lot of the discussions were actually
6 so -- happened somewhat at the ANC, but a lot of it happened at
7 the Zoning Commission hearing itself, without a lot of background
8 on what was being discussed. And that was somewhat frustrating
9 for 3, that we didn't have a framework for working within all
10 this to understand exactly what was involved. Partly that was
11 the further processing, but partly that was that we didn't really
12 have a good vehicle for discussing all the various issues that
13 we had to opine.

14 MS. GATES: I think it's I think it's the acrimony
15 piece. It's the acrimony piece that I'm --

16 COMMISSIONER MCHUGH: I'll give an example, so. Sorry.

17 MS. GATES: Were you part of the campus plan process
18 before?

19 COMMISSIONER MCHUGH: No, I was not. I discussed it
20 with those who were --

21 MS. GATES: Okay. So how can you make that judgment?

22 COMMISSIONER MCHUGH: I read through the testimony and
23 I also spoke with the other commissioners who were -- are left.

24 MS. GATES: So it's sort of based on hearsay.

25 COMMISSIONER MCHUGH: Well, if I'm talking directly

1 with a commissioner, I don't think that's necessarily hearsay.

2 MS. GATES: I'm sorry?

3 COMMISSIONER MCHUGH: I'm talking directly to a
4 commissioner who was involved, I don't think that's necessarily
5 hearsay. That's what he passed along to me, and also reading
6 through the testimony of the commission hearings. Sorry, I
7 interrupted.

8 MS. GATES: Thank you. I just find it curious and I
9 know I'm testifying, I'm sorry. So --

10 CHAIRMAN HOOD: So, Ms. Gates, if you know you're doing
11 it, Ms. Gates, come on now. You know you're doing it. So if
12 you have another question, you go ahead. But if you -- you said
13 yourself, I know -- if a judge looks at that and said -- they're
14 going to say, "Why did the Chairman -- she told them that she's
15 testifying." So --

16 COMMISSIONER MCHUGH: Well, Mr. Chair, I mean, I can
17 give a quick example, if you'd like that --

18 CHAIRMAN HOOD: Well, no let Ms. Gates -- no, let Ms.
19 Gates ask the question. If she wants an example, Ms. Gates can
20 ask for one. So Ms. Gates, ask a question. Don't testify,
21 please.

22 MS. GATES: Well, give me -- I guess I will say give
23 me an example of acrimonious behavior in the campus plan process,
24 this latest campus plan process.

25 COMMISSIONER MCHUGH: Okay. You mean in the latest

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1 one? Sure. Where the buildings were going to be, and how --
2 the size and massing of the buildings in the sense of the broad
3 placement of and how tall they were going to be. That was
4 discussed a lot within the working group for --

5 MS. GATES: As an ANC commissioner, don't you think -
6 - well, as an ANC commissioner, don't you feel that your
7 constituents should be asking those kinds of questions? It's
8 their property that's affected?

9 COMMISSIONER MCHUGH: Oh, I absolutely agree. That's
10 why the working groups were open to anyone. And they could opine
11 on what they thought the locations and the massing of the
12 buildings were. The same thing with the transportation parking,
13 which I was a co-chair of. We wanted to get as many people as
14 possible involved, so they could have an input into what we were
15 talking about. I don't think that was the case with the previous
16 plan.

17 MS. GATES: Haven't most of the partnership discussions
18 taken place in small groups rather than out in the community,
19 where you would actually hear feedback from the community?

20 COMMISSIONER MCHUGH: I'm not sure what that -- what
21 you mean small groups? The working groups themselves or that we
22 should go into the community somewhere and --

23 COMMISSIONER SHAPIRO: Mr. Chair, if I may, I --

24 CHAIRMAN HOOD: Yes.

25 MS. GATES: I'm sorry. I don't understand what you

1 don't understand.

2 CHAIRMAN HOOD: Ms. Gates, hold one second.
3 Commissioner Shapiro?

4 COMMISSIONER SHAPIRO: Thank you. It's clear we're -
5 -

6 MS. GATES: Say that again.

7 COMMISSIONER SHAPIRO: Ms. Gates, I was addressing --
8 this is Commissioner Shapiro. I was addressing a question to the
9 Chair. Apologies for interrupting, and I wanted to address the
10 Chair on process.

11 It's pretty clear where Ms. Gates is going. This does
12 not feel cross. This feels like a difference of opinion about
13 how to approach community engagement. And I would as that we
14 move to another question if Ms. Gates has a question.

15 CHAIRMAN HOOD: Okay. Thank you, Commissioner Shapiro.

16 Ms. Gates, I'm going to rule that an order. I would
17 ask that you bring some relevancy to any other questions back to
18 what we're talking about here today.

19 MS. GATES: I'm finished. Thank you.

20 CHAIRMAN HOOD: Thank you. Okay. Let's go to -- okay,
21 Mr. Smith. I'm sorry, yeah.

22 MR. SMITH: Thank you, Mr. Chairman. Thank you, Mr.
23 Chairman. It's a relief not to be the first to have to cross
24 examine.

25 CHAIRMAN HOOD: Well, let me just say this. As I

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1 thought about that, and that was not intentional, Mr. Smith,
2 because I thought about others. I want to give them an
3 opportunity too. I noticed in the past two, you had the most
4 questions. And we try to be try to be fair, so that's why we're
5 doing it this way. So I appreciate you all -- everyone's
6 indulgence. So you may begin.

7 MR. SMITH: Thank you. I just have a few questions,
8 and they relate to the resolution, the ANC resolution that Mr.
9 McHugh referenced in his testimony. I just want to double check
10 on the master lease issue that you raised. AU has indicated that
11 it would support OP's master lease condition. Does that address
12 your concerns about master leases?

13 COMMISSIONER MCHUGH: Yes, I think one of the
14 commissioners during the discussion we had was -- showed a lot
15 of reservations for that. And I think we would agree with OP.

16 MR. SMITH: Also, isn't it correct that none of the
17 main campus is located within ANC 3E boundaries? Did you say
18 that? I just want to double check that.

19 COMMISSIONER MCHUGH: Is this the main campus plan or
20 the campus plan? So, no, but --

21 MR. SMITH: I'm asking you about the main campus. Is
22 any of the main campus located within ANC 3E boundaries?

23 COMMISSIONER MCHUGH: Not the main campus? No. The
24 Tenley law school is.

25 MR. SMITH: You also say in the resolution -- you

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1 acknowledge that no ANC 3D residents will be directly impacted
2 by the new development that's proposed in the plan, but then you
3 make reference to indirect effects without specifying what those
4 might be. Could you highlight what you consider to be some of
5 the indirect effects?

6 COMMISSIONER MCHUGH: Sure. There might be traffic
7 effects. There might be effects of students going back and forth
8 in terms of pedestrian traffic or bike traffic. There could be
9 parking effects if it's not properly managed. So there could be
10 indirect effects that aren't necessarily associated with the
11 building, like the Tenley law school, it's directly in our ANC.

12 MR. SMITH: Also, the resolution mentions student
13 conduct, and you made reference to some of the, you know, to the
14 last campus plan process and the like, where student conduct was
15 a pretty significant issue, and as I recall, that was really
16 raised by 3E. That was an issue, particularly at 3E.

17 Do you do you feel that the University -- we haven't
18 heard anything about student conduct so far in this. Do you feel
19 that the University has handled that now well and that that's no
20 longer anything we need to be concerned about with respect to
21 being an objectionable condition?

22 COMMISSIONER MCHUGH: I would say no, it's not an
23 objectionable condition in the sense that we've had anything like
24 the fairly significant issues we had in the previous campus plan.
25 But I don't -- also I'm not naive to think that that couldn't

1 happen again. So we think that the systems put in place, the
2 structure should be able to handle it, especially after a lot of
3 the work that Commissioner Hawkins did in creating a student
4 handbook and how they have to really be cognizant of what our
5 expectations are as a community. But I'd have to see, you know
6 -- we haven't seen that in a long time.

7 MR. SMITH: Great. Great. Thank you. The -- you
8 mentioned -- you made reference to the parking maximum. Under
9 the under the plan that's being proposed, is there any requirement
10 for AU to provide a specific number of parking spaces?

11 COMMISSIONER MCHUGH: No, there isn't. I mean, they
12 have max 3,000, but with DDOT and OP, they're generally going
13 with maxes versus minimums, we feel confident that they can meet
14 their -- not have an impact -- an objectionable impact on the
15 community with no more parking spaces, like they have now. But
16 if they do that, there's a structure where we can, as a community,
17 step in and say, "You need to fix this," if there is.

18 MR. SMITH: And what -- well, two related questions as
19 a follow up to that. When you were assessing the plan, did you
20 consider the potential for more student parking in the
21 neighborhood? And a direct follow-up with what you said, what
22 is this process that you would -- that would be used to address
23 this problem if parking turned out to be an issue for your
24 constituents over in AU park?

25 COMMISSIONER MCHUGH: Well, it's two part. I mean,

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1 part of it -- one is the proactive approach of the good neighbor
2 policy of ensuring that if students do park in the neighborhood,
3 that the University holds responsible for doing so and punish -
4 - there's a consequence for doing so. And if they do, that there
5 is a vehicle -- the transportation parking working group, where
6 they can bring it to the University and say this is an issue.
7 You need to fix this within the campus plan itself. So we feel
8 between those two things we can manage if they do, if there is a
9 problem.

10 MR. SMITH: And given that, do you feel that there's a
11 need for the CLC at all?

12 COMMISSIONER MCHUGH: I think the CLC is a good
13 organization for -- a good body for hearing concerns from
14 neighbors and community members if they haven't participated in
15 working groups or the partnership itself, which is a little more
16 involved, in that they can come to the CLC and work with issues
17 they have with the university and raise them. And possibly if
18 there's a larger issue, they can bring it to working groups, and
19 (indiscernible) committees, and things like that, the partnership
20 itself.

21 So I think it's a good body for listening and getting
22 the neighborhood's opinion and thoughts.

23 MR. SMITH: Mr. Chairman, I only have two more
24 questions, but I'm also cognizant of the fact that it's 4:30. So
25 do you want me to stop or continue?

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1 CHAIRMAN HOOD: No, I have -- no, I think we're going
2 to continue until they get ready to announce the verdict. So
3 we're going to keep going.

4 MR. SMITH: Okay, thank you. My next to last question
5 has to do with the Tenley campus. I mean, the way -- given the
6 way that AU counts figures, their student count, you could
7 actually have more than 2,000 students on the Tenley campus. Is
8 that a concern that you have at all, Mr. McHugh?

9 COMMISSIONER MCHUGH: I don't. I'm not sure if they
10 would be able to do that under the -- I mean, the way -- you're
11 talking about non-student numbers. It's possible, but they have
12 yet to exceed I want to say 1,200 on that campus right now. So
13 I'm confident of it.

14 But frankly, if they do create (indiscernible) impacts,
15 then I feel like there's a vehicle for us to resolve that with
16 them, if that's a possibility. So that's -- you make a good
17 point. I'd have to look into it a little farther about whether
18 the 2,000 can be exceeded with their irregular students, but I
19 feel confident that we could resolve even if they did.

20 MR. SMITH: Okay. Thank you. My last question. Did
21 ANC 3E vote at a public meeting to challenge the party status
22 application of the Spring Valley (indiscernible) Citizens
23 Association?

24 COMMISSIONER MCHUGH: Well, let me make clear what I
25 submitted. It wasn't a challenge to the party status. It was

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1 raising some concerns about it. So I was not challenging party
2 status of anyone. So that's new information that came to us
3 recently. And we just wanted to make sure the Zoning Commission
4 was aware of it. We're not challenging anyone's party status.

5 MR. SMITH: Is that something that was voted on publicly
6 by the ANC, by ANC 3D?

7 COMMISSIONER MCHUGH: It was not. It was done under
8 the aegis of me speaking for ANC?

9 MR. SMITH: Thank you very much, Mr. McHugh. I
10 appreciate it.

11 CHAIRMAN HOOD: Okay, thank you both. Let's keep it
12 moving, and I would ask, again, my colleagues, anyone -- as soon
13 as the announcement, please just interrupt whomever and we will
14 hear the announcement, hear the verdict, and then about five
15 minutes after that, we will come back.

16 Let's go to party in support. I'm not sure how much
17 time. I don't think it's a whole lot, but I will be on an honor
18 system, unless Ms. Schellin knows exactly what the time is. But
19 I'm sure -- we're going to do the honor system. That's what
20 we're going to do. No, I better now. Ms. Schellin, how much
21 time --

22 MS. SCHELLIN: Fourteen minutes for each party.

23 CHAIRMAN HOOD: Okay, 14 minutes for each party. Okay.

24 MR. KRAVITZ: I'm showing the party in support
25 requested 15 minutes, but we will try and get under 14. That's

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1 fine.

2 MS. SCHELLIN: Yes, because you shared your time with
3 the party, with the applicant, and he went over. So the
4 Commission graciously gave all of the parties 14 minutes.

5 MR. KRAVITZ: Okay, we will work with what we got.

6 CHAIRMAN HOOD: Okay.

7 MS. SCHELLIN: Thank you.

8 CHAIRMAN HOOD: So, Mr. Kravitz, let's go ahead with
9 the AU neighborhood partnership.

10 MR. KRAVITZ: Thank you. And interrupt me at any time.

11 Greetings, Chairman Hood, Vice Chair Miller, and
12 members of the Zoning Commission. I'm Troy Kravitz, neighborhood
13 co-chair of the American University Neighborhood Partnership,
14 here to urge your support for the applicant's proposed campus
15 plan.

16 The idea for the partnership came from Tom Smith and
17 Jeff Kraskin in 2016. At 1107F, they decried the CLC as a meeting
18 of quarterly reports.

19 The founding organizations of the partnership included
20 groups that have in the past both supported and opposed American
21 University's plans. What they had in common, though, was a desire
22 to build a better, more functional, more proactive, more
23 responsive, and more cooperative relationship between the
24 University and its neighbors.

25 The partnership is composed of five working groups and

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1 an overarching steering committee. Each working group is made
2 up of community members, leaders of neighborhood organizations,
3 and senior staff at the University. Partnership discussions are
4 not meetings of quarterly reports. No, they are roll up your
5 sleeves meetings. Problems are identified. Context and
6 background are learned. Solutions are proposed. In the spirit
7 of compromise, understanding and a continued relationship in
8 which both sides can count on the other for a fair hearing of
9 concerns.

10 I'm going to digress for a moment, Ms. Schelling. There
11 are four other people that will be speaking on behalf of the
12 partnership if you wanted to queue them up in the meantime.
13 Continuing.

14 The partnership has been active. There have been 58
15 partnership meetings, attended by 71 different people.
16 (Indiscernible) term there have been 773 people meetings. The
17 average attendee participated in 11 meetings. So this really was
18 a fulsome and, frankly, burdensome undertaking by the community.

19 Working group members were recruited from the broader
20 community. Most of those members are from the community, but
21 each partnership group also has key AU decisionmakers involved
22 from the start. AU's CFO serves as my co-chair on the steering
23 committee.

24 Extensive outreach, bordering on cajoling, extended to
25 those people who gave birth to the partnership idea, but are now

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1 here bemoaning its existence. We tried our best to bring those
2 on the outside inside. We wanted their involvement and their
3 perspectives. Some came inside, some still didn't.

4 The partnership is fully open to the public. All
5 partnership meetings include publicly disseminated agendas,
6 summaries, and presentation materials. They're all right there
7 on the campus planning website, uploaded almost in real time.
8 Steering committee members are publicly identified, again, right
9 there on the campus planning website. FAQs, the terms of
10 reference, and the ground rules for the partnership are also
11 there.

12 There have been three more Planning 101 sessions and
13 three special meetings of the CLC. The partnership also presented
14 before the ANC and engaged with elected officials and the public
15 at these meetings. These CLC meetings and ANC discussions helped
16 guide the partnership during the campus plan's evolution.

17 The five working groups have different specific areas
18 of focus. Each is led by a neighborhood co-chair, annually
19 selected by the neighborhood members of the working group, and a
20 co-chair from the University senior staff.

21 Each group met many times during the development of the
22 campus plan. The culmination of these meetings was the
23 establishment of the consensus campus plan before you now. Each
24 working group was asked whether the draft plan had obtained their
25 consensus.

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1 The partnership worked through many issues, both large
2 and small. I'll briefly touch on a few of them here. The
3 partnership consciously chose not to pursue an undergraduate
4 enrollment cap with the University. We talked about a few options
5 relating to a cap, including using a moving average. But then
6 we realized we were thinking about enrollment all wrong. The
7 problem was not with bald numbers, it is with negative impacts.
8 Instead of trying to get those impacts indirectly through a cap,
9 we approached the issue head on.

10 We responded by creating processes to prevent
11 objectionable impacts from happening in the first place, and then
12 thinking through what structures are needed to deal with those
13 impacts effectively when they do happen. To this end, the
14 partnership updated the Good Neighbor Guidelines and the Student
15 Living Guide, an online training module, that students need to
16 take before moving off campus, was created and the in-person off
17 campus housing orientation program was expanded.

18 The University administration will be more present in
19 the community too, increasing their visits to the major apartment
20 buildings where students commonly reside. For traffic and
21 parking, we dramatically expanded the number of intersections
22 studied as part of the CTR.

23 The Facilities Planning Working Group helped decide
24 which potential buildings should be removed from consideration,
25 and what the size, use, and siting of the remaining potential

1 development options should be. Potential buildings on the hill
2 at the center of campus, where the Child Development Center is
3 currently located, and on the corner of Nebraska and New Mexico
4 were removed from consideration entirely. These are made at the
5 behest of the neighbors engaging with the planning process. The
6 partnership as a whole agreed.

7 For the potential development sites that remained, the
8 partnership worked to establish massing and siting that worked
9 best from the community's perspective, while still fulfilling the
10 University's needs. This generally meant reducing the size and
11 scope of the potential buildings included in the campus plan.

12 Potential buildings became set back further from the
13 edges of campus. Floors were removed and vegetative buffers were
14 expanded. The proposed building, closest to Westover, had two
15 floors removed until it was left shorter than the townhomes just
16 over the wall. Proposed student life activities removed from the
17 ground floor of this section of the building, and the proposed
18 buffer was increased. On the corner of Rockwood and Nebraska,
19 the proposed buildings were shrunk, set back further from the
20 street, and groves of trees were added between the buildings and
21 the street. The proposed residential building there was split
22 into two buildings, had a floor removed from each, and had its
23 corner shade shaved off to create a softer approach from the
24 entrance on Rockwood.

25 The proposed residential building beside the Center for

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1 Athletic Performance was pulled away from the surrounding
2 community. It is now tucked in between the proposed cap and
3 existing buildings on the adjoining Wesley Seminary property.
4 Only a narrow sliver of the building remains facing University
5 Avenue, and even that is inset another 75 feet from the end of
6 the cap.

7 The partnership championed these changes at the behest
8 of the neighbors engaging with the planning process. The final
9 outcomes didn't satisfy everyone, but the University worked
10 cooperatively and fairly with the community to greatly improve
11 the campus plan development sites before you. The partnership
12 and its body of work stands here before you in support of the
13 campus plan. At this point, I'd like to turn to some of the
14 neighborhood representatives here virtually beside me to speak a
15 little more about the partnership experience. We'll start with
16 Jerry Gallucci, to be followed by John Wheeler, William Clarkson,
17 and Tony Jaconi.

18 MR. GALLUCCI: My name is Jerry Gallucci, and I live
19 in Westover place, directly behind the wall with AU. In 2011, I
20 opposed the building now, just 75 feet from my bedroom. I
21 ticketed and put money into the pot to hire a lawyer. I would
22 have preferred a parking lot to anything AU wanted. But today's
23 partnership process of which I became a part was nothing like the
24 2011 conflict. This surprised me.

25 When the Westover board president at the time asked me

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1 to represent Westover back in 2019, I recommended against us
2 remaining a member. I didn't trust AU, and expected the same
3 bullying tactics that it used in 2011. But I did join the
4 Partnership Facilities Working Group, and found that things had
5 changed with a new a new AU leadership team. AU was ready to
6 work with neighbors and respond to our issues without the combat
7 of 2011.

8 I met regularly with Westover residents along the wall,
9 coordinated with the board. I was a member in 2020, and took
10 our concerns to the facilities group on which a second Westover
11 board member also served. During our work over months, AU
12 listened, responded, and compromised on key issues. No new
13 residents, which was part of their first proposal, but an admin
14 academic building, setback and green buffer as we got in 2011,
15 reduction in the size of the building and step down of the levels
16 as they approached our wall so they were no higher than our homes,
17 confining student life to the front of the building.

18 Thus, the Westover board in 2020 agreed to join the
19 neighborhood consensus, supporting the overall plan, while
20 reserving our specific concerns about a possible building 15, to
21 work out in any further processing. I believe working with AU
22 in the partnership before plans reached zoning will help them
23 too. Let me add that the building behind my home has turned out
24 to be okay. I even get a lovely reflected sunrise in the morning,
25 and AU has been a good neighbor.

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1 Thank you for your attention.

2 MR. WHEELER: Chairman Hood and members of the
3 Commission, my name is John Wheeler. I live at 4304 Yuma Street,
4 which is a little over one block from the Tenley campus, and a
5 short walk from the main campus.

6 As you've heard me say before, I have been impressed
7 with how American University, which I consider to be a good
8 neighbor, has continued to become a better neighbor. Even
9 opponents of this plan have agreed. Examples: whenever American
10 University builds a new building, the green space grows. This
11 is because new buildings replace parking lots instead of green
12 space. The Katzen Art Center, which has continued to be a venue
13 for local art, as well as some of the finest art in the world,
14 that was made available to it when the Corcoran Museum closed.

15 Since the last campus plan approval process, the
16 Tenleytown Main Street was created. American University has
17 taken a leadership role in Tenleytown Main Street, recognizing
18 Wisconsin Avenue in Tenleytown as American University's Main
19 Street. Finally moving into law school to Tenleytown, near the
20 Metro station, has greatly increased foot traffic in Tenleytown,
21 while reducing traffic and parking at the American University
22 Spring Valley Building, where the law school formerly was.

23 Thank you.

24 CHAIRMAN HOOD: You're losing very precious minutes.
25 Well, seconds, I should say.

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1 MR. KRAVITZ: You may g, you may go if William is not
2 a -- Tony. Tony, go ahead.

3 MR. CICCONE: I will go ahead. I'm Anthony Ciccone
4 with the Fort Gaines Citizens Association, and I've lived in this
5 section of American University Park for some 33 years now, since
6 1988. Because our president, Hunt Licacia (ph) is unavailable
7 tonight, he asked me to briefly summarize why we support the AU
8 campus plan.

9 (Indiscernible) other communities, Fort Gaines also
10 shares a wall with AU, lying just north of its Nebraska Avenue
11 dorms and near the Katzen Arts Center on Mass Avenue. Yet despite
12 our close proximity to the University, I view Fort Gaines as an
13 American University Park success story, and I think it can serve
14 as an example or model to others.

15 We're a neighborhood of small, two-story homes with
16 many longtime residents, some like me, 30 years or more. And
17 one reason people stay, I believe, is because of the vitality AU
18 brings to the neighborhood, like the Katzen Center with its art
19 shows, and the Bender Library and OLLI lifelong learning classes.

20 Instead of adopting a not in my backyard mindset, Fort
21 Gaines members actively joined the neighborhood partnership in
22 an effort to foster a win/win approach to AU development.

23 For example, by rolling up our sleeves and getting
24 actively involved in the Transportation and Parking Working
25 Group, which I'm currently co-chair, we collaborated with AU to

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1 enhance its good neighbor policy, redo transportation to advance
2 strategies, and establish procedures to mitigate potential
3 traffic issues.

4 Likewise, the Partnership's Data and Metrics Working
5 Group, of which Hunt is co-chair, is establishing mechanisms by
6 which to monitor implementation of the 2021 campus plan
7 throughout his tenured term. Having learned the lessons of the
8 2011 campus plan, and its needlessly adversarial approach to
9 urban planning, we heeded the Commission's advice and forged a
10 true partnership with AU to develop a consensus-based and
11 mutually acceptable plan.

12 In conclusion, I believe AU is a world class
13 university, a good neighbor, and a vibrant asset to the entire
14 AU Park community. We should applaud its efforts to foster true
15 grassroots involvement in developing this plan with neighbors
16 like us, who choose to live by this great college.

17 Thank you.

18 MR. CLARKSON: Chairman Hood and Commissioners, my name
19 is William Clarkson, and I want to thank you for the opportunity
20 to testify today. I'll be brief and will reference my written
21 testimony to make this short.

22 Last year, I served as a community co-chair of the
23 Partnership's Facilities Planning Working Group, which held 13
24 meetings with 176 total attendees between March 2019 and October
25 2020. We believe the campus plan currently before the Commission

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1 is an accurate reflection of our efforts in collaboration.

2 CHAIRMAN HOOD: Thank you, Mr. Clarkson. The time is
3 up.

4 MR. CLARKSON: Okay.

5 CHAIRMAN HOOD: This party has had the 14 minutes. I'm
6 sorry that I have to be the bad guy. Because I can tell you, if
7 I go to other parties and I let you go a few moments, but I will
8 let you give us your closing thought. Once --

9 MR. CLARKSON: Closing thought. Last sentence. I
10 thought this process worked. It is working, and it is incredibly
11 important that we keep the partnership going, and we continue the
12 good work that has been done as we get to further processing.

13 Thank you.

14 CHAIRMAN HOOD: Okay. Thank you. And again, as you've
15 stated, we will read your testimony, and I want everyone to know,
16 whoever gets caught under the clock, you will have the same
17 opportunity for the last sentence as Mr. Clarkson.

18 MR. CLARKSON: I appreciate it, Mr. Chairman.

19 CHAIRMAN HOOD: So we're going to be consistent and
20 we're going to be fair across the board.

21 All right. Let me just say, Mr. Gallucci, I appreciate
22 all the testimony I heard, but Mr. Gallucci -- hopefully I'm
23 pronouncing your name correctly, your testimony struck me,
24 because you said you hired a lawyer, and you were against what
25 went on in 2011 right behind your house, and here you're back.

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1 It reminds me of so much stuff in this city. Here you
2 are back now saying you get a nice reflection. So, you know,
3 there are a lot of good outcomes. While we don't see them while
4 we're doing it, and you are a true testimony to some of the good
5 outcomes that we just sometimes give some things a chance. So I
6 really appreciate your testimony. I appreciate all the testimony
7 that I'm hearing, especially this group and all the groups. But
8 that, to me, really stood out, because you were dead set against
9 it, and here you are a couple of years later, talking about how
10 great it was. So I think that's important. So I just want to
11 make that note.

12 Let me see if my colleagues have any questions of the
13 panel. Commissioner May? Commissioner Shapiro? I'm sorry,
14 Commissioner Turnbull? Okay. Vice Chair Miller?

15 VICE CHAIRMAN MILLER: No questions, Mr. Chairman. I
16 just wanted to thank Troy Kravitz and members of the partnership
17 for all their long hours and hard work on the partnership in
18 reaching this point.

19 CHAIRMAN HOOD: Okay, let's do our cross-examination.
20 Does the applicant, Mr. Thomas, do you have any cross?

21 MR. THOMAS: No cross.

22 CHAIRMAN HOOD: Okay. I almost called you, Mr. Kravitz,
23 but you can't cross yourself.

24 Chairman Elkins, do you have any cross?

25 COMMISSIONER ELKINS: No, Mr. Chairman.

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1 CHAIRMAN HOOD: Chairman McHugh, do you have any cross?

2 COMMISSIONER MCHUGH: No, I don't.

3 CHAIRMAN HOOD: Ms. Gates, do you have any cross?

4 MS. GATES: Yes. I have cross for all of them. And
5 this is now to Troy.

6 In your March 19th submission, there is reference to
7 an overarching AU partnership steering committee. Who are the
8 members of that steering committee?

9 MR. KRAVITZ: I believe they're online. It's the six
10 -- it's the designated representatives from the six founding
11 organizations, the ANC commissioners that are adjacent to campus,
12 and it is the community co-chairs for each of the individual
13 working groups. Oftentimes, that's just someone from the
14 community. And then it was equal parts of AU: senior
15 representatives of AU. So the AU community -- the AU, co-chair
16 of each working group, and senior representatives of AU.

17 I believe that's online, but I can point you in that
18 direction.

19 MS. GATES: Thank you.

20 MR. KRAVITZ: Indeed, Ms. Gates, the full 2020 steering
21 committee roster is available on the AU campus planning website
22 for your reference.

23 MS. GATES: Okay. Does the steering committee make the
24 decisions or function as a facilitator for the working groups?

25 MR. KRAVITZ: I'm not sure the relationship works that

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1 way. I'll say what I said in July before the ANC, and probably
2 again in September, because I tend to repeat myself before the
3 ANC 3D. The way it's worked has been a ground up -- bottom-up
4 process, and the discussions have mainly happened in the working
5 groups.

6 There is an AU senior staff co-chair and there's a
7 neighborhood co-chair in the working group, and most of the
8 members of the working group come from the community. Now, these
9 discussions happen there, and they try and reach some sort of
10 agreement. They get rid of the bad ideas, they keep the good
11 ideas, and they iterate, iterate, iterate. The co-chairs then
12 report up to the steering committee, and they let the steering
13 committee know how the discussions are going, how the working
14 group meetings are happening, and then the steering committee
15 evaluates all of that kind of holistically together.

16 MS. GATES: So you're -- Troy, you're on mute.

17 MR. KRAVITZ: Yes, I finished my statement.

18 MS. GATES: I'm sorry, you were on mute for part of
19 your answer, but I'm going to move on.

20 Is the partnership considered the community
21 representative on the steering committee?

22 MR. KRAVITZ: No, it does not function that way. The
23 partnership is the overarching organization. The steering
24 committee is the steering committee. And the five working groups
25 are kind of the workhorses. They -- the steering committee and

1 the five working groups together are the partnership.

2 MS. GATES: Was the co-chair of the partnership
3 position ever brought to the community or the CLC for a vote,
4 and who established that position and made the choice of community
5 co-chair?

6 MR. KRAVITZ: So the members of the steering committee
7 choose their own community co-chair, just like the members of the
8 working group choose the working group co-chair from the
9 neighborhood.

10 In this case, I was not the initial community co-chair.
11 It was Claire Clanak (ph), who was the president of the Westover
12 Place board at the time. She was the initial chair of the
13 steering committee. She subsequently relocated to Pennsylvania.
14 There was an absence, or there was a vacancy in the co-chair,
15 and the community members, not AU. AU has nothing to do with
16 any of this. The community members selected me to be the co-
17 chair for the steering committee for the next term, next year.

18 MS. GATES: Does your submission state the zoning
19 commission spoke about getting to where the Georgetown Community
20 Partnership is just tailored for a different community, did the
21 zoning commissioners ever state that the role or function of the
22 CLC should be diminished or replaced by the partnership?

23 CHAIRMAN HOOD: No, and I can't quote offhand right
24 here, but I'm sure we can find the references, as you wish. I
25 believe the tenor of the commission was that they wanted something

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1 that works, whether that was the partnership, whether that was
2 the CLC, or whether that was Sesame Street. They wanted something
3 that worked. In this case, it turns out to be the partnership,
4 in my opinion.

5 MS. GATES: Well, you know, I've heard about -- today,
6 we've heard about the acrimonious atmosphere, and what I'm not
7 clear on, Troy, is whether that acrimony was coming from the
8 University or the community, because according to Jerry Gallucci,
9 it was coming from the University.

10 MR. KRAVITZ: Yeah, as I didn't testify to that --

11 MS. GATES: I'd like to hear your opinion.

12 MR. KRAVITZ: I didn't have any testimony on that. I
13 have not stated anything to that.

14 MS. GATES: What?

15 MR. KRAVITZ: If you're asking me to speculate, I guess
16 I can, but I don't see how it's in the interest of the Commission
17 right now.

18 MS. GATES: Well, we've heard it from almost every
19 person.

20 MR. KRAVITZ: Sure. I'll take the bait. I think --

21 MS. GATES: You talked about an acrimonious atmosphere.

22 MR. KRAVITZ: Sure. I believe blame is widespread,
23 frankly, and I think that there is a lot of fault on both sides.
24 I think that some portions of the community did not engage in
25 good faith for a very long time. And I think the University

1 enabled that through bad decisions on their part, quite frankly,
2 that further emboldened that type of engagement. And it
3 ultimately did not help the broader community, and it made things
4 that are largely dysfunctional. It took a lot of work to rebuild
5 trust between the University and the community, and it hasn't
6 extended everywhere, of course. So the short answer is both
7 sides, in my opinion.

8 MS. GATES: Okay. A recent article in the AU Eagle
9 noted that the University accepted 38 percent of applicants, or
10 7,526 students for the class of '24. Now, that does not mean
11 they've all accepted, but the invitation has been put forward.
12 Doesn't the campus plan application state that the University
13 wants a maximum of 14,380 students, including 2,000 law students
14 over the ten-year campus plan period?

15 MR. KRAVITZ: Yes. Yes, it does. And I don't see how
16 those statements are at all compatible.

17 COMMISSIONER SHAPIRO: Mr. Chair, I'm not quite sure
18 how I see that as cross?

19 CHAIRMAN HOOD: Ms. Gates, I'm going to -- I was going
20 to let it go, Commissioner Shapiro, but when she said the
21 newspaper, and I -- if nobody said anything, I would probably let
22 it go, but I would agree. I'm going to rule that question out
23 of order. Let's go to the next question pertaining to the case,
24 not what was printed in a newspaper or the American Eagle. As
25 long as it's germane to his testimony or the testimony was given

1 by the folks who just spoke. Thank you, Ms. Gates.

2 MS. GATES: Well, if all the 7,526 selected applicants
3 accept their place at AU, you wouldn't more than half the ten-
4 year cap be met? How will the partnership handle student
5 enrollment in the future if the University exceeds its enrollment
6 cap?

7 MR. KRAVITZ: I'm not really going to engage in
8 hypotheticals here, but I will say that our focus has been --
9 and our assumption is that the university will abide by its
10 proposed cap. That is our expectation. So they need to manage
11 their business, and their acceptances, and their matriculations
12 in order to conform with the cap. There doesn't seem to be much
13 wiggle room from our view there.

14 That said, our focus has been from the outset on
15 managing the impacts of students, and we will continue to do that
16 regardless of the number of students, the number below the cap
17 that the University is.

18 MS. GATES: Troy, for some reason, your microphone
19 keeps getting muted.

20 MR. KRAVITZ: Yes, I'm muting it when I'm not speaking,
21 but I can leave unmuted. You'll just hear me shuffling papers
22 periodically.

23 CHAIRMAN HOOD: Let me just let me interject. Mr.
24 Kravitz, I appreciate what you're doing, because that causes less
25 background noise. So once you've finished speaking, continue to

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1 mute. But he can still hear you, Ms. Gates. But we mute because
2 the rest of us, sometimes we get feedback. So once we finish
3 speaking, you mute. Like when I'm finished speaking, I'm getting
4 ready to mute.

5 MS. GATES: Thank you, Mr. Chairman. But maybe it
6 takes a while for Troy's speech to catch up with his lips, but
7 they appear to continue moving after he stops speaking. I have
8 two more very brief questions. Does the partnership favor a hard
9 cap on student enrollment?

10 CHAIRMAN HOOD: The partnership's position is that we
11 support the proposed enrollment cap of I believe it's 14,380
12 students total, including 2,000 sub cap for the Tenley campus,
13 and a 67 percent bed allotment requirement.

14 MS. GATES: I'm talking about a cap that would be put
15 as a condition of approval in the campus plan. Does the
16 partnership favor that?

17 MR. KRAVITZ: The partnership has taken the position
18 that we are in favor of a 14,380-person cap, modulo a few numbers
19 if I got them wrong there. 14,380-person cap with a 20 percent
20 sub cap for Tenley campus, and a 67 percent bed requirement.

21 MS. GATES: And my last question is to your knowledge
22 has Don -- I'm speaking to you as a former ANC commissioner,
23 please. To your knowledge, has Don Edwards has been working with
24 ANC 3D?

25 MR. KRAVITZ: No, I do not believe Don Edwards has been

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1 working with ANC 3D, and I'm saying that as a ANC 3D commissioner
2 until the beginning of June.

3 CHAIRMAN HOOD: Okay. Thank you, Ms. Gates. Oh, I
4 thought you were finished.

5 MS. GATES: Thank you, Troy. No more questions.

6 CHAIRMAN HOOD: Okay, thank you. And, Ms. Gates, I
7 understand you -- we are allotting for the delay. I understand
8 you're getting a delay. I don't know if others are. I'm not
9 getting a delay, at least not from Mr. Kravitz. But we
10 understand, and we are -- we know how this technology works. So
11 you're probably getting a delay, so I understand that. So we
12 will continue to be mindful as we proceed.

13 Let's go to Westover Place, Kirkpatrick.

14 MR. KIRKPATRICK: Yes, the first set of questions would
15 be for Mr. Kravitz.

16 COMMISSIONER SHAPIRO: Mr. Chair, I think the verdict
17 is being announced right now.

18 CHAIRMAN HOOD: Okay. All right, let's take a 5 -- 10-
19 minute break.

20 (Off the record)

21 CHAIRMAN HOOD: Everybody, if they can hear me, if you
22 can come on back, if you are near your computer, if we can come
23 on back.

24 Just give everybody a second. If you can hear my voice,
25 please come on back so we can continue. I thank everyone for

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1 their indulgence as we listen to the verdict.

2 Okay. I think -- Mr. Kirkpatrick, are you back?

3 MR. KIRKPATRICK: Yes, I am, Commissioner Hood.

4 CHAIRMAN HOOD: Okay. You had some cross?

5 MR. KIRKPATRICK: I do, indeed. First to Mr. Kravitz.
6 There's no question, is there, Mr. Kravitz, that Westover has
7 been a big supporter of the partnership from the beginning.

8 MR. KRAVITZ: Absolutely.

9 MR. KIRKPATRICK: And there's no question that Westover
10 views American University as a great neighbor, a world class
11 university, just as some of the other witnesses have indicated.

12 MR. KRAVITZ: I cannot speak to that.

13 MR. KIRKPATRICK: In fact, it was Westover was one of
14 the founders of the partnership, isn't that correct?

15 MR. KRAVITZ: Yes, perhaps I misunderstood. I believe
16 you asked me if Westover was a big supporter of American
17 University, if that's what you -- I answered that question. If
18 you instead asked me if Westover was a big supporter of the
19 partnership, they absolutely have been. They've been an integral
20 part, and they've been involved very deeply from the beginning.

21 MR. KIRKPATRICK: And the first head of the partnership
22 was, in fact, a board member from Westover. Is that not true?

23 CHAIRMAN HOOD: Mr. Kirkpatrick, I'm trying to figure
24 out what you're trying to establish. If you want us to know
25 whether or not Westover was part of the partnership or was

1 involved, we got that.

2 MR. KIRKPATRICK: Okay, no that -- I understand,
3 Commissioner. I simply wanted to bring out, because now Westover
4 is obviously opposing the partnership, what the -- it doesn't
5 involve any acrimony or any hostility towards AU. That was the
6 only point I was trying to make.

7 But if the goal of the partnership was to have a
8 consensus among the key players, it's clear that (indiscernible)
9 does not exist, at least with respect to Westover and a couple
10 of the other members of the partnership, isn't that true?

11 MR. KRAVITZ: I don't think that's an accurate
12 characterization. As we said, the consensus that Westover
13 appeared to reach was in June. But more importantly, Westover
14 members attended 38 of the partnership meetings. Westover board
15 members attended 28 of them themselves. So they were integrally
16 involved in the drafting of the campus plan framework, and the
17 transition of that into the campus plan proposal, and have been
18 active participants throughout that process. To indicate that
19 they didn't support it at the time seems not in fitting with the
20 facts at the time. Contemporaneous facts.

21 MR. KIRKPATRICK: Well, I'll discuss that more in a
22 minute. But it's clear that Westover is very affected by anything
23 that happens on east campus, right?

24 MR. KRAVITZ: Yes, I believe that's correct.

25 MR. KIRKPATRICK: There's almost a 1,000-foot border

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1 with American University, and there's student traffic, hundreds
2 of students a day coming past both exits and entrances that
3 Westover has. So --

4 COMMISSIONER SHAPIRO: Mr. Chair, respectfully, this
5 feels much more like testimony than cross.

6 CHAIRMAN HOOD: Okay, Mr. Kirkpatrick, if you can go
7 straight to the question without the introduction in the past, I
8 think that would be helpful.

9 MR. KIRKPATRICK: Okay. Would it surprise you to know
10 that Westover is extremely disappointed that it has to take party
11 status again?

12 MR. KRAVITZ: No, it wouldn't surprise me.

13 MR. KIRKPATRICK: I mean, all that time that you
14 described was so that Westover wouldn't have to do what it's
15 doing now in terms of attending the hearings, sending letters in
16 opposition. I mean, isn't this why Westover joined it to try to
17 keep what's happening now from happening again?

18 MR. KRAVITZ: All I can say is that there has been
19 significant turnover in the Westover board, and I think that
20 different board members are entitled to different opinions, and
21 that's what we have here.

22 MR. KIRKPATRICK: But isn't it true that the board of
23 directors speaks for the -- for homeowner's association, it's the
24 board approval that counts when you're talking about support of
25 Westover?

1 MR. KRAVITZ: I'm not familiar with how you guys arrange
2 to have official representation, but, yes, we take -- the
3 partnership or whomever, I assume, would take guidance from the
4 board and that was the case in June, and that's been the case
5 throughout the summer, and it was the case in November and
6 December and still today.

7 MR. KIRKPATRICK: Are you aware of the letter that was
8 sent to you as part of the record responding to Mr. Gallucci on
9 the issue of whether he had authority to join the partnership on
10 behalf of Westover? I mean, join the consensus on behalf of
11 Westover?

12 MR. KRAVITZ: I'm aware of the contents of that letter,
13 yes.

14 MR. KIRKPATRICK: And doesn't one of the -- well,
15 doesn't the letter say that the board never, in fact, approved
16 any plan, nor was ever any plan presented to the board for
17 approval?

18 MR. KRAVITZ: I don't know how to assess that. It also
19 -- I do know it does not say that the board approved the plan.
20 It also does not say that the board disapproved the plan or
21 anything like that. The letter -- it seems to be written in a
22 way that it's capable of satisfying different masters.

23 MR. KIRKPATRICK: Well, doesn't it say clearly and
24 consistently over the last several years, the board has objected
25 to parts of the plan concerning site 15 and the partnership is

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1 not an -- has not been approved by the Westover board?

2 MR. KRAVITZ: The Westover representatives have
3 continually voiced concerns, issues that they wanted to monitor
4 going forward, again, not incompatible with a support for going
5 forward, not -- having those having those concerns still there,
6 it does not mean they couldn't go forward. And that was the
7 approach that the Westover members, members, plural, had taken.

8 MR. KIRKPATRICK: Well, that is not what the letter
9 says, though. It doesn't -- I mean the board says it didn't join
10 the plan. It didn't join the consensus.

11 CHAIRMAN HOOD: Mr. Kirkpatrick, this is really unduly
12 repetitive. We get that, the letters. We understand where you're
13 going. But I think we're really getting repetitive here. So if
14 you could kind of go beyond that. We know where Westover is.
15 You all are a party in opposition, so we get that. So if you
16 can move to the next question, that'll be an order.

17 MR. KIRKPATRICK: Okay, I guess the question I would
18 ask is the reason -- is it fair to say that the reason why
19 Westover is opposed is that so many of the concerns that have
20 been expressed have not been responded to by American University?

21 MR. KRAVITZ: Personally, I don't think that's the --
22 reasonable interpretation. But I'm not here to speculate on why
23 Westover has chosen the actions they've taken.

24 MR. KIRKPATRICK: But what concessions have been
25 granted to Westover in this negotiation process? We've heard

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1 from other --

2 MR. KRAVITZ: Sure. I testified to two of them. In
3 particular, two floors were lopped off the building immediately
4 adjacent to the Westover wall, and student life was removed from
5 that section of the building.

6 Now, your letter speaks of building 15 as one building,
7 but in fact, there's three parts of it. And the partnership has
8 always approached it as three separate parts. There's the part
9 of the building that faces Nebraska Avenue, there's the part of
10 the building that faces Massachusetts Avenue, and there's the
11 part of the building that abuts the wall between Westover and AU
12 --

13 COMMISSIONER SHAPIRO: Mr. Chair, may I interrupt Mr.
14 Kravitz? Mr. Chair, I'd go back to your point, which is that
15 that this is not cross. I hear loud and clear where Mr.
16 Kirkpatrick's coming from, but I don't think he needs to figure
17 out how to put those words through Mr. Kravitz's mouth.

18 CHAIRMAN HOOD: Okay, I will rule that in order. So
19 let's move to the next question. And Mr. Kravitz, I would ask
20 you just answer the question. We appreciate all the history,
21 knowledge, and all the background, but I think the courts, and
22 what I've been reading, just answer the question, and we can stop
23 right there.

24 MR. KIRKPATRICK: Isn't it true that the Westover
25 representative expressed concern about underground parking?

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1 Hasn't that been repeatedly expressed as a major concern of
2 Westover?

3 MR. KRAVITZ: Consistently, yes.

4 MR. KIRKPATRICK: And isn't that something that's never
5 been removed from the plan. I think Mr. Gallucci advocated that,
6 board members advocated that. I think that's something that's
7 never been removed from the plan, even after that communication
8 was made to American --

9 MR. KRAVITZ: No, it has not been removed from the
10 plan, but it's not Westover's place to dictate. The point is
11 there was a fulsome discussion about it, and an understanding of
12 what would be the conditions under which underground parking
13 would be there, and an agreement that it would be considered as
14 a potential in further processing. Nonetheless, throughout this
15 entire process, Westover's representative has engaged very
16 actively in being concerned about that.

17 MR. KIRKPATRICK: And yet, since it hasn't been
18 removed, is it unreasonable for the board to take a position that
19 it needs to have party status to protect the Westover residents?

20 MR. KRAVITZ: I believe the board's position in the
21 fall was that it had these concerns that it would take up in
22 further processing.

23 MR. KIRKPATRICK: But further processing is not a way
24 to deal with a condition, that objectionable condition. I mean,
25 if the board -- if the Commission approves that plan with a 400-

1 person, two level underground garage --

2 COMMISSIONER SHAPIRO: Mr. Chair, I'm sorry to
3 interrupt again. I understand your point, but it's not cross-
4 examination.

5 CHAIRMAN HOOD: Mr. Shapiro, you are exactly correct.
6 Mr. Kirkpatrick, please phrase it differently. Again, that
7 introduction and that analysis before we get to the question,
8 let's cut those two things out, and let's get straight to the
9 question and cross-examine on his testimony, or whoever's
10 testimony -- whoever spoke.

11 MR. KIRKPATRICK: Well, another point that I believe
12 was made in Mr. Kravitz's testimony was that there was a
13 concession of having it be non-residential loose. But isn't it
14 true that that was something that American University was going
15 to do all along? It had been talked about as a signature
16 building. You wouldn't have a dormitory as your signature
17 building, isn't that correct?

18 MR. KRAVITZ: I don't believe that's accurate at all.

19 MR. KIRKPATRICK: And you mentioned the idea that there
20 would be a reduction in the number of stories next to Westover,
21 but isn't that something that happened in the last time? Wouldn't
22 AU have had to do that anyway just to be consistent with the
23 battles that happened last time to reduce it to two stories?

24 MR. KRAVITZ: I think it's likely that AU would be able
25 to foresee strong neighborhood opposition to a large building

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1 adjacent to the wall and very easily accept something that's
2 smaller adjacent to the wall, which is what happened.

3 MR. KIRKPATRICK: But you, in your testimony, said that
4 the two stories would be less than the height of Westover; isn't
5 that correct?

6 MR. KRAVITZ: That is my understanding.

7 MR. KIRKPATRICK: But in the last plan where that
8 concession was made, it was the Meyers Building, that's two
9 stories, as part of the last plan. But isn't that, in fact,
10 higher than a Westover townhouse?

11 MR. KRAVITZ: I'm not sure of the details offhand.

12 MR. KIRKPATRICK: It's possible, though, that AU has a
13 different measure of stories than a residential story; isn't that
14 possible?

15 MR. KRAVITZ: I would expect the AU stories to be larger
16 than a residential story, but two stories even at 10 feet a story
17 is likely shorter than three stories, up to 40 feet in our zoning.

18 MR. KIRKPATRICK: Okay. And you're also aware that the
19 building is on an uphill slant, the parking lot where this
20 construction would go is on an uphill slant. Isn't that correct?

21 MR. KRAVITZ: Topography not unknown to me.

22 MR. KIRKPATRICK: Okay, I believe those are all the
23 questions I have at this time.

24 Thank you.

25 CHAIRMAN HOOD: Okay. Thank you, Mr. Kirkpatrick.

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1 MR. KIRKPATRICK: I have questions of Mr. Gallucci,
2 however.

3 CHAIRMAN HOOD: Oh, okay. Go right ahead.

4 MR. KIRKPATRICK: Mr. Gallucci, are you there?

5 CHAIRMAN HOOD: Yeah. He's shaking his head, he's
6 there. Let the record reflect he's there.

7 MR. KIRKPATRICK: Since you made the statement, Mr.
8 Gallucci, that that the board did join the consensus, isn't it
9 correct that you received a correction to that statement from the
10 board?

11 MR. GALLUCCI: What I know is that the board in 2020,
12 in consideration of the campus plan, which we spoke about in the
13 board, and I can introduce the minutes of these meetings into the
14 record if the Zoning Commission would find it useful. In May, I
15 raised the campus plan, and urged the board members to review it,
16 because we were going to be dealing with the question of the
17 consensus, joining the consensus in June. And in June, we
18 discussed it, and there was some vigorous debate, because there
19 was at least one member of the board who has shared a very, very
20 strong opposition to almost anything that AU wanted to do. And
21 we also discussed, however, that Westover benefited from having
22 AU as a good neighbor, as a vibrant and sustainable institution.

23 It was in the middle of COVID. We were already -- we
24 were also concerned about COVID and the impact on AU, as well as
25 us. The board never voted, because the person, the president who

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1 was seeking a vote to oppose joining the campus plan did not have
2 sufficient votes. So in effect, the board reached a consensus
3 to join the consensus.

4 And I know you have made the statement, the charge that
5 I was the solo operator, that I didn't have authority. And
6 clearly, the board this year has a different position. But last
7 year, when I was a member of the board, we reached a consensus
8 to join the neighborhood consensus, and I introduced into the
9 record, and the Zoning Commission has that, two documents which
10 make this clear.

11 One is the bulletin sent to Westover residents, which
12 is reflected in the June minutes that this was going to be done.
13 And if you don't mind, I'll just read it. "To facilitate the
14 direction of the 2021 campus plan, the University has worked with
15 their neighbors through constructive dialog and compromise. For
16 the last two and a half years, Westover board members and
17 residents have attended community meetings and also served on the
18 AU neighborhood partnership and the Community Liaison Committees.
19 These committees have included other neighborhood groups,
20 stakeholder" --

21 COMMISSIONER SHAPIRO: Mr. Gallucci? Can I have one
22 quick second, Mr. Chair? I have to say I'm not even quite sure
23 what question he's answering at this point.

24 MR. GALLUCCI: I'm answering the question about whether
25 the board approved finding the consensus, and this document makes

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1 it clear they did.

2 COMMISSIONER SHAPIRO: Okay.

3 CHAIRMAN HOOD: Let me just remind everybody. We're
4 here because the president of American University has submitted
5 pursuant to Title X, 101, special exception review and request
6 for approval of American University 2021 campus plan. I want to
7 shift you back to that.

8 You all are taking us to the -- I have been to the
9 Westover meeting. I have been to the ANC meeting. I will tell
10 you that the -- it's all right to ask one or two questions if
11 you're trying to discredit somebody's testimony, that's perfectly
12 normal. I also have been flagged, and I want to make sure that
13 we know that during cross examination that you will have an
14 opportunity to present your case and evidence during your
15 presentation. You don't have to do that in cross-examination.

16 There are five commissioners. As I spoke -- what we're
17 here for, let's get it back to that. Tell us how it's going to
18 be impactful, if there are any problems, or how great it is. But
19 all of this who showed up at the meeting, what time they got
20 there, I can tell you right now, I'm going to tell you the truth,
21 it's very irrelevant to our process.

22 You can ask one or two questions to that, but stay on
23 tune for the campus plan. That's what's going to help us make
24 our decision. If you don't, we're going to take it for ourselves.
25 You all are the ones that are most impacted. You all live right

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1 around there. You know what's going on. So tailer your questions
2 to zoning issues. Please. You may continue.

3 MR. GALLUCCI: Let me just finish that by saying that
4 the board did join the consensus because of the work that we did
5 with AU, which is reflected in the campus plan, which gives us a
6 good place to be when we go into the further processing phase on
7 matters such as parking and the specifics of building 15.

8 MR. KIRKPATRICK: Mr. Chairman, I would just ask one
9 more question, because I'd have to correct that by Mr. Gallucci.
10 That your position, Mr. Gallucci --

11 CHAIRMAN HOOD: Mr. Kirkpatrick, you know what? As a
12 statement I just read, when you get ready to have your
13 presentation, that's really the time to correct it, not during
14 cross examination.

15 MR. KIRKPATRICK: That's fine, Commissioner, I
16 understand what you're saying. I will be glad to do it during
17 our presentation in opposition. Thank you.

18 CHAIRMAN HOOD: Any other questions, Mr. Kirkpatrick?

19 MR. KIRKPATRICK: I will save the points we want to
20 make for our presentation in opposition. Thank you.

21 CHAIRMAN HOOD: And that's the appropriate time. Thank
22 you.

23 Now let me go to -- who have I missed? Well, I know
24 one party. Hold on one second, please. There it is. Ms.
25 Horwitz, do you have any cross?

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1 MS. HORWITZ: Yes. Thank you very much. Most of my
2 questions are going to be directed to Mr. Kravitz, although I
3 invite anybody else to answer if it's more appropriate. Mr.
4 Kravitz, you testified that the focus of the partnership is on
5 managing impacts from students. Do you recall that testimony?

6 MR. KRAVITZ: To that effect, yes.

7 MS. HORWITZ: Does that management of impact from
8 students include managing the impact of noise?

9 MR. KRAVITZ: Yes, all aspects associated with students
10 being there, with the University being there.

11 MS. HORWITZ: Is the partnership also focusing on the
12 objectionable impacts associated with non-student behavior?

13 MR. KRAVITZ: Sure. Staff, faculty, presence of the
14 University, absolutely.

15 MS. HORWITZ: So you gave a couple of examples, I think
16 it was you, about some of the improvements that have been put in
17 place to try to mitigate impacts. And I recall, too, and they
18 both seem to relate to student behavior. The first was you
19 testified that there were revisions to the student handbook.
20 Would those revisions to the student handbook materially address
21 the adverse impacts of non-student behavior?

22 MR. KRAVITZ: No, I don't believe so.

23 MS. HORWITZ: And similarly, you mentioned, and it may
24 be a great program, we haven't seen it. I don't think it's been
25 submitted yet. You mentioned that there was work done on student

1 orientation materials, as well, to try to teach students how to
2 be good neighbors, and residents, and the like. The same
3 question, would that work address the adverse impacts associated
4 with non-student behavior?

5 MR. KRAVITZ: No, ma'am.

6 MS. HORWITZ: Thank you. Now, has the partnership
7 tried to create processes that prevent objectionable
8 (indiscernible) acts from happening in the first place? I think
9 that was either written or spoken. Is that kind of the goal?

10 MR. KRAVITZ: Yes, that is that is a thrust of the
11 partnership.

12 MS. HORWITZ: So what specific action has the
13 partnership taken or recommended to create processes that prevent
14 objectionable noise from Jacobs Field since the partnership
15 became operational in 2018?

16 MR. KRAVITZ: I'm not quite sure how to answer that,
17 but we have expressed an interest, and your client is well aware
18 of my involvement in having the University alter their proposed
19 conditions around the continued use of Jacobs Field. Your client
20 will remember that you initially proposed conditions that she
21 didn't think were proper. And I personally agreed, both as her
22 ANC representative and as the co-chair of the neighborhood
23 partnership.

24 The Partnership Steering Committee took that issue up
25 with our counterparts, our AU counterparts on the steering

1 committee, and those conditions -- the proposed conditions were
2 changed to reflect what your client and what I, personally, and
3 others thought were more appropriate.

4 MS. HORWITZ: I appreciate that. Do you recall what
5 the original proposed conditions were that the partnership helped
6 to massage and improve?

7 MR. KRAVITZ: I would characterize it as sloppiness,
8 in my opinion. There was a little bit of -- it was talking about
9 changes to the conditions that would take effect. You could you
10 could read the proposed conditions to be changes that would take
11 effect before a sound wall was constructed, and the partnership
12 and your client, didn't think it was appropriate to be talking -
13 - to have alternative conditions take effect prior to a sound
14 wall being constructed.

15 So I think it was that interpretation was possible the
16 way it was written before. I cannot say as to whether or not
17 the applicant intended it to be read that way, but I think it
18 could be read that way. And I think, like your client, that that
19 was inappropriate.

20 MS. HORWITZ: Has the partnership made any other
21 recommendations to ask for or review any sound studies or
22 recommendations of noise experts that were performed by AU sound
23 experts or otherwise to fully evaluate this issue?

24 MR. KRAVITZ: We haven't gotten into that. So we are
25 familiar with the Miller Beam studies and some of the others. I

1 say we, I say me and at least a few others that I'm aware, are
2 familiar with those. We did the -- when this issue started
3 arising more formally, which I guess is probably in about
4 September, we did ask AU counterparts as to whether or not there
5 was -- pre-COVID times, of course, whether or not there was
6 occasionally non-compliant sound. And Mr. Dower said, yes, that
7 sometimes AU sound exceeded what it should. So we tried to gather
8 that information already.

9 MS. HORWITZ: Well, do I understand your testimony that
10 you haven't actually had an opportunity, and by you, I mean the
11 partnership, not you personally, but that you haven't had the
12 opportunity to review all of the Miller Beam analysis to
13 understand the degree of the problem, the frequency, the type of
14 problem. Is that correct?

15 MR. KRAVITZ: Yeah, I think that's correct, but I don't
16 think that that was -- that is our objective. I think that that's
17 really for further processing and for the acoustical experts to
18 discuss those matters themselves. I mean, we're here to weigh
19 in on what works for the community, what works for the University,
20 not necessarily which sound study is more credible than another.

21 MS. HORWITZ: Now, I've also seen in your written
22 submissions, I'm not sure whether you mentioned it or not, that
23 the partnership has tried to devise measurable goals to use to
24 monitor the campus plan implementation process and success. And
25 there are references to measurable data to monitor campus plan

1 performance. And I'm referring specifically to the written
2 testimony, which was filed twice, most recently as Exhibit 109.

3 So are any of these measurable goals and measurable
4 data analysis designed to evaluate noise level on the University
5 campus and how they impact neighbors?

6 MR. KRAVITZ: Well, this is really more of a process.
7 And the testimony, I believe, said that the Data and Metrics
8 Working Group is working to devise ways to measure campus plan
9 implementation. It didn't really -- I figured that was sufficient
10 in the interest of time.

11 MS. HORWITZ: I'm sorry. I think I lost some of your
12 sound. I just want to make sure I understand. So has the data
13 and metrics working group defined what would be an acceptable
14 level of noise on the property at 4710 Woodway Lane after the
15 wall is built? Has it defined with metrics what will be success
16 after an acoustic wall is built?

17 MR. KRAVITZ: No, that's actually one of our points,
18 we think that a lot of this talk around Jacobs Field was premature
19 and that the partnership's view, and I'll summarize it my way.
20 This is not

21 COMMISSIONER SHAPIRO: Mr. Chair?

22 CHAIRMAN HOOD: Commissioner Shapiro.

23 COMMISSIONER SHAPIRO: Yeah, you know, I get Ms.
24 Horwitz's -- my experience of this is Ms. Horwitz is making her
25 case for Mr. Kravitz. I -- you know, I'm hearing where she's

1 coming from, and I imagine this is going to come out in her
2 testimony. You know, I think she's very skillful at working it
3 through Mr. Kravitz, but it just doesn't feel like cross, Mr.
4 Chair.

5 CHAIRMAN HOOD: Okay. Ms. Horwitz, you've heard my
6 colleague's opinion, so I would ask you to govern yourself
7 accordingly, because if he's saying it, it's not helpful to him.
8 So make sure that we can give, as he mentioned. So make it
9 helpful to us. And I know, like he said, you're skilled at it.
10 So I know you know how to do it. Thank you.

11 MS. HORWITZ: I will certainly try. Mr. Kravitz, the
12 campus plan, which the partnership has endorsed, includes
13 language which says that AU plans to, and I'll quote, and then
14 I'll ask you the question, "To allow for greater access to the
15 field for a wider range of uses than are currently permitted
16 under the conditions of zoning commission order 1107." And that's
17 a reference to what its intentions are after the acoustic wall
18 is built. Does the partnership have any understanding as to what
19 the greater access and wider range of uses are that AU is
20 attempting to acquire after building the wall?

21 MR. KRAVITZ: That would depend on the success of the
22 wall. The partnership's position has been that the parties,
23 primarily the Hickory Hill estate residents and AU, should be
24 able to basically reach agreement on what would be permitted
25 after construction of a wall that satisfies these constraints.

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1 So the applicant can get understanding that, okay, we need to
2 achieve X, Y and Z. And the Hickory Hill residents say that
3 okay, achievement of X, Y and Z will allow greater public school
4 use. The partnership thinks that would be a reasonable way to
5 go forward.

6 MS. HORWITZ: Thank you. And I think you meant to say
7 Woodway Lane instead of Hickory Hill, am I right? Yeah.

8 MR. KRAVITZ: I'm familiar with the sign on the front
9 gates, that's all. Is it 4710 -- 4701?

10 MS. HORWITZ: 4710 Woodway Lane. Well, does the
11 partnership have any current concern about the use of amplified
12 sound on Jacobs Field, and whether any limits should be imposed
13 on the use of amplified noise?

14 MR. KRAVITZ: At present, while the sound is not
15 compliant, the University should be taking steps to make sure
16 that all sound on that field is compliant with the existing
17 regulations. After construction of the wall, it's premature to
18 say what should be allowed and not allowed, unless we know what
19 the wall will achieve. And demonstrate that it does achieve what
20 it set out to do.

21 MS. HORWITZ: Exactly. Thank you. So does the
22 partnership at this point have any additional recommendations for
23 the Zoning Commission about what kind of mitigation efforts
24 should be undertaken or imposed until the wall is actually built?

25 MR. KRAVITZ: I don't think I have a deep enough

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1 understanding to recommend to the Zoning Commission what steps
2 they should take.

3 CHAIRMAN HOOD: Ms. Horwitz, I'm just trying to figure
4 out, why did you ask Mr. Kravitz that question?

5 MS. HORWITZ: Oh, because the applicant has proposed
6 the continuation of all existing 1107 conditions with respect to
7 Jacobs Field, and the partnership has endorsed the plan as
8 proposed.

9 So I was exploring whether or not there was any greater
10 clarity as to what kinds of conditions should be in place in that
11 interim period. And that was why.

12 CHAIRMAN HOOD: Okay. All right. I'll be frankly
13 honest, I don't (indiscernible). I don't necessarily get it, but
14 I'll allow that question, because I really don't understand the
15 nexus, but anyway, you can continue.

16 COMMISSIONER SHAPIRO: Can I, Mr. Chair? Ms. Horwitz,
17 I just can't tell you how many times I've heard you say that you
18 believe that the partnership has not represented your client's
19 interest in this process. Right? I'm hearing you loud and clear
20 over and over again. So how could this not be, Mr. Chair, unduly
21 repetitious?

22 I hear you loud and clear that you believe that the
23 partnership has not represented your client's interests.

24 CHAIRMAN HOOD: So, again, Ms. Horwitz, I would ask
25 that you would just govern yourself accordingly. Sometimes it

1 takes us a minute, we get a lot of information, but we do catch
2 on. So we got it.

3 MS. HORWITZ: I am winding up. I don't have too many
4 more. And I hear I hear the concern. With respect to the
5 acoustic barrier, has any information been submitted by American
6 University to the partnership that establishes where that wall
7 is going to be built?

8 MR. KRAVITZ: I don't recall offhand. Sorry. I'm not
9 trying to dodge. I just don't recall.

10 MS. HORWITZ: No, that's fine. Right. And has any
11 information been submitted to the partnership by the University
12 that described the length or height of the contemplated acoustic
13 barrier?

14 MR. KRAVITZ: I have in my head 15 feet and 300 or 360
15 feet, but I'm not at all sure where that came from. It could be
16 from your client. It could be from the University. It could be
17 completely fictitious. I don't know. I do have that information
18 in my head.

19 MS. HORWITZ: But as far as you know, has the
20 partnership received any non-public information about its plans,
21 AU's plans for what the acoustic barrier will look like or where
22 it will be?

23 MR. KRAVITZ: No, I'm not aware of any at all.

24 MS. HORWITZ: Okay.

25 MR. KRAVITZ: I'll elaborate just for 30 seconds. I

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1 believe there was initially talk about the wall being adjacent
2 to the properties that are at the top of Woodbay, and it has
3 subsequently been refined down to just adjacent to your client's
4 property, you know, where that restriction or that shrinking came
5 from.

6 MS. HORWITZ: Thank you. That's an issue that we have.
7 And this may be my last question, I'm hoping. Is the partnership
8 envisioning itself as being responsible for monitoring the
9 implementation of the campus plan?

10 MR. KRAVITZ: No, I don't think it's our job to monitor
11 the implementation, but I think it's our job to create structures
12 and have the University do the monitoring, and anyone else who
13 wants to, and provide those data to us to evaluate whether there
14 is -- whether it's meeting its objectives.

15 MS. HORWITZ: Thank you. That's all I have.

16 CHAIRMAN HOOD: Okay. Thank you. I was going to go
17 to Ms. Ambrose, but I see she stepped away. Let's go to Mr.
18 Smith.

19 MR. SMITH: Thank you, Mr. Chairman. If -- I'm going
20 to make references to the partnership and it's -- my questions
21 are related to your testimony and the filings that you've
22 referenced in the testimony. But if I use the word you, please
23 don't take it personally. It's not you. I mean, the partnership.
24 I just want to put that out up front.

25 In in the partnership's filing, it says that AU's plan

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1 meets the -- and it's in quotes, "the community's desire for
2 certainty." And I'm wondering if you could share with us what
3 certainty or predictability is actually in this plan for
4 neighbors?

5 MR. KRAVITZ: Well, what we set out to do is have the
6 University -- and I'm going to answer this, there's two prongs
7 to it, really. In the immediate term, we had the University
8 identify the totality of opportunity sites. Now, they don't
9 intend to build all the buildings that are contained in this
10 plan. But we wanted them to give a more fulsome, a larger
11 representation of possibly where building and construction could
12 go. As opposed to having surprises come up six years down the
13 line, the University says actually it's better off here than
14 there. We wanted them to say at the outset whether that was a
15 possibility.

16 The second prong of it was we wanted them to think
17 through what future campus plans could look like. Now, this has
18 been characterized as they're proposing for building in 2031
19 already, and that's not the case. But we asked the University
20 to identify areas of long-range planning. So that way, areas
21 that are not within this ten-year window, they may not be within
22 a 20-year window, but where neighbors could already get a sense
23 as, hey, eventually AU may be looking to these spots.

24 And they identified two places. One was by the Katzen
25 Art Center, and one was by the public safety building, Watkins

1 Hamilton building, that area over there. Those areas meet certain
2 criteria that make them attractive, potentially, for future
3 development, but not for immediate development, where immediate
4 is at least the next ten years. We wanted the University to
5 communicate that clearly to neighbors already now.

6 MR. SMITH: Following up on that, but also in your
7 filing, the partnership says that the plan provides for what it
8 calls optionality. That's the word I believe the partnership has
9 used, and it offers a roadmap for how the University will choose
10 among the options that it's proposing.

11 Can you help me find where in this plan I can find this
12 roadmap that identifies how this -- these choices will be made?

13 MR. KRAVITZ: So it's a conceptual roadmap. I'm sure
14 the applicant can help as well. Optionality sounds like something
15 I would say, although I don't remember writing that in our
16 testimony. We'll assume I did.

17 What I mean by that is the University identified
18 priority residential sites and secondary residential sites. The
19 priority ones are the ones that it intends to build before the
20 secondary. But it has a couple of stipulations in there. It
21 says that, you know, should the 200-bed frequency not be renewed,
22 then we want to construct 200 more beds. In that case, we would
23 be looking towards the building. So in that sense, it provides
24 a roadmap for how those decision points be made.

25 They talked about under which conditions, broadly,

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1 building six or building seven, I'm not sure, but the residential
2 one on the corner -- towards the corner of Rockwood and Nebraska,
3 under what conditions that one kind of gets moved higher in the
4 food chain versus staying as a clear secondary site.

5 I'm not sure if the campus plan says this, but certainly
6 it's been communicated verbally quite a bit. The Center for
7 Athletic Performance has a substantial amount of funding attached
8 to it. That is a building that is likely to get constructed
9 first, first probably being the sound wall. But the Center for
10 Athletic Performance has a higher degree of likelihood to
11 becoming an actual proposed -- actual building than some of the
12 others.

13 MR. SMITH: Thank you. And then your filing also states
14 that AU's, and you've said this also in your oral testimony
15 tonight that the -- that AU's undergraduate projections that
16 previously always had been made were meaningless.

17 Are you saying by that a 13.3 percent increase in
18 undergraduate enrollment over the last nine years is meaningless?

19 MR. KRAVITZ: I don't believe I used the word
20 meaningless in print or in oral. What we said was that the
21 projections, and I don't even have it here in my testimony from
22 today. So maybe you're referencing something else. I'm happy
23 to answer the question anyway. But what we said is --

24 MR. SMITH: I'm referencing the filing that you made.

25 MR. KRAVITZ: Okay. Like I said, I don't believe --

1 so, I'm happy to explain how we view the undergraduate enrollment
2 projections that -- related to your question.

3 So the Zoning Commission, first off, doesn't require
4 undergraduate enrollment projections. So we wanted to just put
5 that out there right now. The University in the past has made
6 projections that haven't been particularly accurate. For
7 example, in 2011, they wanted to grow graduate students, I
8 believe, by 1,000 students. That didn't come to fruition.

9 Moreover, these ten-year projections miss a lot of key
10 things. They would have missed -- they missed the 2008 financial
11 crisis. They missed the COVID pandemic. Those realizations
12 suggest to us that these projections aren't really worth putting
13 too much effort in. And instead, what we should be doing is
14 talking about how to manage the impacts. And that's the approach
15 we have taken.

16 MR. SMITH: Thank you. And actually, just as an FYI,
17 that's on page 2 of your statement, that it makes reference to a
18 relatively meaningless number is the word -- is the language
19 that's used.

20 So if AU had adhered to its projections in previous
21 years, and in the current campus plan, wouldn't that have provided
22 some additional certainty or predictability for neighbors?

23 MR. KRAVITZ: On some level, yes, they would have been
24 hitting numbers that they said they intended to hit, but that's
25 not necessarily correlated with impacts. And I believe that the

1 community is more concerned about the impacts.

2 MR. SMITH: And did the partnership ever ask AU for any
3 projections for undergraduate numbers?

4 MR. KRAVITZ: We spoke broadly about what they
5 envisioned, where they envisioned growth, whether they envisioned
6 growth, things like that. We did not ask them for specific
7 numbers year by year.

8 MR. SMITH: So in assessing the development plan that
9 is part of this campus plan, how is -- how does the partnership
10 know with any certainty that the additional housing proposed by
11 AU is sufficient or if it might be excessive? Is that something
12 you assessed is my question.

13 MR. KRAVITZ: I don't think anyone in the partnership
14 thought they were better positioned than the University to answer
15 what they should be spending their tens of millions of dollars
16 on. There is an assumption that rational actors are not going
17 to burn tens of millions of dollars on unnecessary beds.

18 I think the partnership members probably do believe
19 that. And it wasn't our job. We don't view it as our position
20 in this process to evaluate internal decision making like that.
21 Instead, what we said is this is -- if this is what you want to
22 do, hey, we don't like these things, don't do these things. If
23 you want to do these things, we can tolerate these, but do them
24 this way. That's the way we've approached it.

25 MR. SMITH: Okay, but okay. So knowing, though, that

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1 AU has in the past exceeded its projections, which has required
2 the construction of new housing to meet the 67 percent mandate
3 there, aren't you worried that maybe we're going to be back here
4 in another two or three years with some additional modifications
5 to the campus plan in order to build new housing?

6 MR. KRAVITZ: No, that's not our expectation. And as
7 good as I think my assessment of their needs may be, I do firmly
8 believe that their assessment of their needs will be better and
9 is a better roadmap for going forward.

10 MR. SMITH: And then one last question on the numbers,
11 and then I'd like to move on to other impacts. In making the
12 assessment that these projections are, in your words, in the
13 words in the filing, a relatively meaningless number, how did the
14 partnership square that with Subtitle X, Section 101.2 of the
15 Zoning Code that singles out numbers as an objectionable
16 condition?

17 MR. KRAVITZ: Our job is not to be a mini zoning
18 commission and evaluate compliance in that sense. Our job is to
19 evaluate, we think, is what is a good relationship, what is a
20 good process for the University and the community to work together
21 to achieve their joint ends. We assume that they will comply
22 with zoning regulations, and we assume that this body will hold
23 them to that.

24 CHAIRMAN HOOD: Let me interrupt. Hold that question
25 for me. I do know that we have somebody that at some point we're

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1 going to have to give some accommodations. I'm going to ask Ms.
2 Schellin to help me to make sure if they want me to call them
3 first, or have -- also, I understand we have a question that
4 someone needs to answer. I'm not sure if it's a burning question
5 or you need to ask it right now, so I'm going to -- Mr. Smith
6 and Mr. Kravitz will indulge me, let's let me see the urgency
7 and see what's going on. Ms. Schellin?

8 MS. SCHELLIN: Yeah, it's not any urgency to it. It's
9 just that Mr. Gallucci wanted to ask if the Commission would, if
10 they were interested in him submitting in support of this
11 testimony minutes from the Westover board meeting of May and June
12 2020. They showed that the board discussed the AU campus plan
13 and decided to take the measures on informing the Westover
14 community on joining the partnership consensus, and relaying our
15 concerns to AU and the ANC. They are in Exhibit 100. So I'm
16 not sure why he needs to submit them again.

17 CHAIRMAN HOOD: Okay. So let me just say this, Ms.
18 Schellin. We all heard him when he said it. Nobody raised a
19 hand or flagged it. So we will just leave the record as it is.
20 That came across loud and clear. So I thought he may need to
21 leave or something.

22 But the other person who needs a little assistance, I
23 guess, from us, do they need to go now or can they wait until
24 the appropriate time? Okay.

25 MS. SCHELLIN: No, sir. Wait until the appropriate

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1 time.

2 CHAIRMAN HOOD: Okay. I just wanted to make sure.
3 Okay, thank you.

4 I'm sorry about that, Mr. Smith and Mr. Kravitz, you
5 all may continue. Hopefully you remember where you are.

6 MR. SMITH: I do remember where I am, Chairman. It's
7 been an eventful night, but I still remember where I am.

8 I wanted to talk a little bit, Troy, about other impacts
9 that are addressed by the partnership in the filing. And the
10 partnership in its filing puts a lot of focus on students living
11 in the neighborhood. And the filing even references students
12 needing to learn to cut grass and lacking social mores. But --
13 and is that the only potential objectionable condition that the
14 partnership thought needed to be mitigated through this campus
15 plan?

16 MR. KRAVITZ: No.

17 MR. SMITH: So the partnership's not suggesting that
18 campus development has no potential for creating objectionable
19 conditions for neighbors. Is that correct?

20 MR. KRAVITZ: Of course not.

21 MR. SMITH: And based on everything that's in the record
22 so far, it's -- am I correct in saying that most of the concerns
23 that have been raised about this campus plan relate to development
24 and not off-campus student behavior? Is that fair to say?

25 MR. KRAVITZ: I'm not in a position to weigh what people

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1 are most concerned about. They're both common, consistent
2 concerns.

3 MR. SMITH: Okay, maybe I should -- no, forget it. As
4 the Partnership Steering Committee considered the campus plan
5 proposal from AU, were the community members of the steering
6 committee are aware that traffic volumes to and from the campus
7 had increased over the last ten years?

8 MR. KRAVITZ: I didn't hear all of that question. You
9 seemed to be cutting out. Perhaps it's on my end, but if you
10 wouldn't mind repeating it.

11 MR. SMITH: Sure, sure. I'm sorry. I may have been a
12 little too quick on the draw on my space bar here. But my
13 question was, as the partnership considered the campus plan, were
14 the -- as the Partnership Steering Committee considered the
15 campus plan, because it was the steering committee, correct, that
16 approved the framework for the campus plan? Isn't that correct?

17 MR. KRAVITZ: Not approved. The steering committee
18 lent its consensus in taking the campus plan framework and using
19 that as the kernel of the development of the campus plan proposal.

20 MR. SMITH: Okay. Fine. So as the Partnership Steering
21 Committee considered the campus plan in order to reach their
22 consensus, were the community members of the steering committee
23 aware that traffic volumes to and from the campus had increased
24 over the last ten years?

25 MR. KRAVITZ: I believe that was a common point of --

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1 that was a point of discussion in the transportation and parking
2 working group. And, you know, speaking as one former ANC
3 commissioner and several others on there that have been pretty
4 involved in traffic in our area, several of us were certainly
5 intimately familiar with the average daily traffic counts for
6 these intersections in the areas around us. Yes. I posted them
7 myself several times.

8 MR. SMITH: But I'm not asking about DDOT traffic. I'm
9 asking specifically about the report provided -- the
10 transportation study prepared by American University. And I
11 mean, even AU's transportation consultant testified that he
12 wasn't aware of this increase over the last ten years. So how
13 were you all aware of it if AU wasn't aware of it?

14 COMMISSIONER SHAPIRO: Mr. Chair, I'm trying to figure
15 out Mr. Smith's question. I mean, I understand literally the
16 question. I'm trying to figure out how this is cross. I mean,
17 if Mr. Smith is asking whether he thinks there was -- that the
18 partnership isn't taking something into account that he believes
19 in, okay, bring that up in your testimony.

20 MR. SMITH: Actually, Commissioner Shapiro, what I'm
21 trying to find out -- if I could just respond.

22 COMMISSIONER SHAPIRO: No. I'm addressing my questions
23 to the Chair. If you could address your questions to the Chair.

24 CHAIRMAN HOOD: I would -- Mr. Smith, you heard my
25 colleague. What are you trying to establish here?

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1 MR. SMITH: Actually, what I'm trying to learn, Mr.
2 Chairman, is what did the partnership consider as they reviewed
3 this steering -- I'm sorry, as they reviewed this campus plan to
4 know what factors may have been considered objectionable and what
5 wasn't? And whether the Partnership Steering Committee actually
6 looked at all of the -- or were aware of all the potential for
7 objectionable conditions.

8 So what I'm trying to do is find out what the
9 Partnership Steering Committee was doing, what was going through
10 their heads when they made those decisions. That's all. It's a
11 very simple thing. I think that's relevant.

12 CHAIRMAN HOOD: So unless my colleague disagrees with
13 me, because I heard exactly what was said. But I think he has a
14 point, Mr. Smith. The way you just asked me the question, and I
15 forgot exactly where you were -- if you ask it like the first
16 part of what you was relaying to me, and cut it off there, I
17 think that would be more cross-examination. So the rest of the
18 history, if we can leave that out. Just how you asked me that
19 question, what was what -- ask Mr. Kravitz exactly what was
20 considered in the evaluation or the analysis, and stop it there.
21 I think you're right on target.

22 MR. SMITH: Thank you, Mr. Chairman. I'm going to move
23 on. I think my point is made with respect to the transportation
24 issue, and it may be something more appropriate to question on
25 rebuttal.

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1 CHAIRMAN HOOD: I actually wanted to hear. I wanted -
2 - the first part of your question, I actually wanted to hear the
3 answer. But since you elected to move on -- see, those are the
4 kind of things that are helpful to us. But since you want to
5 move on, go right ahead.

6 MR. SMITH: Well, I'll ask the question again, but I
7 think Mr. Kravitz answered it, but I'm not sure I understand his
8 answer. And when I was trying to get a little bit of
9 clarification, I'm being told no.

10 So my question was, as the Partnership Steering
11 Committee considered the campus plan, were the community members
12 of the Partnership Steering Committee aware that based on the CTR
13 provided by American University, that traffic volumes to and from
14 the campus had increased over the last ten years?

15 MR. KRAVITZ: I think, broadly, the members of the
16 steering committee were aware that these were discussions that
17 primarily happened in transportation and parking working group,
18 and the questions were probably best directed towards the
19 applicant, Mr. McHugh, as the co-chair of the Transportation and
20 Parking Working Group, or DDOT, that said, you know, the steering
21 committee did talk about these issues.

22 CHAIRMAN HOOD: Okay, let's move on, because -- let me
23 just say this, Mr. Smith. I allowed that, because I thought you
24 were going to ask it exactly how you portrayed it to me, and that
25 did not happen.

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1 So let's move on to the next question. Mr. Kravitz,
2 if you answer the question, we don't need the rest of it. You
3 answer the question almost a sentence before. And I'm just trying
4 to get you all to see how we're hearing it. Just answer the
5 question. The sentence, once you answer the question, we don't
6 need the history. So thank you.

7 MR. SMITH: Was the partnership, as they considered the
8 campus plan, the partnership steering committee, were they
9 informed of the specific heights of the new buildings?

10 MR. KRAVITZ: I don't believe the specific heights of
11 the new buildings had been defined yet.

12 MR. SMITH: And what about the plans for screening or
13 other mitigation for new student dorms on the western edge of the
14 campus that would be related to noise and light?

15 MR. KRAVITZ: We talked about the need for mitigation
16 in all areas of the campus. We talked about specifics. We made
17 sure the University understood the need, but we didn't speak
18 about what exactly that mitigation would look like before the
19 buildings were designed.

20 MR. SMITH: And am I -- I am correct that the
21 partnership supports AU's plan to add 500 beds, is that correct?

22 MR. KRAVITZ: 500 to 700 beds is what they've asked
23 for, and we have lent our support to that.

24 MR. SMITH: Just for purposes of my asking questions,
25 I'd like to just assume that the master lease goes through as it

1 is. And so my questions are going to be focused purely on what
2 happens on campus with housing. And I don't have -- I think
3 maybe that's just one question about this.

4 The construction projects, as proposed by the campus
5 plan, would provide ten -- roughly a thousand beds, a little more
6 than a thousand beds. So to meet that 500-bed number, what
7 projects that are proposed now would you eliminate from the plan,
8 or would you choose not to have built, or be proposed?

9 MR. KRAVITZ: You can see the exasperation on my face.
10 This question has been answered many times before.

11 COMMISSIONER SHAPIRO: Mr. Chair, if I may, this feels
12 like a question to the applicant. I don't understand why this
13 is being considered cross towards Mr. Kravitz.

14 CHAIRMAN HOOD: Okay, I'm --

15 COMMISSIONER SHAPIRO: I'm not disagreeing that Mr.
16 Smith has an issue with this. I just don't understand how this
17 cross for Mr. Kravitz.

18 MR. SMITH: Mr. Chairman, if I might respond. The
19 partnership has testified that they developed this plan in
20 conjunction with the University. So exploring what -- where the
21 partnership is on these issues seems highly relevant in this
22 proceeding, and particularly for a witness from the partnership
23 who's talking about the community buy-in for AU's proposal.

24 CHAIRMAN HOOD: So let me help. Maybe that's why this
25 might help.

1 COMMISSIONER SHAPIRO: If I may? It's clear where the
2 partnership is on these issues, on these specific issues. It is
3 clear. Now, there are parties in opposition who disagree with
4 that position.

5 CHAIRMAN HOOD: Okay. I'll accept --

6 MR. SMITH: Mr. Chairman, I will move on. For the sake
7 of this discussion, I will move on. But if it was clear, I
8 wouldn't have asked the question.

9 On page 5 of your filing, Troy, the partnership
10 references improved green scaping within the campus and the
11 pedestrian circulation on the internal part of the campus to
12 suggest that the plan, and these are your words, will change the
13 feel of the campus. Now, my question is, how does any of this
14 relate to whether the locations and the uses of the buildings
15 that are being proposed in this plan are objectionable to
16 neighboring property?

17 MR. KRAVITZ: First off, I wasn't aware that we were
18 relegated to only evaluating the location and the uses of the
19 proposed buildings in terms of their objectionable impacts. We
20 were evaluating the campus plan as a whole, and green scaping-
21 improved features such as a better pedestrian thruway seemed like
22 significant, positive amenities for the University to be
23 providing to the surrounding community, amongst also their
24 students and their staff and faculty as well.

25 MR. SMITH: Thank you. That's very helpful. Is there

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1 a reason that the partnership was comfortable to support the
2 elimination as a condition all of the landscaping maintenance
3 provisions that have been in multiple previous campus plans as
4 part of this plan, particularly the landscaping provisions that
5 related to the -- what's now being called the Western campus,
6 along University Avenue?

7 MR. KRAVITZ: You know, I'm not familiar enough with
8 what you're talking about offhand to speak to informatively.

9 MR. SMITH: Did you not realize that that condition
10 related to landscaping had been eliminated from the proposed
11 campus plant?

12 MR. KRAVITZ: There were some changes to landscaping
13 conditions. You know, offhand, I'm not familiar exactly with
14 what they were. I can't recall immediately right now what they
15 were.

16 MR. SMITH: Thank you. I just wanted to ask some
17 questions about process. Did the Partnership Steering Committee
18 publicize its meetings to the public in advance?

19 MR. KRAVITZ: Not to my knowledge, no.

20 MR. SMITH: And what about the working group meetings,
21 were they publicized to the public in advance?

22 MR. KRAVITZ: Working group members joined the working
23 groups for a one-year term, and they were publicized amongst
24 working group members, which came from the community well in
25 advance. That's how attendance happened.

1 MR. SMITH: And could anybody attend the partnership
2 steering committee meetings?

3 MR. KRAVITZ: No, sir.

4 MR. SMITH: And are there minutes, tapes, or
5 transcripts of the meetings of the steering committee available
6 for public review?

7 MR. KRAVITZ: You know, I kind of think there are
8 summaries of the minutes. Yeah. There's an agenda and a summary
9 for every steering committee meeting. It's also publicly shared
10 on the website.

11 MR. SMITH: Is this done on a contemporaneous basis?

12 MR. KRAVITZ: They try to. They get them to me
13 sometimes to take a review. As the co-chair, I look at the
14 summary just to see if it accords with my recollection and my
15 notes. So sometimes there's the delay, because sometimes I'm
16 slow to respond or I miss the email. And likewise, my counterpart
17 and CFO Kadravitch (ph) does the same so. The goal is yes, to
18 get them up there as quickly as possible. And generally, I
19 believe we achieve that. Not always, though.

20 MR. SMITH: And all of the meetings that you've
21 referenced tonight, why was the CLC never informed of these
22 meetings either in advance or afterwards until the campus plan
23 was actually filed in this case?

24 MR. KRAVITZ: I don't believe that's an accurate
25 reflection of reality. The solicitation for working group

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1 membership was conducted at the CLC over several meetings.
2 Likewise, members of the CLC were approached to join the steering
3 committee back several years ago.

4 MR. SMITH: And was there a reason that the CLC was
5 unaware that the partnership was actually developing a campus
6 plan framework until it was distributed at the end of the CLC
7 meeting in March 2020?

8 MR. KRAVITZ: I believe that's a complete
9 bastardization of what actually took place. And I don't believe
10 it's accurate to say the CLC was unaware that the campus plan
11 was being developed.

12 MR. SMITH: Help us understand a little bit about the
13 process followed by the partnership. Did the working groups make
14 formal recommendations to the steering committee?

15 MR. KRAVITZ: I don't know if I'd call them formal
16 recommendations, but the working groups worked through the issues
17 and came to kind of what they thought were, you know, paths
18 forward. And that way -- those paths forward were communicated
19 or percolated up to the steering committee via the working group
20 co-chairs. In some cases, some working group members, I mean, I
21 see Natalie here. She spoke directly with me at times. And I
22 also escalated some of her and Tim's concerns directly to the
23 steering committee, in addition to having them percolate up
24 through the working group. That's because I gave her my word I
25 would do that.

1 CHAIRMAN HOOD: Mr. Smith, help me understand. How -
2 - your question of process and what the partnership came up with.
3 You know, we have the partnership, where they came with their
4 recommendations. We know that the parties in opposition have
5 their issues. So let's get to the issues. The process or how
6 the partnership -- the partnership is the partnership, what they
7 came up with. We know that there are outstanding issues.

8 For example, Ms. Horwitz's person, you know, we've been
9 talking about that wall, and the noise issue since the last time.
10 And I said the last time I didn't want to see that back, but here
11 it is again. So we need to resolve that. Hopefully this time,
12 it will get resolved.

13 So we get it. The process, you all came up -- the
14 Spring Valley, Wesley Heights, you all had a process. You all
15 came up with your opinion on how you felt about this case. We're
16 going to hear that as well. So the process of what they came up
17 with is fine. I'm not going to -- you all are a party in
18 opposition. They are in support. We're not -- we're going to
19 listen to the merits, and we're going to take it from there and
20 move forward. Their process was their process. Your process is
21 your process. I'm just trying to help you move it along, because
22 we get it. We get it.

23 MR. SMITH: I appreciate that, Chairman Hood. That's
24 very helpful. I think this is my last question. And I want to
25 respect the guidance that you've offered, Chairman Hood, so I'm

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1 trying to be very careful in asking this question. The campus
2 plan proposal includes a condition that prohibits more student
3 housing on the east campus for the length of this campus plan.
4 And so I guess I'm trying to ask -- what I'm asking you is how -
5 - what was the reasoning for that, especially since the primary
6 reason for the east campus being established in the first place
7 was to house students?

8 MR. KRAVITZ: If you're asking me, I mean, there's an
9 element of hot potato that goes on in any of these campus plan
10 negotiations, in that one community doesn't want a building
11 adjacent to them, but the next community over doesn't want it to
12 adjacent to them, and so on and so on. And everyone passes it
13 around until it basically can go nowhere.

14 In this case, it was considered -- and AU appeared to
15 have the same opinion that Westover -- that East campus had a
16 sufficient number of students for the time being and that we --
17 the University and the partnership wanted them to focus on
18 creating a more vibrant inner campus, main campus.

19 And so a lot of the focus is on bringing vitality to
20 that area, to the heart of campus and not east campus. So somehow
21 in that process, it became, I believe as Ms. Horwitz asked me
22 about certainty, was another way to give adjacent neighbors a
23 little more certainty by saying, "Listen, there's not going to
24 be more students on the east campus parcel for the next ten
25 years."

1 CHAIRMAN HOOD: Thank you, Mr. Kravitz.

2 MR. SMITH: Just as a follow up question, and I
3 acknowledge getting some help from colleagues here, from a
4 comrade in arms, if the focus is on the central campus, on making
5 the central campus vital, then why is there so much focus on the
6 western edge of the campus that borders the University Avenue
7 low- density neighbors?

8 MR. KRAVITZ: I believe what you're getting at is a
9 disagreement on what actually constitutes center of campus. Is
10 in the case the Hall of Science 500 feet from the property line
11 sufficient to be center of campus? I think the partnership says,
12 yes. There is a University Avenue neighbor who views that is
13 no.

14 The same thought process applies to the cap and the
15 building right there, the residential building that joins it.
16 They're roughly 170 feet from the property line, and then a little
17 further from University Avenue, then a little further to the
18 houses there. We view that as towards the center of campus.

19 And I will say, in answer to your previous question,
20 the partnership did request and obtain stipulations regarding
21 improved landscaping along University Avenue. You talked about
22 landscaping and buffering, and that was included at the behest
23 of the partnership, somewhat in anticipation of mitigating any
24 potential impacts of building on that west western area.

25 MR. SMITH: Can you tell me where that is in the campus

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1 plan, your reference to improve landscaping? I mean, the --

2 MR. KRAVITZ: Not offhand, I cannot.

3 MR. SMITH: Chairman Hood. Thank you very much.

4 CHAIRMAN HOOD: Okay, thank you. Ms. Ambrose.

5 MS. AMBROSE: Thank you. I guess my questions are for
6 Troy. Troy, I'm sorry, I have a roster here from the 2020
7 partnership committee. And I was -- while you were talking, I
8 looked online. I count only four members: Westover, Fort Gaines,
9 Ward 3 Vision, and Spring Valley Neighborhood Association. Who
10 are the other two?

11 MR. KRAVITZ: ANC 3D and 3E were the six founding
12 organizations, the Partnership in a filing and zoning case 1107G.
13 Exhibit 76, maybe, offhand.

14 MS. AMBROSE: Okay. Thank you. And remind me again,
15 what is the criteria to becoming a member of the partnership, a
16 community member?

17 MR. KRAVITZ: To join a working group? There is none.
18 I mean, it's an interest and it's --

19 MS. AMBROSE: No, no, to join the partnership, the
20 steering committee or what have you?

21 MR. KRAVITZ: So it's to be the designated
22 representative of an organization. So to have a constituency
23 that you represent or to be chosen as the co-chair of the working
24 group on which you sit, and then again, you have some sort of
25 constituency to which you represent.

1 So it's not just individuals on there representing
2 themselves or that, or asserting to represent others.

3 MS. AMBROSE: Okay, thank you. And actually, you kind
4 of faded out at the time when I believe Tom Smith asked you, is
5 this -- are steering committee meetings open to the public?

6 MR. KRAVITZ: They are not. An agenda is posted and
7 shared publicly online, as is a meeting summary.

8 MS. AMBROSE: Okay, I didn't think they were, but I
9 just wanted to clarify. As you know, I was on a working group,
10 and how would you say the partnership or the partnership rep on
11 each working group, a steering committee member gauged consensus?
12 Were votes taken?

13 MR. KRAVITZ: No, no, not that I know of. I didn't
14 participate in every working group, I think I was present for the
15 consensus meeting for the facilities planning one, but that may
16 have been the only one I was present for.

17 Consensus is not synonymous with unanimity or even
18 voting. It's a kind of a je ne sais quoi feeling of are we at a
19 good enough place to move forward. And it doesn't mean that
20 we're getting all we want. Your working group in particular, I
21 would describe as consensus with reservations. I don't think
22 there was the same fulsome consensus in the facilities committee
23 work --

24 CHAIRMAN HOOD: Mr. Kravitz, before Commissioner
25 Shapiro even says anything, you actually answered that question

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1 about six sentences ago. But Commissioner Shapiro, let me
2 acknowledge you.

3 COMMISSIONER SHAPIRO: No, that'll do, Mr. Chair.
4 Thank you.

5 CHAIRMAN HOOD: Okay. All right. Thank you.

6 Ms. Ambrose, let me commend you this evening, because
7 you're not giving me all the background. I appreciate it. So
8 let's not mess up. You're doing a great job.

9 MS. AMBROSE: Oh, my God. I've learned something
10 through all of this, and I appreciate it, really. This is my
11 first zoning committee participation and also cross exam. Thank
12 you.

13 Let me just ask Troy another question, again for the
14 working group members going forward. Now, if this campus plan
15 is approved, what are the next steps for the working group in
16 terms of participation and further processing?

17 MR. KRAVITZ: I think they're going to be continuing
18 doing the same, and it will differ by working group. In the
19 facilities planning, it's going to be pretty active in engaging
20 with these buildings as the further processing takes place. In
21 particular, that's the place where initial discussions -- Noah,
22 I'm on the computer, please. No, you can't tell me anything
23 right now. Apologies.

24 The facility's planning is the first place where the
25 community really should be engaging on the sizing, and the

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1 massing, and things like that, and maybe the fenestration or the
2 screening. So in a lot of ways, your meetings are going to look
3 more of the same, but a little more intense with specifics, I
4 expect.

5 MS. AMBROSE: And also, it was my understanding that
6 when all of this was organized, that you could only be on one
7 working group at a time. Is that the case or can you --

8 MR. KRAVITZ: That sounds right. I'm not familiar
9 offhand, but that sounds right. The idea was we wanted people
10 to really commit to it.

11 CHAIRMAN HOOD: You know, I have a genuine heart for
12 young folks, and when they when I see them on the screen and even
13 in the hearing room, Mr. Kravitz, if your son or whoever that
14 young person is next to, you want to say something to us, just
15 greet us. Say good evening, break up the monotony. Anything
16 will be great.

17 If you want to do it, the floor is yours. Tell us your
18 name if your dad doesn't mind.

19 COMMISSIONER SHAPIRO: Could he present it in the form
20 of a question then?

21 CHAIRMAN HOOD: No, we're going to give him a break.

22 NOAH: My name is Noah.

23 MR. KRAVITZ: You can say it again, there, buddy.
24 What's your name?

25 NOAH: Noah.

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1 MR. KRAVITZ: And how old are you?

2 NOAH: I'm seven.

3 MR. KRAVITZ: And what were you just doing?

4 NOAH: Chess.

5 MR. KRAVITZ: And what are you going to do now?

6 NOAH: Tell you how chess was.

7 MR. KRAVITZ: Now, how about going outside?

8 NOAH: First, I need to tell you how chess was.

9 MR. KRAVITZ: Not right now there, buddy. I'd love to
10 hear it, but let's hear it later.

11 CHAIRMAN HOOD: Is this more interesting than going
12 outside? I tell you what, you stay and do this, and we'll go
13 outside. No, I'm just playing. Have fun.

14 MR. KRAVITZ: Yes, please.

15 CHAIRMAN HOOD: Thank you for joining us. There's
16 another one. Okay. Mr. Clarkson, introduce yourself.

17 MR. CLARKSON: This is William Clarkson. This is Will,
18 who's also Noah's classmate at Horace Mann Elementary. Can you
19 wave? Say hello to the commissioners.

20 CHAIRMAN HOOD: All right, classmates. So they know
21 each other. Was this a setup, or was this planned?

22 MR. KRAVITZ: We try and keep them away as best as we
23 can.

24 CHAIRMAN HOOD: All right. Well, you all have a nice
25 evening. Enjoy yourselves. You can go out and play for a few

1 minutes.

2 MR. KRAVITZ: I know. That's right.

3 CHAIRMAN HOOD: All right.

4 MR. KRAVITZ: Lucky them. Thanks.

5 CHAIRMAN HOOD: All right. Okay, I'm sorry, Ms.
6 Ambrose.

7 MS. AMBROSE: That's all right. I think my questioning
8 is through. Thank you.

9 CHAIRMAN HOOD: Oh, okay, thank you. Let me see where
10 I need to go now.

11 Okay, Ms. Schellin, do we have anybody who --
12 individual who'd like to testify in support?

13 Mr. Young, Ms. Schellin. Let me see if I can -- Mr.
14 Young, do we do we have anybody that would like to testify in
15 support? We may have lost Ms. Schellin.

16 MR. YOUNG: I'm checking with Ms. Schellin right now,
17 okay?

18 CHAIRMAN HOOD: Okay, thank you.

19 VICE CHAIRMAN MILLER: Mr. Chairman, maybe this is a
20 good time -- would be a good time to take just a five-minute
21 break.

22 CHAIRMAN HOOD: Okay, why don't we do that. Let's take
23 a five-minute break and we'll come right back. Thank you.

24 (Off the record)

25 CHAIRMAN HOOD: Vice Chair, you said five minutes,

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1 right? Has it been five minutes?

2 VICE CHAIRMAN MILLER: It's a government five minutes.

3 MS. SCHELLIN: We have three witnesses in support. Are
4 you ready for me to call them?

5 CHAIRMAN HOOD: Yes. If you could bring them up, that'd
6 be great.

7 MS. SCHELLIN: Okay, we have Don Edwards. We have
8 Susan Kimmel. And Christian Damiana.

9 CHAIRMAN HOOD: Okay, I would ask you to come up and
10 when you're ready, if you could go ahead and give us your
11 presentation in the order in which Ms. Schellin called you.

12 I think she called Mr. Edwards first, and we can go
13 from there. Are you ready?

14 MR. EDWARDS: Thank you very much, Chairman Hood and
15 commissioners. My name is Don Edwards. I'm the CEO of Justice
16 and Sustainability Associate and a Ward 2 resident. Thank you
17 for this opportunity to testify on behalf of our approval of
18 American University's 2021 campus plan. I'm testifying as an
19 advisor to AU. (Indiscernible) ANC 3D and 3E, upper Wisconsin
20 Avenue community-based organizations and stakeholders. And I've
21 been doing that since 2010.

22 Since 2017, I have also been the facilitator of AU's
23 Community Liaison Committee. Tonight, I want to briefly share
24 three observations based on those roles, as well as my work as a
25 professional (indiscernible) and the designer, facilitator, and

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1 mediator of many successful multistakeholder agreement reaching
2 processes in the District of Columbia, including the Georgetown
3 Community Partnership, or GCP.

4 First, I observe that consensus-based decision making
5 has high value. Consensus-based decisions do not result from
6 win/lose votes, but from agreements that reflect consensio, the
7 Latin word for consent, accordance, and harmony. Typically,
8 Decider's (indiscernible) agreements, endorsed and supported for
9 the good of almost all.

10 Secondly, I want to place high value on good faith in
11 both spirit and deed. Good faith can be defined as coming to
12 the table with a sincere desire to resolve a problem. It is
13 expressed as the intention to deal fairly, and I might add,
14 squarely with others. That faith is when aspersions are cast on
15 solutions for the purpose of using fear, prejudice, and
16 misinformation to undermine satisfaction with otherwise
17 legitimate outcomes.

18 Lastly, I want to focus on agreement reaching.
19 Agreement reaching is simply the act of achieving unity of
20 opinion, understanding, or intent.

21 Now, on December 1st of 2016, testifying before this
22 Commission, I said that the success of the GCP resulted from the
23 emergence of a new shared culture of collaboration, trust, and
24 participation, one built despite the efforts of doubters,
25 detractors, and denigrators of that new culture.

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1 The campus plan before you now reflects the same
2 ingredients that ended decades of conflict between GU and its
3 fence line neighborhoods.

4 At a previous zoning hearing, you suggested that AU and
5 its neighbors adopt the GSP as a model that might produce
6 progress. The plan you have before you now, developed under the
7 aegis of the -- American University Neighborhood Partnership is
8 a direct result of your suggestion.

9 Please do not be gulled by transparent attempts to
10 mislead and misdirect you from the material progress achieved
11 thus far.

12 Commissioners, your approval of this campus plan will
13 confirm your recognition that consensus building, good faith, and
14 agreement reaching are values that benefit and will continue to
15 benefit American University, as well as its current and future
16 district neighborhood residents.

17 Thank you very much.

18 CHAIRMAN HOOD: Thank you. Next, if you can just stick
19 around. We may have some questions. Next -- I'm not sure --
20 Ms. Kimmel, I think.

21 MS. KIMMEL: Yes, thank you, Chairman Hood and
22 commissioners. My name is Susan Kimmel, and I thank you for the
23 opportunity on behalf of Ward 3 (indiscernible) to support
24 American University's campus plan. I am a 15-year resident of
25 Ward 3 and live a block away from the Tenleytown Law School

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1 campus.

2 For full disclosure, I was also a member of the AU
3 Partnership Facilities Planning Committee. Ward 3 Vision is a
4 grassroots organization that advocates for community development
5 based on the principles of smart growth and transit-oriented
6 development. We support projects that make our community more
7 sustainable, equitable, and vibrant. American University
8 represents one of the most valuable assets we have in Ward 3.

9 AU provides a range of employment opportunities to D.C.
10 and area workers, and educational programs for the community.
11 Now that the law school is firmly established at the Tenleytown
12 campus, AU covers a significant swath of Ward 3, and contributes
13 a tremendous amount to the economy, diversity, and vitality of
14 the community.

15 AU has submitted an updated campus plan for your
16 review. Putting aside COVID for a moment, the 2021 plan is
17 significantly different from the events of 2011. First off, the
18 University, along with many other institutions of higher learning
19 in the United States, did not grow at the rate anticipated, and
20 is still in flux with what the future will bring in terms of
21 number of on-campus students and sources of revenue.

22 Secondly, American University was hammered by
23 opposition for the 2011 plan, and so engaged the Justice and
24 Sustainability Associates to devise a planning process to include
25 community input by means of dialog and negotiation. Result is

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1 an end product of which we can be proud that not only meets the
2 modest increase in projected numbers of students, but also works
3 to reinforce the University's values of sustainability and
4 providing a campus that is responsive to students' needs with
5 updated classrooms, labs, and other teaching spaces, more
6 opportunities for social interaction, and more recreational and
7 support spaces.

8 Before summarizing the highlights of the plan, I want
9 to give a shout out to AU for being the first university to
10 achieve carbon neutrality. Ward 3 Vision thinks this
11 thoughtfully crafted campus plan is a win for the community. And
12 I would like to highlight nine of its features.

13 First, it ranks all potential building sites by
14 evaluating them for retaining a compact footprint on the campus
15 and for minimizing impact on surrounding communities.

16 Two, it organizes student residential buildings into
17 neighborhoods to enhance student informal socializing.

18 Three, it makes better use of existing structures and
19 proposes new construction as in-fill, acting as connective tissue
20 to better define activity clusters.

21 Four, it takes pressure off residential neighborhoods
22 adjacent to campus by encouraging students to live on campus with
23 new dorms that have contemporary residential living arrangements,
24 and a renewed Mary Graydon Center.

25 Five, it responds to neighborhood input for the design

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1 of iconic gateway buildings at Ward Circle and along Nebraska
2 Garden.

3 Six, it scales buildings along the campus edges
4 appropriate to the surrounding residential neighbors, while
5 taking advantage of frontage along Nebraska and Massachusetts
6 Avenue.

7 Seven, it provides campus-wide improvements for
8 lighting and pedestrian circulation to improve safety, and build
9 upon the historic homestead campus plan by reinforcing pathways
10 to connect the campus.

11 Eight, it re-routes vehicular traffic to minimize
12 traffic across campus, significantly improving the pedestrian
13 experience, as well as safety.

14 And finally, nine, it proposes a transportation
15 management plan to encourage increased use of transit, biking,
16 and walking to reach the campus.

17 With the new plan, AU can continue to be an important
18 institution in our community and in the city. Ward 3 Vision is
19 pleased that the plan will ensure that they grow in a way that
20 fits within our community fabric and continues AU's history of
21 sustainability.

22 The University has been generous in opening its doors
23 to residents of D.C. with programs for young and old alike, from
24 the Katzen Center art classes for kids to auditing courses for
25 older adults, and for OLLI, learning in retirement.

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1 We also commend AU's --

2 CHAIRMAN HOOD: Ms. Kimmel, give us your closing
3 thought, please.

4 MS. KIMMEL: Okay. Well, we commend them for monitoring
5 the University parking facilities and for constructing any
6 additional ones. And we urge you to support and approve the
7 campus plan. Thank you very much for your time.

8 CHAIRMAN HOOD: Thank you. Next.

9 MR. DAMIANA: Good evening, Mr. Chair and members of
10 the Zoning Commission. My name is Christian Damiana, and I am a
11 sophomore at American University and the Commissioner for
12 Advisory Neighborhood Commission, single member District 3D07.

13 I'm speaking before you today as an individual and
14 affected AU student. And my testimony does not reflect the views
15 of ANC 3D.

16 Throughout this hearing, you have heard from a variety
17 of individuals and organizations, but you have not yet had the
18 opportunity to hear directly from a student.

19 American University students are an asset to the
20 greater D.C. community, and they have a largely positive
21 relationship with their neighbors.

22 The comments from those in opposition to this plan
23 paint an unfair picture of its development process. In my
24 testimony, I plan to look beyond these objections and instead
25 highlight the many incredible ways that students will benefit

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1 from the proposed changes. I hope that as an undergraduate
2 student that represents over 2,000 other undergraduate students
3 at American University, I can shed a light on why there is
4 widespread student support for key provisions of the campus plan.

5 The plan does an excellent job of outlining how we can
6 use construction and renovations to enhance the student
7 experience, while further emphasizing the University's focus on
8 sustainability.

9 Many students are particularly excited about the
10 possibility of the construction of the West Campus Village, which
11 will include the Center for Athletic Performance and help
12 reinvigorate student life at the University.

13 Beyond athletics, the renovation of the Mary Graydon
14 Center will provide students with a common place to congregate,
15 participate in extracurricular activities, and feel a connection
16 to the campus community. It is clear that the proposed
17 developments are strongly supported by my constituents and my
18 fellow students.

19 The campus plan also includes a commitment to diversify
20 student housing options. I've heard from many students about
21 their desire to see more affinity and community-oriented housing
22 options for both freshmen and upper-class students.

23 The University's focus on growing these programs,
24 coupled with an expanded housing inventory, will certainly
25 encourage students to continue living on campus for more of their

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1 time at AU.

2 Finally, the University's agreement to support
3 improvements that keep pedestrians and cyclists safe as they
4 travel on and near campus is promising. This will include
5 installing additional Capital Bikeshare Stations and
6 collaborating with DOT and ANCs on the expansion of bicycle and
7 multi-use facilities adjacent to University property. This will
8 keep AU students safe and allow them to travel conveniently and
9 sustainably between campus and popular destinations.

10 I'm proud to stand beside my fellow students and
11 support the 2021 campus plan. I ask that you consider the views
12 of the AU student body, as well as my written testimony and
13 approve American University's 2021 campus plan.

14 Thank you, Mr. Chair.

15 CHAIRMAN HOOD: Thank you. Thank you all. Ms.
16 Schellin, I think that's everyone who's in support, correct?
17 Okay. Unless I hear something else, I will take that as correct.

18 Let's see if we have any questions or comments.
19 Commissioner May? Commissioner Shapiro? Commissioner Turnbull?
20 And Vice Chair Miller?

21 VICE CHAIR Miller: Thank you, Mr. Chairman. No, I
22 have no questions. Just to thank each of you for your testimony,
23 which all of my colleagues appreciate. And Mr. Edwards, and you
24 in particular, I mean, whether when one disagrees with the
25 outcomes of these myriad of mediation consensus processes you've

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1 led, I've been honored, really, to see the work that you've done
2 between neighborhoods and institutions and for profits. It's
3 been a -- I know you're compensated for your work, as you should
4 be. Justice and Sustainability. I don't know if I've mangled
5 the name of your group, but you've done excellent work over the
6 years. And there never are perfect outcomes. But your good
7 faith in trying to get everybody else to participate and get to
8 an outcome that is better than where you started out from can't
9 be questioned. And I -- your service to the city is very much
10 appreciated.

11 I just couldn't let this opportunity go by, because I
12 may not have another one. I don't know, in each of our lifetimes
13 to say it to you publicly. So I'm going to say that and that
14 has nothing to do with where I am on this case or any other case.
15 But I have seen your mediation efforts and they're truly noble.
16 So we appreciate that.

17 MR. EDWARDS: So Vice Chair Miller, I want to thank
18 you. It's very much appreciated having those comments from a
19 public servant such as yourself. And I simply would say that I
20 hope the work that I do and my colleagues have done will continue
21 to manifest in the kind of agreements that the Zoning Commission,
22 I think, now recognizes are moving the districts forward.

23 That's all we're trying to do. We're trying to move
24 the District forward.

25 CHAIRMAN HOOD: Okay, I, too, want to echo the Vice

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1 Chair's comments to you, Mr. Edwards. I appreciate all your work
2 that you've always done. I happen to be a recipient of some of
3 your work years ago, years ago. And I remember walking into the
4 room saying, I wonder how is he going to deal with all of us with
5 all of these different opinions? And we were all back and forth,
6 and I was one of them.

7 But you were very calm. You were patient, and then -
8 - it does not go unnoticed on the city of the work that you've
9 done. I know particularly some of the other colleges that you
10 work with. While I know that there are still some outstanding
11 issues here, I don't take that lightly either. But I think you
12 have made major contributions, as the Vice Chair said, and I will
13 echo that.

14 I think that you have really helped make sure that
15 everyone had a place at the table. You're very passionate, you're
16 very calm. You let everyone be heard. And I think that's one
17 of the things that's unique about this city. And I will tell
18 you, I went out of town before COVID, and I mentioned to somebody
19 that was being built next to it. They said (indiscernible), take
20 that back to D.C., because what we do down here it's already up.
21 We don't ask for no input. When we walk out the door, it's done.
22 And I never forgot that.

23 D.C., we're unique. It's all right for us to disagree.
24 All right for us to be on different sides, because guess what I
25 found? Those who are in opposition, those who want to support,

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1 whatever the outcome is here, we will have a better outcome
2 because of everybody's input.

3 And Ms. Kimmel, you as well. I wanted to say something
4 to you as well. I notice you've been steadfast with your
5 organization, so appreciate that.

6 But I also want to go to the student and I don't want
7 to butcher your name. So you're going to have to help me
8 pronounce it again. Commissioner. Commissioner Damiana.

9 MR. DAMIANA: Damiana, yeah.

10 CHAIRMAN HOOD: Damiana, okay. And, you know, you said
11 something that is very important. You said we have -- I don't
12 believe we've heard from any students. If we have, I just don't
13 -- now, we've heard from -- most of us have been are former
14 students who enjoyed the college life. And I've said this in
15 many campus plans. We had one just last night. One of the things
16 that I always try to tell people to remember, you at one time
17 was a college student, too. And I think that is very important.

18 Sometimes when we get older, we lose sight. I had
19 college students live around here, and then I thought about it.
20 I said, you know what, I used to do some of the same things. I
21 might have been worse.

22 So it's always good to have a commissioner, and
23 especially a student. And we appreciate you coming down and
24 being involved, and also giving us the student perspective. I
25 don't know if we're going to see any additional students after

1 you, but we appreciate you taking the time and staying, and stay
2 involved as you're doing. So thank you.

3 Let's see if we have any further questions or comments.
4 Okay, let me go down the list. Does the applicant have any cross
5 of either one of the --

6 UNIDENTIFIED SPEAKER: No cross.

7 CHAIRMAN HOOD: Okay? Does AU neighborhood partnership
8 have any cross? Either one of the presenters? Okay. ANC 3D?
9 Mr. Young, we have to bring them back up, because they get an
10 opportunity to cross. Yeah, there we go.

11 ANC 3, Mr. Elkins, do you have any cross?

12 MR. ELKINS: 3D does not.

13 CHAIRMAN HOOD: 3D and 3E do not have any cross
14 simultaneously. Okay, let me see, how -- I'm going to go in
15 order here. Let me do this?

16 Ms. Ambrose, do you have any cross?

17 MS. AMBROSE: Yes, I do. I just have a question of
18 Mr. Damiana, excuse me, Christian. You mentioned about the
19 students' excitement about feeling there's a need for obviously
20 dorms, housing, new facilities. How do they feel about parking
21 on and off campus? Do you have any feel for that?

22 MR. DAMIANA: I can't speak for the entire student
23 body, but I can tell you that myself and many of my constituents
24 definitely believe that AU should be focused primarily on
25 encouraging sustainable transportation for students, which would

1 include biking, pedestrians, and the bus. I think a lot of that
2 was outlined in their TDM.

3 But I would say that driving is less of a concern for
4 most students, in that I would encourage them personally, at
5 least, to pursue walking, or biking, or other sustainable modes
6 of transportation.

7 MS. AMBROSE: Do you know if a lot of students bring
8 cars when they come to -- when they're enrolled at AU, attend
9 the campus?

10 MR. DAMIANA: I don't have an exact number to look at,
11 but I would assume that most students who live on campus do not
12 bring cars with them to the University.

13 MS. AMBROSE: Well, thank you. Appreciate it.

14 CHAIRMAN HOOD: Thank you. Ms. Horwitz, do you have
15 any cross.

16 MS. HORWITZ: I do not. No cross.

17 CHAIRMAN HOOD: Mr. Kirkpatrick, Westover Place?

18 MR. KIRKPATRICK: No cross.

19 CHAIRMAN HOOD: Okay, and Ms. Gates, Neighbors for
20 Livable Community.

21 MS. GATES: I have one question for Susan Kimmel. Have
22 you seen a lighting plan or a landscape plan for this campus
23 plan?

24 MS. KIMMEL: Yes, I think it was even before COVID, so
25 it's been quite a while since I saw it, but we had a presentation

1 by a lighting designer, and they chose different styles of
2 pedestrian lighting and vehicular lighting, with all kinds of
3 different lamps that would not light the sky upwards, but were
4 just very focused in a downward direction. It was a beautifully
5 done presentation.

6 MS. GATES: Is it in the record?

7 MS. KIMMEL: I haven't looked at the record. I mean,
8 I don't know.

9 MS. GATES: What about a landscape plan?

10 MS. KIMMEL: There were several presented or parts of
11 landscape plans presented. In particular, there was an alley of
12 trees designed that would connect one end of campus to the other,
13 and the presentation showed a different campus. And correct me
14 if I'm wrong, I think it was University of Pennsylvania. But
15 wherever it was, it was a beautiful setting. They said they
16 wanted to do something similar on AU's campus, and it created an
17 axis from which the other buildings radiated. It gave -- it
18 became an organizing principle of the design, which was a very
19 strong statement and was very beautifully done.

20 MS. GATES: Well, given the history of the landscape
21 being on the east campus and what has happened down along
22 University Avenue, do you have any hope that this landscaping
23 plan will actually work, be implemented?

24 MS. KIMMEL: I have no way of knowing that.

25 MS. GATES: Thank you. I'm through. Thank you, Mr.

1 Chairman.

2 CHAIRMAN HOOD: Okay, thank you, Mr. Gates. Now, let's
3 go to Spring Valley, Wesley Heights, and you can go right ahead.

4 MR. SMITH: I just have a couple of questions. One for
5 Ms. Kimmel, and if I'm paraphrasing what you said incorrectly,
6 would you please correct me? I heard you say that the building
7 new housing provides relief to the neighbors by removing students
8 from the neighborhood, from living in the neighborhood. Did I
9 hear that correctly? Is that correct?

10 MS. KIMMEL: Slightly. I mean, some of it is. What
11 I'm trying -- my understanding was one of the goals of the campus
12 plan was to find ways to encourage students to remain on campus
13 for a longer period of time, if not the whole four years of their
14 undergraduate education, so that the campus would be attractive
15 enough to make people want to remain on campus, and that the
16 measures that they presented to the facilities committee
17 demonstrated that they were taking steps in that direction,
18 including any new buildings that were built would have the kinds
19 of amenities that students now expect in their dorms. Not like
20 when I went and they were like monastic cells. I mean, this is
21 50 years later.

22 And they were doing other things by having this, what
23 they called neighborhoods, and it showed how they tried to have
24 dorms relate to each other, or to some activity center, so that
25 there would be a place to informally meet. There'd be like, you

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1 know, the courtyard, the (indiscernible), the marketplace where
2 people would just pass each other and have a chance to visit,
3 and had some benches and seating to make it easy to just stop
4 and visit with people.

5 It looked like improvements to me. And it seemed that
6 they were trying to take this goal, the ideal of making people
7 stay on campus, having a reason to want to stay on campus, and
8 finding a way to implement it through using good design.

9 MR. SMITH: It's funny how we don't forget our
10 experiences. So in providing this kind of relief to neighbors,
11 you know, relieving the pressure of students living in the
12 neighborhood, how do we do that, however, if enrollment continues
13 to grow, especially of undergraduates, and starts -- exceeds the
14 housing capability of the University?

15 MS. KIMMEL: Well, I thought that they had what we saw
16 was rank ordering of different sites for different proposed types
17 of construction. And I gather they would just use sites that
18 hadn't been developed yet, if there -- if more housing is needed
19 and called for. And so I think there was a very careful
20 evaluation of trying to build first in sites that had the least
21 amount of impact on neighbors. And further down the list, there
22 may be other concessions that have to be made, because there was
23 sensitivity to having, what I would say, transition space along
24 borders.

25 MR. SMITH: Thank you. And then I have a couple of

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1 questions for Mr. Edwards, if I might.

2 The campus plan proposes to retain as the community
3 engagement mechanism, both the existing CLC and the partnership.
4 And I'm wondering, Mr. Edwards, if you have any thoughts about
5 that.

6 MR. EDWARDS: My thoughts are that that should be done.

7 MR. SMITH: Okay. And is there a particular reason why
8 that -- why it should be that process, as opposed to choosing
9 between one or the other?

10 MR. EDWARDS: Well, I would say that having more than
11 one way for participation by interested neighbors and other
12 stakeholders provides more opportunity for engagement, rather
13 than limiting people to an either or choice. I don't see no
14 reason for an either or choice. It seems that people should have
15 the opportunity to engage in multiple ways, if they choose to.

16 Also, the CLC is part of a Zoning Commission order, and
17 therefore, it should be continued.

18 MR. SMITH: Thank you. The other question I have, I -
19 - first of all, I have to tell you, I really appreciate the
20 Planning 101 sessions you did as part of this this program. They
21 were very helpful. And I was glad to be able to attend those.

22 But it also raises a question for me that in supporting
23 -- in working to get parties together in a campus plan case, in
24 particular, and based on your experience of dealing with this AU
25 case and also your work at Georgetown, is there a point where

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1 agreement becomes more important than whether it's compliant with
2 the zoning rules?

3 MR. EDWARDS: I'm not sure I understand your question,
4 but I cannot imagine that that has to be an either or choice. It
5 seems to me that the goal is to reach agreements that operate
6 within the context of the Zoning Commission's expectations and
7 commitments.

8 MR. SMITH: By testifying in this case in support of
9 the product that AU is proposing here, are you saying that all
10 the elements of this proposal are consistent with the existing
11 zoning regulations?

12 MR. EDWARDS: I'll be perfectly honest with you, Mr.
13 Smith, in my role as the CLC facilitator, early on, I declined
14 to pay close attention to the evolution and emergence of the
15 American University Neighborhood Partnership. One of my
16 colleagues did that. That was in order to create a separation
17 of interest and attention.

18 I cannot actually say that I am the best person to
19 comment on what is actually in the campus plan. My focus was on
20 the CLC, and my focus was on making sure that there was good
21 advice provided for all of the different stakeholders to
22 participate.

23 MR. SMITH: And my last question, and I hope you won't
24 take offense to this question, but I just feel like I have to
25 ask it, given the statement that you submitted here. And I mean,

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1 we all know that you are an impartial observer here, but I -- by
2 testifying in this case, encouraging the commission to accept the
3 plan, are you sacrificing, in your view, are you sacrificing the
4 moniker of being impartial with your testimony in this case?

5 MR. EDWARDS: Mr. Smith, I thank you for your saying
6 that you didn't intend to be offensive, and I don't think you
7 were, and I thank you for that.

8 I do not think that there is a contradiction between
9 my support for a campus plan that resulted from a process, that
10 I think it had a great deal of integrity, and did, in fact,
11 reflect the advice and suggestions of the zoning commission, this
12 actual commission.

13 I also think that it's possible to be a proponent of
14 an outcome that results from a process, without having to justify
15 everything that's in the plan. That was not, frankly, my
16 responsibility.

17 MR. SMITH: Thank you very much, Mr. Edwards. Thank
18 you, Chairman Hood. I have no more questions.

19 CHAIRMAN HOOD: Okay, thank you.

20 Let me just say, and I've observed this in a number of
21 hearings, and I've been around for a while, so I've watched this.
22 Neighborhoods and communities a lot of times disagree. But
23 fundamentally, when I hear people on opposing sides, calling them
24 by first name, you know each other, you all -- at the end of the
25 day, you're all neighbors, you want whatever the situation is to

1 work. And I want you to know that does not lost on me, but I
2 hear that all the time. And I really think, even though we're
3 on opposite sides, but I always hear the cordialness of calling
4 first names, and how you interact, and you all -- a lot of you
5 know each other. And that does not go unnoticed to me.

6 And I hear this, not just an American U. I hear this
7 in other cases we deal with all across the city, but we just are
8 on opposite sides of how we think something should be handled.
9 And I think that comes from the commission, from a land use
10 perspective, for us to try to balance that and make it work.

11 So not that I'm trying to steal Don's job, but I can
12 just tell you, I could never do that. But this is just something
13 that I've actually wanted to say for a while, so I said it
14 tonight. So anyway.

15 All right, Ms. Schellin, I think I've got everybody for
16 cross. Let's go to opposition. Let me ask you, does Mr. Krebs
17 need the -- I think it's Krebs needs to come up first?

18 MS. SCHELLIN: Yes, William Krebs. If he could get him
19 first, and he --

20 CHAIRMAN HOOD: Yeah, let's get him, and then we'll go
21 to the parties.

22 MS. SCHELLIN: And we're going to accommodate -- yes,
23 well, actually, all of the individuals will come after him. I
24 mean, all of the parties, yes, would be first. But I thought if
25 we could accommodate him, he has a medical accommodation, if we

1 could go ahead and get him, and he would have five minutes.

2 CHAIRMAN HOOD: Okay, let's bring Mr. Krebs up. And I
3 hope everyone indulges us, and then we'll come right back to the
4 parties, and then we'll go to those in opposition after we
5 accommodate Mr. Krebs. I see he's up. Mr. Krebs, whenever you're
6 ready, you may begin.

7 MR. KREBS: There we go. I'm sorry. I couldn't find
8 the unmute button for a second.

9 Mr. Chairman and members of the Commission, thank you
10 very much for allowing me to speak tonight and for accommodating
11 me. You'll be glad to know I'm going to be shorter than I was
12 going to be, and that heart what I've hear from the Chair and
13 the other commissioners. And I'll try to go directly to the meat
14 of the issues rather than worry about process.

15 I am -- just for a little bit of background, a 40-year
16 resident of Spring Valley. I initially found -- moved into Spring
17 Valley in October 1980, and I've lived there ever since. I was
18 a 28-year-old lawyer with my first house. Now, I'm a 69-year-
19 old lawyer with the same first house.

20 Two things drove me to Spring Valley. One of the was
21 the charm, the hills, the curves, the tree lined streets, the
22 ambiance of the -- the other was American University. They have
23 a law library near -- within walking distance of my house. It
24 was a treat. (Indiscernible) was a treat. And in my 40 years,
25 I've seen both the good and the bad of living near a major

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1 university.

2 I've seen kindness from the kids and I've seen lots of
3 kindness from the kids. I've some children -- some who, being
4 away from the first time from their parents on their own, getting
5 into trouble, being not nice to themselves, not nice to others,
6 not respecting others' property.

7 But I keep coming back to they're kids. You say your
8 -- Mr. Chairman, I was a college student too at one time. What
9 bothers me about this particular plan is -- well, I have had some
10 problems with the process, but besides the process, when all is
11 stripped and done, this is AU's plan. They may have done it with
12 the neighbors, and maybe their execution was fine, maybe their
13 execution wasn't fine, but it was AU's choice to come up with
14 this plan, and they're the ones that are responsible for the
15 contents.

16 And when we get to -- I've been listening very, very
17 hard, and very, very closely to what they said, when we get to
18 the ultimate fact, the ultimate recommendations, it's time we
19 kick the can down the hill more.

20 The west campus, where we started off with buffer and
21 screen, tennis court -- low impact tennis courts and basketball
22 courts are now going to be high rises.

23 But we don't know how tall those high rises are going
24 to be. We don't know what -- where the entrance is going to be,
25 where the base is for calculating the height.

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1 And if you go up along Quebec, or up along University,
2 towards Quebec, you realize that the campus is standing on a hill
3 20 feet above the street limit, the street line. And so you have
4 a situation where the hard decisions have been made, further
5 processing.

6 So it appears to me that the questions for this body
7 at this time isn't further processing. It isn't windows or --
8 but rather why and when should you have a development of this
9 magnitude so close to and impinging on the neighborhood.

10 There was not only screening and buffer and all that,
11 but there are, you never by there, two gates.

12 CHAIRMAN HOOD: Mr. Krebs? Did we lose Mr. Krebs? Ms.
13 Schellin, Mr. Young, did we lose Mr. Krebs?

14 MS. SCHELLIN: I am not sure. Mr. Young, can you --
15 it looks like he's there, but I'm not sure if he just muted or -
16 -

17 CHAIRMAN HOOD: When we bring him back, let's give him
18 a minute and a half to finish, because I think he --

19 MS. SCHELLIN: Okay.

20 CHAIRMAN HOOD: I appreciate everyone's indulgence.

21 MR. KREBS: I'm sorry, Mr. Chairman.

22 CHAIRMAN HOOD: No problem. We're going to give you
23 another minute and a half.

24 MR. KREBS: Okay, well, that's very kind of you. Of
25 course, my battery ran out just as I got to speak. What I was

1 saying, Mr. Chairman, is when the agreement with the neighbors
2 was reached, they had a rule that pass cards for those gates
3 could not go to the students, because they did not want the
4 students flooding that neighborhood.

5 Now, we put 500 beds along that fence line. And I can
6 tell you, I was a college student, (indiscernible) having walking
7 down to the gate on Massachusetts Avenue from that area, down
8 Massachusetts Avenue to go to the stores or my friends or
9 whatever, isn't going to happen. I'm going to go up, and I'm
10 going to climb that fence. I'm going to try to get a key to that
11 fence.

12 But that's not discussed, because there's nothing in
13 particular or specific in this plan that solves the planning
14 issues for a campus plan. And everything else is going to be in
15 further processing. Further processing isn't to ask a question
16 about why you're doing something. And how you're doing it.
17 That's exactly what you're doing. And I submit to you, that when
18 you look at the decisions for the important big things in this
19 plan, you'll find none of those decisions were made. Thank you
20 so much.

21 CHAIRMAN HOOD: Mr. Krebs, if you can give us your
22 closing thought?

23 MR. KREBS: That's my closing thought. Thank you very
24 much.

25 CHAIRMAN HOOD: Okay, thank you. And just for the

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1 record, I want everyone to know that I'm seeing who has the
2 longest closing thought for the night. Mr. Krebs has the
3 shortest. So I want you all to know, I am keeping tabs on who
4 has the longest. So thank you, Mr. Krebs.

5 And let's see, Mr. Krebs, let's see if we have any
6 questions. Commissioners, any questions of Mr. Krebs?
7 Commissioner May? Commissioner Shapiro? Commissioner Turnbull?
8 Vice Chair Miller?

9 VICE CHAIRMAN MILLER: No questions. Thank you, Mr.
10 Krebs, for your testimony.

11 MR. KREBS: Thank you.

12 CHAIRMAN HOOD: I, too, want to thank you for your
13 testimony, MR. KREBS. Let's see if any of the parties have any
14 cross of Mr. Krebs. Does the applicant?

15 MR. TUMMONDS: No cross.

16 CHAIRMAN HOOD: AU neighborhood partnership, Mr.
17 Kravitz?

18 MR. KRAVITZ: No Cross.

19 CHAIRMAN HOOD: Chairman Elkins.

20 COMMISSIONER ELKINS: No cross.

21 CHAIRMAN HOOD: Chairman McHugh?

22 COMMISSIONER MCHUGH: No cross.

23 CHAIRMAN HOOD: Mr. Smith?

24 MR. SMITH: No cross.

25 CHAIRMAN HOOD: Ms. Gates?

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1 MS. GATES: No cross.

2 CHAIRMAN HOOD: Mr. Kirkpatrick?

3 MR. KIRKPATRICK: No cross.

4 CHAIRMAN HOOD: Ms. Horwitz?

5 MS. HORWITZ: No cross.

6 CHAIRMAN HOOD: Okay. And Ms. Ambrose?

7 MS. AMBROSE: No cross.

8 CHAIRMAN HOOD: Okay, thank you very much, Mr. Krebs.
9 We appreciate your testimony.

10 MR. KREBS: Thank you.

11 CHAIRMAN HOOD: Okay, so the parties -- I don't know
12 if you all have an order that you want to go in, or do you want
13 me to call the order? Let me look at the person -- I see Mr.
14 Smith, do you all have an order that you all want to go in, or
15 are you just whatever I call?

16 MR. SMITH: Mr. Chairman, we're doing all of this
17 independently, and assuming that we still have 14 minutes each
18 to testify.

19 CHAIRMAN HOOD: Okay, thank you. I will just take
20 that, that everybody agrees. You have 14 minutes and a closing
21 thought.

22 So with that, let me start with Ms. Ambrose. You have
23 14 minutes and a closing thought.

24 MS. AMBROSE: Thank you. Chairman Hood, commissioners,
25 parties both in support and opposition, thank you for providing

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1 me this opportunity to participate on behalf of my party. I'm
2 Natalie Ambrose, owner of 3323 Nebraska Avenue. Actually, this
3 is the home my parents purchased in 1974, and that I grew up in.
4 Believe me, through the 47 years of our living across the street,
5 in many ways, I have grown up with American University, witness
6 to the different eras and changes in campus appearance and student
7 life, and in the surrounding neighborhoods.

8 When we moved to this house, there was no west over
9 place, there was no Westover Place, there was no Sutton Place,
10 there was no Chef Jeff, or any of the buildings down to New Mexico
11 until the Towers, just the Glover estate. And there was also
12 street parking on Nebraska Avenue in front of my house. But lest
13 I digress, that's the past and we're very much now in the future.

14 The seven members of our party are all -- all own
15 single-family homes within 200 feet of the southeast side of the
16 main campus at the intersection in Nebraska with Newark Street
17 and Rockwood Parkway. Because of our proximity, we have observed
18 and experienced the impacts of what seems, especially over the
19 last 20 years, the University's accelerated growth and physical
20 development.

21 The SIS building was built in 2004, less than a half
22 block away. The east campus, also on Nebraska, one block away,
23 was completed in 2017. From our homes, from different vantage
24 points, we see these buildings and others. We experience all of
25 the associated activities, the noise, the lights, the pedestrian

1 and vehicular traffic of having the University just across the
2 street, visible and ever present, day and night, weekdays and
3 weekends.

4 In spite of a couple of positive tweaks in terms of
5 lopping off one floor for the dorm, adjustments and setback in
6 landscaping, we remain concerned with the scale, the density, and
7 the use of sites 11 and 12.

8 Inside 11, the two academic buildings that are there
9 now are both two story, and combined have 28,000 GFA. They will
10 be demolished and replaced by one four-story building, which is
11 four times larger.

12 We have been assured by AU that site 11, which will be
13 an academic building, will be in keeping with the adjacent SIS
14 building. But in 125,000 GFA, site 11 will be twice as large as
15 SIS and 70 percent larger than Bender Library, which are both
16 adjacent.

17 We are also concerned about the use of the ground floor
18 for still unspecified campus life. It's such a prominent
19 location, having commercial or retail activity within 200 feet
20 of single-family homes establishes a concerning precedence.

21 At site 12, two dorms are there now. Both are two
22 story, combined are 28,000 GFA, and have 120 beds. They will be
23 demolished and replaced by one seven-story dorm, four times
24 larger with 350 beds.

25

1 We do appreciate that, again, last April 2020, that one
2 floor was removed, and so a reduction of 60,000 GFA. However,
3 this building is still way too large. We already see Letts Hall,
4 which is seven stories, from our homes at night, occupied and
5 with light shining from the windows. This new dorm will be even
6 closer to our homes than Letts. Located immediately behind Letts
7 are two more very large, high rise dorms: Anderson, which is
8 eight stories and Centennial seven. Adding 350 beds at site 12
9 to those already being housed in these three existing dorms will
10 bring a total of 2,200 students living at our end of the campus.

11 To put this in perspective, the three dorms on east
12 campus are much smaller in size and scale. Duber and Federal
13 are both five stories. Constitution is six. But combined, these
14 three dorms east campus houses 730 students. That would be in
15 contrast to our 2,200.

16 If sites 11 and/or 12 get developed, the University
17 most likely will include a below grade, two-level parking garage
18 for 360 cars. We've expressed our concern about the additional
19 traffic, in addition to the AU shuttle and athletic buses that
20 will converge at Fletcher Gate, across from neighboring homes and
21 adjacent to an already busy intersection.

22 We have asked that if this garage must be built, that
23 it utilize the same entrance as the SIS garage. Likewise is with
24 Westover Place and the garage for site 15, we have questioned the
25 University's need and rationale for additional parking.

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1 We are concerned by the prospects of increased traffic
2 congestion from these big and busy buildings, plus a new garage,
3 even the bifurcation of campus vehicular traffic will add traffic
4 turning at the intersection of Nebraska and Rockwood, and in and
5 out of Fletcher Gate.

6 According to DDOT data, Nebraska Avenue between Ward
7 Circle and Foxhall Road already has the second highest daily
8 traffic out in Ward 3. With the new City Ridge Development at
9 Wisconsin and Van Ness, the prospects for the New River School -
10 - Ridge school -- I'm sorry River School campus on Nebraska.
11 Traffic along Nebraska, including with cars from Maryland and
12 Virginia will just get worse, despite Nelson and (indiscernible)
13 conclusions.

14 This, along with the possibility of a cycle track,
15 which is being proposed for the north lane of Nebraska Avenue
16 from Rockwood Parkway to Arizona Avenue, or beyond. The
17 intersection of Nebraska and Rockwood in Newark is among the
18 third -- Ward 3's five busiest. Its crosswalk is used not just
19 by us neighbors, pedestrians, and the University students and
20 visitors, but also for the Horace Mann Elementary School, which
21 is less than a block away.

22 We have been accused of being alarmists, but we do
23 think we have valid concern about the possibility of encountering
24 World War I era chemical or munition contamination while
25 developing sites 11 and 12, as they lie within the boundaries of

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1 the formerly used defense site and less than 100 yards from an
2 area currently under remediation.

3 The four buildings there now: Clark, Roker, Gray, and
4 McCabe were all built in the 1950s, and have not been
5 significantly disturbed or altered since. And since 2002,
6 remediation of campus property near the sites 11 and 12 has been
7 ongoing, starting with Lot 18, and now the former public safety
8 building also from the '50s.

9 This building was ultimately demolished in 2017. The
10 cleanup continues after having found a mix of munitions debris,
11 heavy metal, lead, arsenic, and mercury. We are concerned about
12 damage to our properties from possible years' long and major
13 excavation and construction activity happening within 200 feet
14 of our homes.

15 We asked for the University's assistance and
16 cooperation in minimizing possible impacts and for keeping us
17 informed. This includes conducting pre and post construction
18 surveys of our adjacent properties, as well as providing timely
19 remediation to any homes which incur construction-related damage.

20 During the last campus plan, the Zoning Commission
21 required this of the University for the single-family homes in
22 Fort Gaines, during Nebraska Hall addition, and for the Westover
23 Place townhomes during the construction of east campus. And
24 obviously, Westover is asking for this again.

25 We are also concerned about the sequencing and timing

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1 of site development proposed. Site 12 is labeled as secondary,
2 while site 11 is not. Naturally, we are concerned and have no
3 assurance that in spite of the secondary designation, that once
4 one site is developed, the second adjacent site will be as well,
5 likewise, the underground parking garage. And we question the
6 demolition of already existing and occupied buildings and
7 actually gardens and green scape, for that matter, when there are
8 still buildable and infill sites on the interior of the campus
9 yet to be developed, redeveloped, or fully utilized.

10 Beyond the development proposed for 11 and 12 for this
11 plan, we are concerned by the prospect of even more development
12 in the future on the adjacent tract of land, the so-called south
13 campus along Rockwood Parkway, extending from Fletcher Gate to
14 Jacobs Field. This is being suggested for 2031, and this would
15 result in the complete buildout of our southeast end of campus.

16 As with other parties in opposition, we do believe that
17 the University should agree to an enrollment cap on
18 undergraduates. This will help to curtail what seems the
19 University's perpetual need for additional housing, academic, and
20 athletic facilities, and parking, ultimately helping to alleviate
21 some of the cap and gown friction points.

22 Because of our 200-foot proximity and unique vantage
23 points of each of our properties to the main campus, we request
24 that a representative from our party be appointed as a full and
25 voting member of any relevant University and community forum

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1 tasked with implementing the 2021 campus plan, including at the
2 further processing phase.

3 This includes a seat at the table during decision
4 making in the Community Liaison Committee, as well as the
5 neighborhood partnership.

6 Let me close by saying that we are not against American
7 University. It benefits all of us and our neighborhoods to have
8 a vibrant, financially strong, and prestigious university in our
9 midst. Like others, and as a neighbor of many years, me and my
10 family have benefited from the many interesting events and
11 resources that the University provides. And we understand the
12 University's need for renewal and growth.

13 And all along, we have tried to appreciate the
14 University's needs, what's best for the bigger community, and to
15 be reasonable. As my neighbor Tim Tally and I stated, and
16 participated on the Facilities Planning Working Group about sites
17 11 and 12, last year, we wrote, "We can appreciate the
18 University's desire to do something with this land. In this day
19 and age, these small buildings are not efficient in terms of size
20 or capacity, and they are dated in appearance. But for the
21 neighbors, they are nicely separated and spaced, nicely
22 landscaped, and have appropriate setback from such a visible
23 corner at the very edge of our neighborhood. They are low and
24 inconspicuous. Ultimately, we are not saying to never build
25 there, but we are saying that depicted as they are now, sites 11

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1 and 12 are still much, much too big."

2 So because of the very large size and scale, and yet
3 still unspecified uses as currently proposed, us owners of
4 neighboring properties within 200 feet, continue to dispute that
5 these, and much actually of the rest of the plan, failed to meet
6 the zoning criteria of Subtitle X, Section 101.2 that, "the uses
7 shall be located so that they are not likely to become
8 objectionable to neighboring property because of noise, traffic,
9 parking, number of students, or other objectionable conditions."

10 For now, and in future planning, we ask of the
11 University that they always keep their very closest neighbors,
12 those along the 200-foot perimeter on all sides of their campus,
13 and therefore the most impacted, in mind when making any long-
14 term neighborhood impacting decisions. Likewise, we ask for this
15 zoning commission to require that the University comply with our
16 different requests stated here if and when the University
17 proceeds with the development of sites 11 and 12.

18 Thank you.

19 CHAIRMAN HOOD: Thank you, Ms. Ambrose. Perfect.
20 Perfect.

21 Okay, thank you for your testimony. Let's see if we
22 have any -- Commissioners have any questions or comments, Ms.
23 Ambrose, any concerned neighbors.

24 Commissioner May? Okay. Commissioner Shapiro?

25 COMMISSIONER SHAPIRO: No questions. Just thank you

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1 for your thoughtful testimony. I appreciate it.

2 CHAIRMAN HOOD: Commissioner Turnbull? And Vice Chair
3 Miller. Okay, I don't have any as well.

4 Let's see -- again, we're going to have to bring, I
5 think the easiest way - maybe bring everybody up, and let's just
6 keep them up as we go through this.

7 Mr. Young -- does the applicant have any cross?

8 MR. TUMMONDS: No, cross from the applicant.

9 CHAIRMAN HOOD: Okay. AU neighborhood partnership.

10 MR. KRAVITZ: Yes, one or two quick questions.

11 Ms. Ambrose, your testimony tonight talked about
12 concern over the prospect of more development on the so-called
13 east campus. At multiple facilities planning working group
14 meetings and in formal written correspondence to the working
15 group in March 2020, you requested -- do you remember requesting
16 that AU consider making this area available for new development
17 as an alternative to building site 11?

18 MS. AMBROSE: Which area? I'm sorry, you lost me.
19 Site 11.

20 MR. KRAVITZ: Instead of site 11, to build on the area
21 that's referred to as south campus, set aside for long range
22 planning behind Hamilton and public safety.

23 MS. AMBROSE: Yes, I do recall that. And frankly, to
24 me, that would seem in many ways an obvious. But even for now,
25 it's not as visible to the street, to the corner, it's set down.

1 It's a big space of property. But I never could understand why
2 it was taken off the table, that I understood it was your -- that
3 you, in particular, had this vision of a south campus in the
4 future.

5 But let's be honest, I think it also might have
6 something to do with the remediation matters. The public safety
7 building is located in that area. Likewise, the Child Development
8 Center, which has always been suspect, and the Hamilton building.
9 Don't forget, I've lived across the street for almost 47 years
10 from American University.

11 CHAIRMAN HOOD: Ms. Ambrose, you were doing
12 exceptionally well early on. But I think you answered that
13 question. You and Mr. Kravitz like to answer questions with many
14 sentences. I think you answered that a long time ago. So let's
15 work with us. Shorter answers are better for us.

16 MR. KRAVITZ: So then are you for development in that
17 area, as you just answered, or are you against it, as you
18 testified earlier? I'm just having trouble understanding?

19 MS. AMBROSE: Which area are you talking about? 11 and
20 12 or south campus?

21 MR. KRAVITZ: The same areas. No, the south campus
22 area behind Hamilton and public safety.

23 MS. AMBROSE: Great question, Troy. And I mean, I
24 think that bridge was crossed a long time ago. I'm not in favor
25 of developing those sites. If you're going to develop -- if the

1 University is going to develop site 11 and 12, and that's what I
2 said in my testimony, that whole area is going to be built out
3 in about maybe 20 years, probably after -- if I have any more of
4 these campus plans to do, I may be, but I'm just saying that --

5 MR. KRAVITZ: No further questions. That's fine.

6 MS. AMBROSE: Thank you.

7 CHAIRMAN HOOD: Okay. Thank you. Okay, did ANC.
8 Spring Valley, do you have any cross?

9 MR. KRASKIN: No cross, Mr. Chair.

10 CHAIRMAN HOOD: Neighbors for Livable Communities, Ms.
11 Gates, any cross?

12 MS. GATES: Sorry, no.

13 CHAIRMAN HOOD: Okay, thank you, Ms. Horwitz, any
14 cross?

15 MS. HORWITZ: No cross.

16 CHAIRMAN HOOD: And Mr. Kirkpatrick, any cross?

17 MR. KIRKPATRICK: No cross, Mr. Chairman.

18 CHAIRMAN HOOD: Okay. Thank you. I think I got
19 everybody. If Neighbors for Livable Communities can get ready,
20 you can go ahead and present.

21 MS. GATES: I'd be glad to. Can you hear me okay?

22 CHAIRMAN HOOD: Yes, we can hear you just fine, Ms.
23 Gates.

24 MS. GATES: Thank you. Good evening, members of the
25 Zoning Commission. I am Alma Gates, representing Neighbors for

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1 a Livable Community. NLC was established in 1987 by concerned
2 neighbors of American University to protect the quiet, long-
3 established neighborhoods surrounding the University. NLC has a
4 long history of involvement with the University's campus planning
5 processes, and has participated in liaison committee meetings,
6 task force meetings, and other interactions between the
7 University and its neighboring communities.

8 Here with American University presents its campus plan
9 pursuant to Subtitle X, Chapter 1 and subtitle Z Section 302.
10 Further Subtitle X, Section 102.5 seeks to incorporate three
11 additional campus properties which have University uses into the
12 2021 plan.

13 NLC primarily objects to the ambitious 2021 American
14 University campus plan, because it lacks predictability and
15 protections for neighbors. The location and use of some buildings
16 on the west campus area remain undecided. Landscape buffering
17 is dependent on further processing. The number of students,
18 particularly the increase in undergraduate enrollment, additional
19 neighborhood traffic impacts stemming in part from the reliance
20 on off-campus parking facilities to meet the University's parking
21 needs, the continued reliance on the off-campus housing to meet
22 the University's requirement to house 67 percent of its
23 residential students, the significant increase in density on the
24 main campus slot, and purposeful efforts to ignore condition
25 number 16 of the ZC-1107, the 2011 campus plan, which cites the

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1 Community Liaison Committee as the organization representing
2 communities surrounding the University.

3 The 2021 campus plan offensively refers to the West
4 Campus area, which is adjacent to University Avenue, as the back
5 of the house. However, this area of the campus is the view from
6 the front doors of expensive homes along University Avenue.

7 Turning to the location and uses of proposed buildings
8 for the West Campus area, which is being referred to as a new
9 mini quadrangle area. Dorms. 450 to 680 new beds will be added
10 at the back of the house area near Reeves Field and University
11 Avenue. Three dorms will directly face residential housing along
12 University Avenue. Given the topography of the sites and the
13 uses of the buildings, neighbors may be impacted by lighting
14 during evening and nighttime hours.

15 Also, one dorm will be close enough to residents' homes
16 to cause concern about noise.

17 When the new Hall of Science was built, the University
18 installed some Kacie-donated trees along their property line.
19 However, the new plantings have done little to obscure the view
20 into campus or buffer the area along University. Other areas of
21 the property line remain bare during winter months.

22 The Center for Athletic Performance, the CAP. The
23 applicant proposes construction of a 75,000 GFA Center for
24 Athletic Performance, adjacent to Reeves field, set back 110 feet
25 from the property line at University Avenue. The AU property

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1 line is located 32 feet from the curb at University Avenue. The
2 three-story building, as proposed, will be approximately 60 feet
3 tall. However, the height measuring point remains unknown.
4 Provided the height measuring point is at the on-campus surface
5 road, which seems likely, the building height facing University
6 Avenue will be approximately 80 feet tall due to the site
7 elevations and the fact the surface road is approximately 20 feet
8 higher than University Avenue.

9 Under the 2016 zoning regulations, a 15-foot penthouse
10 could be added, which would result in the proposed CAP being 95
11 feet tall along University Avenue, where residential homes are
12 limited to 40 feet. The applicant will not decide whether
13 buildings will have penthouses, or tennis courts, or some other
14 roof views until further processing occurs. Currently, Reeves
15 Field and other outdoor sports facilities, tennis courts,
16 basketball court provide the 390-foot buffer between University
17 Avenue and any existing AU building.

18 The CAP, which is proposed to sit atop the tennis
19 courts, will be the tallest building in the West campus area and
20 the closest to neighbors' homes.

21 There still has been no mention of how any team buses
22 will reach this property or this building. Immediately adjacent
23 to the CAP will be a five-story 110,000 gross floor area dorm to
24 house 280 to 350 undergraduate students. Landscaping and
25 buffering. Section 4.2.3 of the 2021 campus plan addresses

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1 landscape, streetscape, and open spaces. The text contains no
2 real plan as details regarding the impact of each proposed
3 development site on existing heritage and special trees will be
4 provided as building footprints are confirmed during further
5 processing review.

6 Campus border areas, like University Avenue, that
7 remain bare throughout the winter months are not addressed in the
8 campus plan as currently needing landscape buffering.

9 I'm skipping forward now to letter F, or Section F.
10 Increased density on the main campus is another issue of concern.
11 The proposal would develop, redevelop, and renovate 15 buildings
12 or sites across the main campus and add 747,500 GFA. Like the
13 overage in undergraduate student enrollment, where the solution
14 is to build another dorm to allow the University to meet its
15 required percentage of students housed on campus, the university
16 continues to purchase property, collectively the campus plan
17 property, to allow it to meet its overall allowable campus
18 density.

19 Relief is offered or density is offset by borrowing or
20 using far from other University-owned properties, rather than
21 only measuring density on the main campus slot. It simply does
22 not make sense to allow the creation of an overbuilt main campus,
23 and think it will not negatively impact its surroundings.

24 Density and campus use and student numbers is keenly
25 felt by the public, who must use Nebraska and Massachusetts

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1 Avenues. Nebraska Avenue has a new (indiscernible) signal mid-
2 block between New Mexico Avenue and the circle, because it was
3 determined in the 2011 campus plan, students would cross mid-
4 block rather than walk to the corner to cross.

5 New pedestrian cross lights at all intersections of the
6 circle have also had an impact on traffic. The hiatus in student
7 attendance at the University due to COVID-19 has made the
8 community keenly aware of the decrease in levels of service, and
9 that AU is a contributing source of delays and overall difficulty
10 traversing two major thoroughfares, Nebraska and Mass Avenues,
11 as well as other streets surrounding the University.

12 Faculty and staff numbers do not come without an
13 impact. Their numbers and needs will increase as new programs
14 are introduced at the University and others are expanded. The
15 University does not distinguish between faculty and staff, but
16 assures the Zoning Commission that a firm cap on University
17 employees will not exceed 3,350. If the employee cap and student
18 cap of 14,380 students are combined, that's a whopping 17,730
19 persons who could be on campus at any one time.

20 As in the past, the AU campus plan is a continuum of
21 development, student and employee increases that are proposed to
22 result in harmonious relationships between the University and its
23 neighbors. Sufficient new bulk is proposed in the 2021 plan,
24 that may have significant impact on residents, is facing along
25 University Avenue and areas surrounding the main campus. It is

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1 impossible to add students and employees without impact. Traffic
2 calming measures have had impacts that extend beyond the
3 immediate campus area.

4 According to the standards of review, the granting of
5 a special exception is not meant to result in objectionable
6 conditions. NLC generally supports the proposed conditions of
7 approval, but recommends a reporting system be developed based
8 on the provisions of Title 11, Subtitle X, Chapter 9, Section
9 901, to ensure the University is meeting the special exception
10 requirements, as well as its self-prescribed conditions.

11 A hard cap on students and employees is timely and
12 necessary. NLC also recommends additional conditions stipulating
13 that lighting and sound be such as to limit impacts on neighboring
14 property and that the University be required to implement
15 previous new commitments to maintain and enhance landscaping in
16 areas bordering residential neighborhoods, especially along
17 University Avenue.

18 There should be no new curb cut on University Avenue
19 into the mini quadrangle west campus expansion area, during
20 construction or at any time during the life of the 2021 campus
21 plan. One of the most important needs of the community is the
22 reinstatement of the Community Liaison Committee in decision
23 making, and as a community group organization guiding the
24 implementation of the 2021 campus plan. The creation of the
25 CLC and its members was a condition proffered by the University

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1 and found this condition number 16 in the 2011 campus plan.

2 The zoning commission designated that representatives
3 from those surrounding communities work with the University,
4 yet the 2021 plan at Section 3.3 states, the University and the
5 AU Neighborhood Partnership have reached consensus on the
6 objectives, proposals, and commitments set forth in the 2021
7 campus plan. The newly established partnership, based on the
8 Georgetown partnership model, has completely undermined the
9 purpose and role of the CLC and its relationship with the
10 university.

11 Moving forward, the role of the partnership, as
12 described throughout the 18 proposed conditions of approval,
13 found in the new plan at Section 6. The partnership does not
14 work with the CLC or the community it pretends to represent.
15 To quote Linda Argot, former university VP for community
16 relations in describing the partnership's role, "The
17 partnership will work with the university to come to decisions
18 which will be presented to the CLC."

19 CHAIRMAN HOOD: Okay. Ms. Gates, give us your closing
20 thought, Ms. Gates.

21 MS. GATES: Okay. In closing, Neighbors for a Livable
22 Community want the 2021 campus plan to succeed. NLC wants the
23 university to succeed as an institution of higher learning in the
24 Nation's capital and as a good neighbor to those who live in
25 surrounding communities.

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1 This can happen if the zoning commission unambiguously
2 conditions approval framed by the zoning regulations, and in
3 consideration of those most impacted, living closest to the
4 campus.

5 In addition, the reinstatement of the CLC and continued
6 CLC quarterly meetings are timely and necessary. And then I just
7 went on to say how important a reporting system would be.

8 Thank you.

9 CHAIRMAN HOOD: Okay, thank you. Let's see. Does the
10 applicant have any cross?

11 MR. TUMMONDS: The applicant does not have any cross.

12 CHAIRMAN HOOD: Okay. AU neighborhood partnership, you
13 have any cross?

14 MR. KRAVITZ: No cross.

15 CHAIRMAN HOOD: ANC 3D?

16 MR. ELKINS: No cross.

17 CHAIRMAN HOOD: ANC 3E?

18 COMMISSIONER MCHUGH: Yeah, I do have one question.
19 Ms. Gates, maybe you didn't this since this was posted, but the
20 rebuttal testimony of AU was posted as Exhibit 124a. Did you
21 happen to see that?

22 MS. GATES: Yes, I did. Thank you.

23 COMMISSIONER MCHUGH: And on page 7, there was an answer
24 for tennis courts, as well as the penthouse. They were not going
25 to include (indiscernible) and the tennis courts were not going

1 to be on top of campus structure. Was that your understanding?

2 MS. GATES: It was my understanding, however, that does
3 not mean they cannot come back during the further processing
4 period and ask for that.

5 COMMISSIONER MCHUGH: Well, yeah. I guess that's a
6 good question. Do you want that as a condition or --

7 MS. GATES: Yes, I would like it as a condition. Thank
8 you.

9 COMMISSIONER MCHUGH: Okay. And the only other thing
10 was, I was the co-chair of the transportation and parking, so
11 Ward Circle lights and the (indiscernible), which we worked a lot
12 with DDOT, do you not think that's working correctly or that's
13 not something that satisfies your -- what you think should be
14 done at that circle?

15 MS. GATES: You know, I don't think it does work
16 properly, and I think it could probably be solved by putting walk
17 only lights, a period of walk only at those crossings. So you're
18 not sitting there in traffic, waiting for students on their cell
19 phones to sort of saunter across Nebraska Avenue. Do you know
20 what I'm saying? In other words, they walk, and then the traffic
21 goes and they don't mix.

22 COMMISSIONER MCHUGH: Okay, I think that's the way
23 they're timed now. Yeah, I think that was through the entire
24 circle, they're all walk only.

25 Chairman, that's the only questions I have. I

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1 appreciate it.

2 MS. GATES: Thank you.

3 CHAIRMAN HOOD: Okay, thank you. Let's go to Spring
4 Valley/Wesley Heights, any cross?

5 MR. SMITH: I just have one question. Alma, do you
6 have any concerns about eliminating language in the campus plan
7 that would -- that now requires AU to provide a certain number
8 of parking spaces?

9 MS. GATES: Yes, and that was -- I believe that was in
10 my testimony, in the part that I skipped over. I think that
11 parking minimums don't always work, that looking at maximums
12 might be more realistic.

13 MR. SMITH: I guess I just want to check -- AU is
14 proposing a parking maximum, they currently have a parking
15 minimum. Are you saying that you support the language in the
16 current plan, or I guess I'm a little confused?

17 MS. GATES: Well, I think it's very hard, Tom, in all
18 honesty, to know whether or not the maximum is the right number.
19 I don't know what the basis for that number is. However, I know
20 that when we've had to do parking minimums, sometimes it hasn't
21 worked out so well. And I would cite Sibley Hospital as an
22 example of that, where people just, you know, yourself, you cannot
23 find a parking place in the parking lot. So that was my point.

24 MR. EDWARDS: Thank you very much, appreciate it.

25 CHAIRMAN HOOD: Thank you. Mr. Kirkpatrick, any cross?

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1 MR. KIRKPATRICK: No cross, Mr. Chair.

2 CHAIRMAN HOOD: And Ms. Horwitz, any cross?

3 MS. HORWITZ: No cross.

4 CHAIRMAN HOOD: And Ms. Ambrose, any cross?

5 MS. AMBROSE: No.

6 CHAIRMAN HOOD: Okay. Commissioners, I think I heard
7 Mr. (indiscernible) say I overlooked the commissioners.

8 Commissioners, I may do things, so I appreciate all the
9 help I can get. Commissioner May, do you have any questions?
10 Commissioner Shapiro, do you have any questions? Commissioner
11 Turnbull, do you have any questions?

12 COMMISSIONER TURNBULL: No questions, Mr. Chair.

13 CHAIRMAN HOOD: Vice Chair Miller, any questions?

14 VICE CHAIRMAN MILLER: No questions. Thank you, Ms.
15 Gates, for your testimony and for all your work. I know all of
16 the parties in opposition, but the parties in support care about
17 the city.

18 CHAIRMAN HOOD: Thank you, Ms. Gates, and thank you,
19 Dr. Crasson for reminding me.

20 Okay, let's go. Let me do this first. It's 8:11. I
21 have not a hard, fast stop at 10:00, but we'll see where we are,
22 because I know we're going to -- the way I calculate it, we have
23 about another 45 minutes of testimony. I'm not sure how cross
24 is going to go, and then we have rebuttal. I'm not sure how
25 cross on rebuttal is going to go, and then we have closing, so I

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1 need to go a little further before we do another session. But I
2 will ask Ms. Schellin to start looking at another date, sooner
3 than later, even if we have to go tomorrow at 6:30 or whenever,
4 but let's start looking at another date, and then we'll talk
5 about it as we move along. But the goal is to finish tonight.

6 Okay, so let's go with Westover Place. Mr.
7 Kirkpatrick, you're on mute. Mr. Kirkpatrick, I think you're
8 still on mute. At least I can't hear you. Maybe others can,
9 but I can't.

10 MR. KIRKPATRICK: I'm sorry, Mr. Chair. Westover is
11 going to divide its testimony between two people. I think Mr.
12 Ben Tesler was going to testify, if he's on, or else Carol Wells
13 was going to read his testimony.

14 CHAIRMAN HOOD: Okay. Do you have that together? If
15 not, I can come back to you and just have it together next.

16 MR. KIRKPATRICK: I mean, I have mine, but I'm out in
17 California, but I'm doing half of it. And he was doing half of
18 it.

19 CHAIRMAN HOOD: Ms. Wells, do you see him? Okay. There
20 we go. You all may begin. You may begin.

21 MR. KIRKPATRICK: Do you want me to begin or Ms. Wells?
22 I can't see if she's here.

23 CHAIRMAN HOOD: However, you have your testimony. I
24 don't know who's supposed to go first.

25 MR. KIRKPATRICK: Ms. Wells, I think was going first.

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1 CHAIRMAN HOOD: Okay, Ms. Wells, are you -- can you
2 hear us? Ms. Wells?

3 COMMISSIONER SHAPIRO: She's on mute, Mr. Chair.

4 CHAIRMAN HOOD: Okay, yes, she is. Ms. Wells, can you
5 unmute? Hit your space button once, as Mr. Turnbull taught all
6 of us.

7 MS. WELLS: Thank you, Commissioner Hood and
8 commissioners. Good evening, my name is Carol Wells. I am
9 testifying in this zoning proceeding as the authorized
10 representative of the Westover Place Homes Corporation, or
11 Westover Place. Westover Place abuts the AU East campus and is
12 home to approximately 300 residents who live in 149 townhomes.

13 Our residents are directly affected by the 2021 AU
14 campus plan. These concerns are set forth herein and our written
15 statement submitted yesterday, as well as in numerous letters in
16 opposition from Westover Place residents, who live closest to the
17 actual proposed construction, and whose homes are directly
18 impacted by this AU proposed plan.

19 Although colleges are an important asset in the
20 District of Columbia, the city's residential communities, like
21 Westover Place, are another valuable asset. The interest of the
22 university should not supersede the often competing and long-
23 established interests of stable residential neighborhoods, such
24 as Westover Place.

25 As the D.C. Office of Planning testified in this zoning

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1 proceeding about the future land use element of the comprehensive
2 plan, university growth cannot destroy the character of
3 surrounding residential neighborhoods. As Westover Place
4 understands, office of planning interprets this element as
5 mandating that development should be within the center of the
6 campus and not on the edges which abut residential communities.
7 This is particularly pertinent in connection with the campus
8 plan, which focuses on massive development directly adjacent to
9 our homes.

10 Westover Place shares many concerns of our neighboring
11 communities who have indicated in their testimony and letters
12 that this proposed plan advances the interests of AU at the direct
13 expense of its neighbors. Zoning laws and regulations are
14 intended to prevent such efforts by universities and the District
15 of Columbia. We trust that the zoning commission will take these
16 interests fully into account in this proceeding.

17 This testimony will detail Westover Place's concerns
18 and objectionable conditions for Site 15, which AU has been made
19 aware of on several occasions at ANC and CLC meetings, and through
20 our participation in the partnership.

21 The Westover Place board never approved any plan, nor
22 was any plan ever presented to the board for approval. We think
23 the proposed building is far too large and needs to be scaled
24 back considerably. The vehicular and pedestrian traffic impacts
25 of such a large building will cripple the area. Westover Place

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1 objects to 400 underground parking spaces. We don't want an
2 underground garage at all. We believe that AU has conceded, as
3 DDOT concluded, that the proposed additional 400 parking spaces
4 are unnecessary, wherever they might be located. Westover Place
5 remains unsure how large undergraduate enrollment will grow to
6 at AU. We support an undergraduate cap.

7 We have concerns about damage to our homes, water and
8 chemical issues, noise and light and other issues. Westover
9 Place appreciates AU's position that the building proposed for
10 development on Site 15 will not be a student dormitory. Westover
11 Place supports that position. While that is positive, we also
12 take note that since no specifics have been provided for its use,
13 we can only urge our preferences for use, as well as purposes
14 for which the building should not be used. To detail, Westover
15 places concerns.

16 First, the use of the proposed building on Site 15,
17 which shares over 900 feet of property line with Westover Place,
18 is unclear. We do not support the use of this structure for
19 student life, which is a tavern, pub, restaurant, auditorium,
20 cafeterias, or other food service. If the building is used for
21 these purposes, the impact on our community in terms of foot and
22 vehicular traffic noise would be considerable. Such activities
23 should occur on the center of the campus, and not at AU's edge
24 abutting its neighbors.

25 Site 15 should be used solely for administrative and

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1 academic purposes. In campus plan 11-07, Westover Place and
2 other groups sought that classification, which was approved for
3 the East campus with allowance for minor commercial use. There
4 are many other locations for retail and AU-owned properties
5 located in more commercial areas.

6 In addition, campus life activities should be centered
7 around the Mary Graydon Center and the main campus across Nebraska
8 Avenue, and not next to a residential community.

9 Second, the proposed building on site 15 is far too
10 large and too close to our community. 135,000 square feet is
11 larger than the Katzen Art Center and would dramatically impact
12 our quality of life. It would throw light pollution. It would
13 change access to natural light, and would change the view of many
14 of our residents.

15 In fact, the proposed building will be about three
16 times the size of each of the buildings on the east campus, except
17 one. And in that case, the new building will be nearly two-
18 thirds larger than that building.

19 Any new building proposed for Site 15 should be more
20 in line with the size of the largest building already on the east
21 campus, with any building closest to Westover Place being no more
22 than two stories high.

23 As set forth in the current campus plan, there should
24 be no curb cuts, ingress, or egress from Massachusetts Avenue.
25 It should be a condition of this proposed campus plan that

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1 maintains the current traffic pattern through Nebraska Avenue.

2 As it is well known, AU's past commitment to provide a
3 promised, fully wooded and landscaped buffer between the east
4 campus and Westover have not always been achieved, and in any
5 event were not acceptable to Westover. The buffer AU installed
6 did not meet even its own representations. At a minimum, Westover
7 Place needs to be guaranteed that the existing setback and
8 healthy, full sized shrubs and trees will stay. Further existing
9 trees and shrubs in poor condition in the buffer will need to be
10 replaced with similar species of mature size in AU.

11 And, Mr. Young, could you start our PowerPoint, please?

12 Yes. Our first two slides represent the material from
13 the American University, followed by what the existing buffer
14 looks like now. Can just go forward now. Can see the buffer
15 that is shown on the bottom of this image, and then the next film
16 next. This is what it looks like standing in the parking lot
17 now, looking back towards Westover. Next. Next. Next. Next.
18 Next. Next. Next. Next. Next. Next. Next. Next. Next.
19 Next. Next. Next. Next.

20 I believe that's the end of the PowerPoint. So as a
21 condition of this plan, AU must renew its commitment to the entire
22 buffer area from New Mexico Avenue to Massachusetts Avenue, and
23 all along Mass Avenue, and provide continued maintenance, upkeep,
24 replanting, and enhancement as necessary, and the plan be
25 acceptable to our board.

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1 To close, for my part, we feel that AU's current plan,
2 not expiring until May 2022, there is still time for the
3 commission to send this plan back to AU with instructions for the
4 University to engage further with members of the neighborhood and
5 the CLC. Westover Place appreciates the opportunity to offer
6 this testimony. Thank you. I'm done.

7 MR. KIRKPATRICK: I'll pick up from here. Commissioner
8 Hood, fellow commissioners, thank you for allowing me to speak
9 today. We are here as a party in opposition, despite our
10 extensive involvement with the partnership, because we feel that
11 Westover Place is the most adversely affected neighborhood of
12 anybody in this plan. If you just lay out this very comprehensive
13 plan, and you look which major construction project is nearest a
14 group of residents, it's in Westover.

15 The largest building being proposed, the least setback.
16 AU, in its initial presentation made clear that one major
17 compromise, obviously, between neighborhoods and AU's interest
18 in construction, one of the most useful compromises is a setback.

19 And Mr. Bell, and his testimony on the first day talked
20 about granting a neighborhood setback of 403, 220 feet, 140 feet
21 from the construction. Westover got no setback at all. We have
22 the largest building that's basically filling up the entire
23 parking lot, going right up to as close as you can get to the
24 Westover border.

25 I know we've heard a lot today about how much better

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1 this planning process was in 220 than the last time around. From
2 the point of view of Westover, that's simply not the case. Last
3 time when American engaged with Westover, they did some moving
4 back towards Nebraska of some of the proposed construction. They
5 changed the positioning of some of the buildings, so it would be
6 less troublesome.

7 But this time, there's been no movement in terms of a
8 smaller building farther from our border. All of our townhouses
9 along the wall. I'm particularly speaking on behalf of those of
10 us who live right along the wall. We have patios adjoining the
11 wall, where we enjoy the outdoors for dining, gardening,
12 exercise, or just appreciating the sunshine, fresh air, and
13 natural light. Half of our townhomes also have decks on the
14 third floor facing west, towards the area of the proposed
15 construction. The proposed building, so close to our border, it
16 is going to significantly block access to natural light from our
17 patios, from our decks, and from our upper floors, as you got a
18 sense of from those PowerPoints.

19 Now, Mr. Gallucci earlier testified that he enjoys
20 seeing the sunshine reflect off the building. I can guarantee
21 you that he is very unique and outlier in terms of Westover. All
22 of us along the wall, we want to see the sunshine itself. We
23 want to see the blue skies. We don't want to see the reflection
24 of it off of a concrete wall.

25 So it may not surprise you to know that Mr. Gallucci

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1 and Westover has had a parting of the ways in terms of his
2 representation of the interests of the 300 people that live in
3 Westover.

4 A larger setback is needed not only to protect the
5 houses along the edge from loss of natural light, but because
6 there's likely to be highly serious damage to our property.
7 During the last AU construction project, the construction caused
8 severe cracks in the walls and ceilings of homes, falling plaster,
9 doorframes become misaligned.

10 I'm in one of those houses that wasn't even next to the
11 construction last time, and my house and many other houses had
12 serious cracks. We still have a door -- a bedroom door that
13 can't be closed. AU came and repaired some of those things, but
14 then the cracks emerged again, and the bedroom door still doesn't
15 close.

16 So if the construction is now right next to us, there's
17 no question that it's going to be doing more damage. The property
18 we live in just isn't that sturdily built to handle the amount
19 of construction that AU is talking about.

20 So what we urge is that the commission require AU to
21 reduce the size of the building and have it be placed primarily
22 on the two-thirds of the parking lot that's next to Westover,
23 without extending into the bottom one-third that is right in our
24 residential community.

25 It's clear this can be done. I mean, the current design

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1 of the building is a reverse C, but the only open space is in
2 the middle of that C, where we don't get to see it from Westover.

3 CHAIRMAN HOOD: Mr. Kirkpatrick?

4 MR. KIRKPATRICK: Yes.

5 CHAIRMAN HOOD: Can you give us your closing thought?

6 MR. KIRKPATRICK: Yes, I will, Commissioner. I guess
7 I got a little bit short on time because of that PowerPoint.

8 But I think the key point we would make is that we
9 would urge two things by the commission. One, not consider AU
10 any different than you'd consider a private developer. If a
11 private developer had bought that land, and was planning to put
12 in a 135,000 square feet, four-story building with a two-level
13 parking lot right next to Westover, I think you'd look at it very
14 cautiously.

15 And just because it's a university, which we all
16 support, I hope you don't cut AU any more slack because of that.
17 And we particularly urge you to do that, because AU said -- they
18 said this in their opening statement, President Burwell said
19 this. It's in the executive summary that one of the fundamental
20 goals of AU is to respect and enhance the quality of life of
21 those who live in the neighborhood surrounding campus. We urge
22 that you hold them to that. They said that is one of their two
23 primary goals. They haven't done that.

24 The last point I would make is the burden of proof
25 should be on AU to show that they aren't causing objectionable

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1 conditions, they're the ones seeking a variance. This is a
2 residential neighborhood. They're seeking the variance from you.
3 We ask that the burden of proof be on them to persuade you they're
4 not causing any type of impact on our quality of life. And we
5 don't think that they can carry that burden.

6 Thank you for your time.

7 CHAIRMAN HOOD: Thank you, Mr. Kirkpatrick, and before
8 I forget, I want you to know that you had the longest for the
9 night for the closing bell. At least so far. I just want to
10 know right now, you have that reign.

11 So anyway, let's see if we have any questions of Mr.
12 Kirkpatrick? Commissioner May? Okay. Commissioner Shapiro?
13 Commissioner Turnbull? Vice Chair Miller?

14 Okay. Mr. Kirkpatrick, I want to thank you and Ms.
15 Wells for your testimony. Let's see if others have any cross of
16 either one of you. Does the applicant have any cross?

17 MR. TUMMONDS: No cross from the applicant.

18 CHAIRMAN HOOD: Okay. AU Neighborhood Partnerships.

19 MR. KRAVITZ: Yeah, a few questions. Mr. Kirkpatrick,
20 would you feel differently or perhaps go to a different conclusion
21 about the proposed building near Westover Place if that campus
22 parcel was zoned for university use?

23 MR. KIRKPATRICK: It still would have the impact on us.
24 Still, I think the burden is on American University to show that
25 doesn't cause substantial hardship -- objectionable conditions

1 to us. And that's the burden I don't think they can carry.

2 MR. KRAVITZ: Thank you. Did the Westover board in
3 2020 take any vote to oppose the campus plan?

4 MR. KIRKPATRICK: There's a letter that is now in your
5 file by the -- that is sent by the board, saying that they've
6 never approved the plan. That is a clear statement by the board.
7 I'm not part of the board. I'm just telling you that there's a
8 clear statement by those people who are on the board that search
9 the emails. They've searched all the records, and they simply
10 do not support Mr. Gallucci's statement that they've approved it.
11 They simply say there's no evidence of that. They have not
12 approved it.

13 MR. KRAVITZ: I resubmit my question. Did the Westover
14 board in 2020 take any vote to oppose the campus plan?

15 MR. KIRKPATRICK: They didn't view -- my understanding
16 is that it's not up to them to vote to oppose it. They voted
17 not to approve it.

18 MR. KRAVITZ: Did the Westover board in its October
19 2020 newsletter to residents note that Westover residents and
20 board members, "have been part of the Partnership Steering
21 Committee and various working groups that have joined the
22 consensus for a general framework of the campus plan as released
23 by AU in May 2020"?

24 MR. KIRKPATRICK: The board statement on that point
25 says specifically that we reserve, if those concerns aren't met,

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1 that Westover reserves the right to seek party status, to oppose
2 it. That if those aren't corrected, I would hope that those
3 would be corrected in the final plan. The final plan was not
4 submitted till December. So there was continuing hope that there
5 would be corrections of those concerns expressed by Westover
6 before the final plan was filed. Those concerns were never
7 corrected.

8 CHAIRMAN HOOD: Let me help everybody. Again, it's
9 getting late. And when Mr. Kravitz ask a question, let's keep
10 the questions succinct. And Mr. Kirkpatrick, when you answer it,
11 to help us, answer it straight to the point. All the other stuff,
12 again, we're trying to bring us back. That's helpful to us.
13 Shorter is better.

14 MR. KRAVITZ: I will ask it this way. Was what I read
15 a factual statement?

16 MR. KIRKPATRICK: I do not have the newsletter in front
17 of me. I'm sorry, Mr. Kravitz.

18 MR. KRAVITZ: Final question. Is it a factual statement
19 to say that in December 2020, Westover sent a statement to AU
20 and the ANC stating, and I quote, "We look forward to working
21 with AU so that these issues can be fully addressed and resolved
22 as the proposed plan moves forward"?

23 MR. KIRKPATRICK: I don't -- I'm not familiar with that
24 letter. All I know is that Westover decided to seek partnership
25 status because it didn't feel those issues were being resolved.

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1 MR. KRAVITZ: No further questions. Thank you.

2 CHAIRMAN HOOD: Thank you. And I apologize to the ANC.
3 I should have went to them right after the applicant. ANC 3D?

4 COMMISSIONER ELKINS: No cross.

5 CHAIRMAN HOOD: ANC 3E?

6 COMMISSIONER MCHUGH: Just one question. Mr.
7 Kirkpatrick, you mentioned a number of times about being able to
8 see sunrise, I think, or sunset, either one. Do you think you
9 have a legal right to see those? I mean, is that part of your -
10 - I'm not sure where you base that?

11 MR. KIRKPATRICK: Not that there's a right to see a
12 sunset, but in light -- the natural light that comes from the
13 blue sky, our patios, we would like to have the natural light
14 and not have the reflection off a building, like Mr. Gallucci
15 prefers. We'd like to be able to see the natural light from our
16 patios, from our decks. I mean, those are townhomes facing that
17 direction towards the west. And so we would prefer the natural
18 light, rather than a reflection off concrete.

19 COMMISSIONER MCHUGH: Appreciate it. No more
20 questions.

21 CHAIRMAN HOOD: Okay, thank you. Spring Valley/ Wesley
22 Heights.

23 MR. SMITH: I just have one question, Mr. Chairman.
24 Mr. Kirkpatrick, just to maybe clarify something, is the
25 governance of for Westover Place, the governance processes, are

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1 they stipulated in your home ownership rules for development?

2 MR. KIRKPATRICK: Yes, that the board sets the policy,
3 that they are the ones that would have to approve the plan.

4 MR. SMITH: Thank you very much. No more questions.

5 CHAIRMAN HOOD: Okay. Thank you. Neighbors for livable
6 communities, Ms. Gates?

7 MS. GATES: I wanted to ask when the landscaping plan
8 for the east campus was approved.

9 MR. KIRKPATRICK: Is that directed to Ms. Wells? I
10 don't -- is that directed to Ms. Wells or to me? I don't have
11 an answer to that. I don't know when that was approved.

12 MS. GATES: Okay, but it was approved as part of the
13 2011 campus plan.

14 MR. KIRKPATRICK: That is my understanding, yes.

15 MS. GATES: And what sort of help -- I mean, you
16 mentioned the fact that you've had damage to your house, and I
17 recall that the University did a lot of work meeting with
18 neighbors (indiscernible). So the fact that your house still
19 remains damaged, where is the accountability for all this?

20 MR. KIRKPATRICK: Well, the difficulty is that no,
21 American university was very good about coming in and fixing
22 things. We appreciated their responsiveness. They took a
23 videotape before the construction, a videotape after, and could
24 establish that these cracks and this damage was caused by the
25 construction, which again, wasn't even right next to our

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1 property.

2 But then you have to sign a waiver that that's it.
3 They fixed everything. So if those cracks re-emerge, or in our
4 case, the door frame doesn't work, doesn't close. They've already
5 said you've signed a waiver. We fixed it. And so we don't have
6 any remaining accountability in order to get those things fixed.

7 MS. GATES: Thank you. No more questions.

8 CHAIRMAN HOOD: Okay. Ms. Horwitz, do you have any
9 questions?

10 MS. HORWITZ: No question.

11 CHAIRMAN HOOD: Okay. And, Ms. Ambrose, do you have
12 any questions?

13 MS. AMBROSE: No, no questions. Thank you.

14 CHAIRMAN HOOD: Okay, let's go to the next -- let's go
15 to Spring Valley, Wesley Heights.

16 MR. KRASKIN: Thank you, Mr. Chair.

17 I just want to get your timer so I can see it.

18 Good evening, Mr. Hood -- Chairman Hood and members of
19 the commission. I'm Dr. Jeffrey Kraskin, and presenting tonight
20 at the direction and request of the board of directors of the
21 Spring Valley Wesley Heights Citizens Association, SVWHCA, and I
22 am joined by Tom Smith.

23 I will be referring to our March 24th filing of revised
24 testimony, which is exhibit 103, and our filing on April 18th,
25 Exhibit 123 that reviews applicable zoning regulations.

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1 As you are aware from our previous testimonies over
2 these many years, SVWHCA was established as a neighborhood
3 association in 1952, and incorporated in the District of
4 Columbia. In regard to the American University, SVWHCA has
5 regularly testified and participated in campus land process over
6 these many years.

7 Like you, Chairman Hood, this is my third AU campus
8 plan cycle. All I ever hoped is once, just once, SVWHCA would
9 be able to participate as a proponent in this case. In fact,
10 Chairman Hood, it was just because of your insistence how the CLC
11 would work over these past years that I thought this might be
12 possible.

13 Clearly, that is not the case. As the American
14 University administration changed in recent years, so did the
15 viability of the CLC, which was severely degraded by AU, even to
16 the degree that the CLC is no longer run by a member of the AU
17 president's cabinet, as was directed by the zoning order, but as
18 we learned from Mr. Edwards by a retained facilitator.

19 AU has produced this case to appear easy for the
20 commission. But the reality is that AU has not made this case
21 easy for you or the true stakeholders, the immediate neighbors
22 of the AU property, as simply evidenced by the number and location
23 of the parties in opposition.

24 All the questions Mr. Smith has been raising during
25 cross and the many more he could be raising, are a direct result

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1 of the AU's decision to operate behind a secret society they
2 titled, "Partnership."

3 These hearings could be summarized in eight words that
4 we have now heard repeated, "We will take that up under further
5 processing." Sadly, for the District of Columbia and immediate
6 neighbors of AU, this approach has been parroted by both the
7 testifying ANCs, and the partnership, along with AU. It has been
8 said if one repeats something enough, it will finally take on the
9 guise of fact. And in this case, you, the commissioners, will
10 actually believe, "taking it up under further processing," is
11 what your regulations direct, which in reality is far from the
12 truth.

13 Subtitle X or subtitled 10, Section 101.8 specifies
14 that all the information that AU wants to delay revealing until
15 further processing is required to be provided now as part of this
16 case, including location, height, and bulk of buildings, new
17 parking facilities, and even plans for screening, precisely so
18 you can evaluate the proposed campus plan based on Section 101.2,
19 objectionable condition standard.

20 Subtitle Z, Section 302.10 lays out even more specific
21 requirements that must be provided as part of this case.
22 Significantly, that section of the code does not delineate
23 between what is to be provided during the campus plan process,
24 and what is to be provided during further processing.

25 If you accept AU's argument that the details of this

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1 plan will be provided only during further processing over the
2 next ten years after you have approved this plan, it renders the
3 objectionable condition standard as outlined in Subtitle X,
4 Section 101.2, totally meaningless, moot. It might as well not
5 even exist.

6 As you know, Subtitle Z, Section 408.8 explicitly puts
7 the burden on the applicant, American University, not on the
8 ANCs, not on the so-called partnership, not even on the parties
9 in opposition, but the American University to justify that its
10 proposal is not likely to create objectionable conditions. AU's
11 approach throughout this process in these hearings is to limit
12 the information available, first to the immediate neighbors, and
13 now to the zoning commission. Putting off the issue of
14 objectionable conditions to further processing after your
15 approval of the plan would be tantamount to concluding that AU
16 has met the standards for approval.

17 It's a smart approach by AU, but not one supported by
18 the city zoning regulations. Further, AU's proposal is
19 inconsistent with the comprehensive plans, generalized policy
20 map, and land use element. The capital projects in this plan
21 that we oppose are located at the edge of the campus, immediately
22 adjacent to neighboring low density residential property, such
23 as the now referred back of the campus or western campus areas
24 that now offer an outdoor, low intensity sports buffer with the
25 neighborhood.

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1 These buildings are not located on the internal portion
2 of the campus, nor are they adequately screened, nor are the
3 setbacks sufficient. Because of the numerous modifications to
4 the present AU campus plan, all of you are aware of commitments
5 AU has made over 20 years to enhance and maintain the landscape
6 buffer along University Avenue at the western edge of the campus,
7 and a residential neighborhood street.

8 But AU has never met these commitments. And that's why
9 we have regularly brought these issues to your attention. Over
10 these past two hearings, and again tonight, I've been repeatedly
11 recognized, along with Mr. Smith, as if we possess some magical
12 much -- so much power to have created an organization referred
13 to as the AU partnership. Let me make this very clear and simple.
14 These recognitions are far from the truth.

15 I would ever, never be associated with a secret society
16 that excludes participation, operates under the veil of
17 confidentiality, and lacks full transparency.

18 Now as the time permits, I'd like to take a moment to
19 touch briefly on areas of the originally submitted SVWH testimony
20 to highlight why we could not support this ten-year 2021 AU campus
21 plan.

22 Although American University, AU, brands its 2021
23 campus plan as having been, "envisioned and developed in close
24 partnership with neighborhood stakeholders," those of us who live
25 in the affected neighborhoods know the branding does not live up

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1 to the reality. This plan, excuse me, is a blank check for the
2 University's unconstrained growth, both in number of students and
3 new development. Most of AU's enrollment growth over the last
4 ten years can be attributed to significant increases in
5 undergraduate enrollment.

6 AU's undergraduate enrollment has increased 13.3
7 percent during the nine-year term of the current campus plan.

8 AU's new development over the last ten years, and for
9 the next ten years, is focused mostly on new undergraduate student
10 housing at locations that once buffered the university from
11 neighbors living in low density residential homes.

12 AU's assistant provost already has said AU plans an
13 increase in the freshman class for the upcoming freshman class
14 from 1,780 students to 2,005 students in fall of this year, 2021,
15 an increase she described in a recent newspaper article as, "a
16 pretty significant difference in terms of the targets."

17 That's more information about the undergraduate
18 enrollment then you're going to find and you have found in the
19 AU campus plan.

20 AU's pledged in the past to the zoning commission to
21 limit undergraduate growth, both in 2001 and 2012, resulted in
22 double digit enrollment increases. Again, AU pledges minimal
23 undergraduate growth. Yet AU's plan for new dorm construction
24 in the 2021 campus plan would enable AU to grow its undergraduate
25 population over the next ten years by another 20.3 percent. The

1 67 percent housing committee was intended, as you know, to
2 function as a cap, and it really has not succeeded. The zoning
3 commission should impose an undergraduate sub cap similar to that
4 in effect for the Georgetown University, based on projections
5 made by the National Center for Educational Statistics that the
6 average rate of undergraduate enrollment growth through 2029 is
7 likely to be two percent. We propose a 7,120 undergraduate
8 student cap. That will give AU the flexibility to grow its
9 undergraduate enrollment by as much as two percent over the next
10 ten years.

11 With the imposition of an undergraduate sub cap, we
12 recommend eliminating the condition that AU be required to
13 provide housing on campus for 67 percent of its undergraduate
14 student population. AU says it wants only to build enough new
15 housing to provide 500 beds, and they've agreed to that right
16 now. But instead, they continued to propose construction for as
17 many as 1,030 beds. The neighbors deserve more certainty on what
18 sites AU plans to use, not an alphabet soup collection from which
19 AU would choose at some date down the road based on who knows
20 what.

21 For more than half of AU's proposed development will
22 take place on what the University now calls that west campus, or
23 back of the back of the house near Reeves Field, along University
24 Avenue, fronting on neighboring two-story traditional homes.

25 AU's plan for development of the West campus includes,

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1 as you know, three dorms and a 75,000 GFA Center for Athletic
2 Performance referred to as CAP Building. The uses of buildings
3 located sites 2, 3, and 4 will create objectionable conditions
4 for neighboring property due to noise, light impacts, and the
5 overall cumulative massing and scale to propose new development.

6 AU reported in 2012 as part of its campus plan proposal
7 that vehicular traffic to the campus had decreased by 3.1 percent
8 per year between 1999 and 2011. But nine years later, AU's
9 traffic study for 2021 campus plan shows a 25.1 percent increase
10 in vehicular traffic to the campus in the a.m. peak hours, and
11 11.5 percent increase in the p.m. peak hours.

12 AU should be required to develop a detailed TDM
13 strategies for review of the zoning commission and other parties
14 as part of this campus plan zoning process. AU released its
15 proposed TDM measures, as you know, on March 23rd, 2021, after
16 its testimony was complete, and we believe those and that
17 information is inadequate to address the change in traffic
18 conditions.

19 AU's 2021 campus plan, as drafted, is not a balanced
20 plan. Its focus is giving AU license to expand and build at
21 will. The plan raises more questions than answers, and fits the
22 classic definition of a, "shell game."

23 Whether the issue is enrollment, the amount of new
24 student housing, parking, traffic volumes, AU promises one thing,
25 but offers something else in writing. Bottom line, AU's

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1 application does not meet the standards for approval outlined in
2 the zoning code. The AU 2021 campus plan should either be
3 rejected outright by the commission or sent back to AU for more
4 information. And AU should be directed to work with the community
5 openly through the CLC. AU's current campus plan does not expire
6 for 13 months. There is more than enough time to get this right.

7 Chairman Hood and all the commissioners, I thank you
8 for your attention and Chairman Hood, if you all wish, I am happy
9 -- if you keep the record open, I'm happy to submit this actual
10 oral presentation combination. Just please let me know.

11 Thank you.

12 CHAIRMAN HOOD: Thank you, Dr. Kraskin. I think that
13 would be helpful. I would like to have that into the record,
14 your testimony that you just read to us, I would like to have
15 that.

16 Let me open it up for any questions or comments.
17 Commissioner May, any questions? Commissioner Shapiro, any
18 questions? Commissioner Turnbull, any questions?

19 COMMISSIONER TURNBULL: No questions, Mr. Chair.

20 CHAIRMAN HOOD: And Vice Chair Miller, any questions?
21 All right, let me -- does the applicant have any cross?

22 COMMISSIONER SHAPIRO: Mr. Tummonds is on mute.

23 MR. TUMMONDS: There we go. I have no -- the applicant
24 does not have any cross.

25 CHAIRMAN HOOD: Okay, ANC 3D? Chairman Elkins, did you

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1 have any cross?

2 COMMISSIONER ELKINS: I'm sorry. I thought I was
3 unmuted, can you hear me?

4 CHAIRMAN HOOD: Oh, so we can hear you now.

5 COMMISSIONER ELKINS: Okay. Thank you. Dr. Kraskin,
6 I appreciate your testimony. I had a couple of questions.

7 You've lived through a number of campus plans, and I
8 respect that. In the past campus plan, the one on 2011, I believe
9 I'm correct in saying that both the further processing and the
10 campus plan decisions were sort of combined into one decision.
11 Is that correct?

12 MR. KRASKIN: During the last campus plan previously,
13 there was simultaneous, not as one, there was simultaneous
14 presentation of a campus plan and a further processing. They
15 were not as a single unit. They were separated in thought and
16 in discussion.

17 COMMISSIONER ELKINS: So in -- I believe -- am I correct
18 that in 2016, the zoning commission changed the rules so that the
19 campus plan decision is separated from further processing? Is
20 that your understanding?

21 MR. KRASKIN: Yes, in fact, Spring Valley Wesley
22 Heights Citizen Association was one of those that made that
23 request during the regulation consideration.

24 COMMISSIONER ELKINS: So we're confronted with a
25 situation in which the dividing line between campus plan

1 decisions and the further processing is a little -- am I being
2 correct about your thinking about this, it's a little ambiguous
3 about where that dividing line is?

4 MR. KRASKIN: I'm going to let Mr. Smith answer more.

5 MR. SMITH: No, not -- I don't believe that's the case,
6 Chuck. There has always been -- it is not a requirement -- it
7 had not been a requirement in the previous zoning regulations
8 that all campus planned construction be simultaneously further
9 processed.

10 So the zoning commission has a history of dealing with
11 further processings. So the only thing that's different is that
12 the zoning commission changed it in 2016 to put some limits on
13 the further -- the simultaneous further processing. But the
14 zoning commissions does have the authority to do simultaneous
15 further processing and campus plan approval even today, despite
16 those changes.

17 COMMISSIONER ELKINS: All right, that's helpful to
18 understand the distinction here. So you -- as I understand it,
19 then, you are asking that in this case, the zoning commission
20 require more information from American University, that some
21 might think -- that American University thinks should be, I
22 believe, that you could say believes should be taken care of in
23 further processing. You would like to have that information at
24 this time during the campus plan.

25 MR. SMITH: We're asking that the American University

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1 submit all the requirements under the existing zoning regulation
2 codes, as stated.

3 COMMISSIONER ELKINS: Okay, good. Thank you.

4 You've mentioned with regard to University Avenue that
5 you are concerned about these possible objectionable impact or
6 actual objectionable impact from these buildings because they are
7 so close to University Avenue. If you looked at the buildings
8 that have been discussed in this hearing so far, and I think I
9 could summarize that as building 15 on east campus, the buildings
10 are 11 and 12 next to Nebraska Avenue and Rockwood Parkway, and
11 then the buildings -- the three buildings that are close to
12 University Avenue, which ones would you say are closest to the
13 nearest residence, if you were to order those in order in terms
14 of their closeness to local residences.

15 MR. SMITH: I think one -- I think Westover has spoken
16 well for the building that's near them. I think that the
17 concerned neighbors at Rockwood and Nebraska have spoken well for
18 them. And I do not need to speak for those individuals.

19 As far as University Avenue, I think in all cases, the
20 issue is scale, height, mass, and the current conditions, and how
21 we're going to address that, which is not being presented in this
22 present plan.

23 COMMISSIONER ELKINS: So am I correct in interpreting
24 that as that the Westover buildings are closest among the three,
25 that the buildings at Rockwood and Nebraska are the next closest,

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1 and the ones that University Avenue are the next closest? That's
2 not to say that those are all conditions. I understand your
3 point, but in terms of distance, am I correct that that is the
4 sequence?

5 MR. SMITH: I don't think it's my job to answer that
6 question. I believe I already did in how I answered.

7 COMMISSIONER ELKINS: Okay, thank you. I noticed that
8 you recommend that the 67 percent requirement for American
9 University to provide housing, at least for the freshmen and
10 sophomores -- no, excuse me, for 67 percent of the undergraduate
11 students at American University on campus that you're suggesting
12 we eliminate that. Could you explain why you think that that -
13 - taking away that protection for neighborhoods is a good idea?

14 MR. SMITH: Actually, we're not taking away any
15 protection from neighborhoods, what we said, and I'll just repeat
16 what Dr. Kraskin testified was that we support an undergraduate
17 student sub cap, which would provide some limits on growth and
18 some certainty similar to what Georgetown University has. And
19 that would provide the kind of protection that the neighborhood
20 needs in terms of limiting future growth.

21 COMMISSIONER MCHUGH: So you're suggesting then, if I
22 understand you, that you are -- that you believe the undergraduate
23 cap would be a better substitute than the 67 percent requirement
24 now in place?

25 MR. SMITH: The 67 percent requirement was created by

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1 the zoning commission back in 2001 to operate as a cap. I think
2 we have seen now through the last 20 years that it hasn't worked.
3 And so what we are recommending is that there be a sub cap on
4 undergraduate students.

5 COMMISSIONER ELKINS: And why is it that you think that
6 the 67 percent does not work?

7 MR. SMITH: The 67 percent requirement hasn't worked
8 because every time the University exceeds the undergraduate
9 numbers and can no longer provide the 67 percent housing, the
10 neighborhood always has been willing to work out an accommodation
11 with AU, and AU has refused -- has just failed in terms of
12 managing their enrollment over the last 20 years to meet the
13 infrastructure capabilities that they have, and that's why in the
14 last two cycles in particular, what we're seeing are proposals
15 back in '20 -- I'm sorry, back in 2012 and now again, where we
16 are pushing the student housing further and further to the
17 neighborhoods, and we're losing the buffering areas that we've
18 had. We lost it first last time with the east campus. Now,
19 we're looking at over by -- at University Avenue and also along
20 Rockwood Parkway.

21 MR. KRASKIN: Excuse me, additionally, you reach a
22 saturation. And the comment I have said would be, let's --
23 everybody's had a bottle in their hand of some nature. It's been
24 an empty bottle. You're at the sink. You fill the bottle. No
25 matter how much liquid you pour in the bottle, when you reach

1 the saturation of that property, that bottle, it's not going to
2 go anywhere except over. We hear that the same in traffic
3 studies. Your intersection is a failed intersection. But DDOT,
4 there's still so much more traffic. Well, we can't do anything
5 about it. It's a failed intersection. Just because you keep
6 adding more, that's not the answer.

7 So having a sub cap on undergraduate is a much better
8 alternative than just producing housing that just is made
9 available. It's not a requirement, as you know, just made
10 available.

11 COMMISSIONER ELKINS: So it sounds to me, if I'm correct
12 in interpreting your answer, that it's a matter of enforcement.
13 Of the 67 percent, if it were enforced rigorously by the
14 University, by the zoning commission, would that change your
15 view?

16 MR. KRASKIN: Are you asking if the 67 percent creation
17 of housing would change my view if it was maintained and observed?

18 COMMISSIONER ELKINS: Yes.

19 MR. KRASKIN: The problem with that question is very
20 simple. 20 years has proven that that doesn't work.

21 MR. SMITH: Just want to add something, Chuck, and this
22 goes to what we experienced back in 2016, when AU sought a
23 modification to actually allow them to count the master leases.
24 The community is faced with a terrible, terrible dilemma when the
25 University can't provide housing for its students. What are we

1 supposed to say? Enforce the 67 percent mandate, or leave the
2 students out in the cold with no place to be, no place to live?
3 We can't -- that's not acceptable.

4 We should not pay the price for the University's
5 inability to manage their enrollment and we shouldn't be the bad
6 guys of saying, "I'm sorry, student from New Jersey or New York
7 or wherever, there is no room at the inn." And that's just an
8 unacceptable position to put us in, the ANCs in, anybody in, and
9 especially the students, especially the students.

10 COMMISSIONER ELKINS: Well, I understand that. So
11 you're suggesting, as an alternative, that we have -- you're
12 suggesting as an alternative, that we have an undergraduate cap
13 --

14 COMMISSIONER SHAPIRO: Mr. Chairman, may I step in?

15 CHAIRMAN HOOD: Mr. Elkins, hold on one second.
16 Commissioner Shapiro?

17 COMMISSIONER SHAPIRO: Yeah. If I may, I'm looking for
18 your guidance on this, but this feels very much like back-and-
19 forth testimony, and moving pretty far away from rebuttal -- I
20 mean, from cross, Mr. Chair.

21 CHAIRMAN HOOD: Yeah, I would agree. I was hoping that
22 we would come to some type of finality or conclusion. I think,
23 Mr. Elkins, you're trying to drive -- let me do this. Let me
24 not rule that way. Let me ask Mr. Elkins, what are you trying
25 to achieve in your line of questioning?

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1 COMMISSIONER ELKINS: If I could ask one more question,
2 I think I will have achieved it.

3 CHAIRMAN HOOD: You'll achieve the question, but what
4 are -- I'm just trying to figure out --

5 COMMISSIONER ELKINS: I would achieve the question of
6 whether or not -- Mr. Chairman, I appreciate your question. I'm
7 trying to achieve whether a undergraduate cap, which is what
8 these parties are suggesting, is a good substitute for the 67
9 percent which we now have in place.

10 CHAIRMAN HOOD: Okay, that's the question. Thank you.

11 COMMISSIONER ELKINS: That's the question. So my
12 question, if I may ask it, is if in fact, just as you saw that
13 the 67 percent was, in fact, violated and the ANC and the CLC
14 notice that the undergraduate cap has now been exceeded, why is
15 that any different in terms of enforcing that, because we would
16 be sending students home to Nebraska and California or whatever.
17 Why do you believe -- this is an honest question -- why do you
18 believe that enforcing the undergraduate cap is any easier for
19 the neighborhood to enforce than the 67 percent?

20 MR. KRASKIN: I think very simply, and I've answered
21 it now, I believe, multiple times, and it's in our testimony,
22 this is what we believe, but if the university -- if the entity
23 knows this is the top number you can have in your undergraduate
24 population, zero more, it's not sending anybody home. In fact,
25 they're not at that point. So it's not shipping anybody home.

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1 It's saying to the institution, you may not accept beyond this
2 point in your undergraduate, and you have your housing, and you
3 can meet that need. If American University wants to maintain 67
4 percent and do the other, great. We were trying to give them an
5 out.

6 MR. SMITH: Also, Chuck, keep in mind that in the in
7 the current campus plan, it's not a condition of this proposed
8 campus plan, and it probably should be. There is a provision
9 that says if you aren't complying with the campus plan, we're not
10 approving any further processing. So if you want to enforce the
11 cap or you're worried that somehow the university won't take
12 seriously the zoning commission putting an undergraduate, which
13 is a big deal, then I think that that language would certainly
14 meet the need.

15 COMMISSIONER ELKINS: All right, thank you. One more
16 question, Mr. Chairman. You've mentioned strong support for the
17 CLC. And can you name two or three cases where the CLC has
18 actually made a decision or has simply listened to what the
19 University has set. You see, you argue that CLC is a good
20 decision-making process for this campus plan. So I'm just
21 exploring where has the CLC ever made decisions that were
22 effective with regard to the University?

23 COMMISSIONER SHAPIRO: I don't know what to do with the
24 question. Respectfully, I don't know what to do with a question
25 like that.

1 CHAIRMAN HOOD: Honestly, Commissioner Shapiro, I
2 personally would like to hear, because I know I was one of the
3 ones who pushed for CLCs, not just here at American, but
4 Georgetown and the commission as well over the years. I would
5 actually like to hear the response to that question, because I've
6 been hearing a lot about the CLC, and we're going to get into
7 this as we deliberate. I know Vice Chair Miller and I had this
8 discussion some years back when this same CLC keeps coming up.

9 It seems to keep coming up at AU consistently, and it
10 will probably come up again at the next campus plan. But we --
11 hopefully, we will have a better grasp. So let me -- if you
12 don't mind, I would like to hear the question, but I do agree
13 with Commissioner Shapiro about going back and forth. Let's just
14 answer the question so we can move on.

15 MR. SMITH: I'm sorry, but can you repeat the question?

16 COMMISSIONER ELKINS: Yes, the question is, when you
17 look back over the history of the CLC, can you name two or three
18 cases where the CLC has made a decision that has, in fact, had
19 an effect on the performance of the University?

20 MR. SMITH: Yes, yes, I can. One has to do with
21 parking, and it was actually as a result of the efforts at the
22 CLC that the good neighbor policy, the good neighbor parking
23 program was actually effectively monitored, that we were able to
24 get information, actually real information from AU about parking
25 issues and problems, and where within the neighborhood there were

1 issues and problems. And, you know, and Chuck, actually before
2 you ever got involved with the CLC, the CLC made incredible
3 progress in its first, I'd say, right off the bat in the first
4 year or two years, in terms of addressing student conduct issues
5 in the neighborhood, in which a process was set up, and it really
6 was a tribute to the University's commitment to addressing that
7 issue and putting the resources to that. And I'd say a third
8 issue had to do -- while it was a tough one and it was a struggle,
9 the University turned out in the long run to be responsive on
10 the problems we encountered on Rockwood Parkway, dealing with
11 students who were smoking after they instituted their no smoking
12 policy.

13 And I'm sure you'll recall, it was not unusual in those
14 days for about 100 students to be out there in the middle of
15 Rockwood Parkway. It was dangerous for them, because there was
16 no lighting. You know, it was a very bad situation. Along with
17 staff. And I think the key --

18 CHAIRMAN HOOD: I really think that we have gotten that
19 answer. We actually have been had that answer. So let's move
20 it along. Any other questions, Chairman Elkins.

21 COMMISSIONER ELKINS: No, thank you very much, Mr.
22 Chairman. I'm finished. Thank you for your tolerance.

23 CHAIRMAN HOOD: Okay, thank you very much. And thank
24 you, Commissioner Shapiro, for helping keep things -- and all of
25 my commissioners for keeping things kind of straight, so we can

1 try to get as far as we can here tonight.

2 Where did I leave off? Commissioner McHugh, did you
3 have any cross?

4 COMMISSIONER MCHUGH: Yeah, I just have one question.
5 And this relates to the CLC. And please, Chairman, correct me
6 if this is incorrect, but you just mentioned how the CLC was
7 successful, and I'm looking at your testimony in 1107, is that -
8 - but it directly contradicts what you just said. So I'm curious,
9 which is it? Do you think the CLC is useful, or the Georgetown
10 Community Partnership, which we based almost this entire last
11 three years of this on, is what should be used to adjudicate?
12 Adjudicating smoking students isn't a big deal, adjudicating
13 buildings and where they're massed, and parking, and
14 transportation is. And I'm just curious, you've stated
15 literally, I can put this in the record, that you don't think
16 the CLC is an appropriate body for doing that, that you thought
17 the Georgetown Community Partnerships. So I'm confused. Which
18 is it?

19 MR. SMITH: Commissioner McHugh, first of all, I don't
20 think this is an either/or kind of question. I think the value
21 of the CLC, and the wisdom of the chairman of this commission,
22 and setting it up was that it was inclusive, and it was
23 transparent, and it involved the university at the highest levels
24 with everybody. It was a member of the president's cabinet who
25 led that CLC and engaged with the community. That was

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1 tremendously important.

2 Did it work perfectly? No. In retrospect, looking
3 back on it now, which is a great place to be, the transparency,
4 the inclusiveness, those are the key aspects that give it higher
5 marks, with all due respect, than the partnership. And I know
6 you want to talk about the smoking piece. Because you're just,
7 like, totally wrong on that.

8 MR. KRASKIN: And that case, which I don't I don't know
9 if Mr. Shapiro really wants me to do this --

10 CHAIRMAN HOOD: He doesn't. And actually, neither do
11 I.

12 MR. KRASKIN: I will leave it at what Mr. Smith --

13 CHAIRMAN HOOD: Thank you so much. We get it. Trust
14 me. We get it. Thank you. Commissioner McHugh, any other
15 questions besides the smoking?

16 COMMISSIONER MCHUGH: No. I had others, but I cede my
17 time. Thank you, Mr. Chair.

18 CHAIRMAN HOOD: All right. Okay, thank you. Let's go
19 to Neighbors for Livable Community. Any cross? I'm sorry. AU
20 -- I've got to go back AU Neighborhood Partnership, I'm sorry.

21 MR. KRAVITZ: Yes, thank you. I'm going to try and do
22 this in four questions, ideally. The questions are inspired by
23 Don Edwards' testimony about attempts to impugn the integrity of
24 processes and outcomes.

25 Dr. Kraskin, you testified about you would never be

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1 associated with a group that was exclusive. In your
2 organization's first grievance against the collaborative, so this
3 is not the letter to OAG, not to ANC, not to Begga, not to OOG.
4 In the first grievance that you sent to AU, discussing that, the
5 CLC, do you remember ta Spring Valley/Wesley Heights board member
6 saying that Spring Valley/Westley Heights Citizens Association
7 and Neighbors for Livable Community are not involved, because AU
8 brought in facilitator's without consulting us? They expanded
9 the membership invitations beyond those who were in the agreement
10 in three separate places without consulting us. It's real simple.
11 I can get you audio if that's helpful.

12 MR. KRASKIN: Mr. Chairman -- Mr. Chairman, I'm going
13 to ask you and your fellow commissioners, if you wish to spend
14 the time discussing what actually was an agreement that the
15 association and ANC 3D signed in a private gathering ordered by
16 this commission to sit down and come to an agreement, which
17 created a thing referred to as a collaborative, not a partnership.
18 Totally different. We had nothing to do with anything that exists
19 today.

20 If you want me to take the next 20 minutes to do that
21 and go through that history, I am happy to do it, because as I
22 said, everything that has been said has given us great power than
23 I thought Mr. Smith and I had. But if you really want me to do
24 it, I want --

25 CHAIRMAN HOOD: Let me help you. Let me help you. I

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1 this is not information that was presented in any testimony by
2 the Spring Valley/Wesley Heights Citizen Association at this
3 hearing.

4 CHAIRMAN HOOD: So thank you, Dr. Kraskin. That's his
5 answer. Next question, Mr. Kravitz.

6 MR. KRAVITZ: Sure. Okay. Multiple times in your
7 submitted testimony, you refer to the partnership presenting on
8 behalf of the applicant, instead of having AU present its own
9 material. You also -- you said several times. Yes or no, for
10 the September 2020 ANC 3D meeting you referred to an Exhibit 113,
11 my presentation slides were titled "AU Neighborhood Partnership
12 Work Leading to the Campus Plan, Process and Outcomes." And Mr.
13 Fisher presented separately on behalf of the applicant about the
14 proposed campus plan. Is that correct?

15 MR. SMITH: Troy, with all due respect, I don't know
16 what you're talking about.

17 MR. KRAVITZ: I'm happy to submit my presentation. So
18 it's your Exhibit 113. I can quote from it, but that's not --

19 CHAIRMAN HOOD: No, but he already gave you the answer.
20 He gave you the answer. So that's his answer for the record. So
21 let's go to the next question.

22 MR. KRAVITZ: Final question, yes or no, from the
23 outset, the distinction between Mr. Fisher, presenting about the
24 camp's plan, and me presenting about the partnership history and
25 structure was emphasized several times, including in the written

1 transcript of the July ANC meeting, and also included in
2 Commissioner Elkins' introduction of the presentations.

3 MR. SMITH: With all due respect, that sounds like
4 testimony, I don't even know what the question was.

5 MR. KRAVITZ: The question was getting at you stated
6 that the ANC presented on behalf of the applicant, the partnership
7 presented on behalf of the applicant, and that's clearly,
8 demonstrably not the case. I'm happy to leave it here and submit
9 into the record the presentation, the agendas, and even the
10 transcripts, if that would be helpful about the actual community
11 engagement that took place.

12 MR. SMITH: Mr. Kravitz, what we submitted for the
13 record stands on its own.

14 CHAIRMAN HOOD: Okay. Any other questions? Mr.
15 Kravitz, any other questions?

16 MR. KRAVITZ: No, that'll do.

17 CHAIRMAN HOOD: Thank you. Let's go to Ms. Gates,
18 Neighbors for Livable Community, any cross examination?

19 MS. GATES: Thank you. Earlier this evening, and in
20 testimony that was, I believe, submitted, the statement, approval
21 of the 2021 campus plan will ensure that the AU campus will adopt,
22 adapt to, and meet the changing needs of AU students, faculty,
23 and staff, while at the same time respecting and enhancing the
24 quality of life of those who live within the neighborhoods
25 surrounding the campus.

1 Do you feel that those two statements or those two
2 thoughts can work in harmony? So that it's meeting the changing
3 needs of students and at the same time keeping neighbors in the
4 surrounding community, enhancing their quality of life.

5 MR. SMITH: Do I think that's possible? Yes, but this
6 plan is not a reflection of this. It actually is harmful to the
7 surrounding neighborhoods and reflects really a lack of
8 understanding of the kinds of conditions that people will
9 encounter when they're living across -- when they're living in a
10 low-density residential neighborhood, and then there are tall
11 buildings towering over them. That's just -- no, not this plan.
12 But, yes, it is possible. This plan does not reflect that.

13 MS. GATES: Do you have any information about the
14 University using housing, constructing housing -- excuse me, do
15 you have any information about the University use of housing on
16 Wesley's campus? Have you heard that firsthand?

17 MR. SMITH: Yes.

18 MS. GATES: Is it the community's responsibility to
19 enforce the campus plan, or does that rest with DCRA?

20 MR. SMITH: It rests with DCRA and the zoning
21 administrator, -- and but it is incumbent on the neighborhood to
22 inform the zoning administrator and push, which is not an easy
23 thing to get the zoning administrator to address issues with the
24 University. And, you know, we could point to any number of
25 examples where we tried to take issues to DCRA, and the

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1 bureaucracy is just really difficult in the city, and I know
2 they're busy, but it's still very frustrating for members of the
3 community. That's why they hire lawyers.

4 MS. GATES: Thank you. No more questions.

5 CHAIRMAN HOOD: Okay, thank you, Mr. Kirkpatrick?

6 MR. KIRKPATRICK: No cross, Mr. Chairman.

7 CHAIRMAN HOOD: Thank you. Ms. Horwitz?

8 MS. HORWITZ: No cross, Mr. Chairman.

9 CHAIRMAN HOOD: Okay. Thank you. And Ms. Ambrose?

10 MS. AMBROSE: No.

11 CHAIRMAN HOOD: Okay. What I would like to do is to
12 hear Ms. Horwitz's presentation. I think she has a sound expert.
13 I don't know -- I can't remember whether we qualified them or
14 not. And then colleagues -- I'm going talk to my colleagues now.

15 I was hoping -- I don't know how many people have signed
16 up to testify in opposition, or ask Ms. Schellin to get that
17 ready. We may stop after that. I just don't see us doing
18 rebuttal and closing. There's no way. We're starting to get a
19 little -- all of us are starting to get a little tired, and we
20 want to make sure we're fresh for rebuttal and closing.

21 Also, we're looking at next Wednesday. So I'm telling
22 my colleagues, I have BZA. So I'm -- I mentioned to Ms. Schellin,
23 since I have (indiscernible), don't put the burden on nobody
24 else. So what I'm going to do is ask that we start either 5:00
25 or 5:30. I will leave the BZA and come over and do this at 5:00

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1 or 5:30. But if the vice chair wants to start at -- no. Let me
2 leave it at 5:00 or 5:30, so I can make sure I hear all the
3 rebuttal.

4 I think -- I'm not sure -- maybe I'll ask one of my
5 colleagues. Look at the BZA and see if it's packed right quick,
6 while we're doing this.

7 So while we're doing all that, let's go to Ms. Horwitz
8 and her presentation, and Ms. Schellin, if you can see how many
9 people we have to testify in opposition. And then if one of my
10 colleagues can quickly look at the schedule to see if we should
11 -- I hope the chairman of the BZA is watching. We need BZA to
12 finish at 4:00 next week. Next Wednesday.

13 Okay, Ms. Horwitz, you may begin.

14 MS. HORWITZ: Thank you. Can I make sure that Elliot
15 Gerson and Cody Snow have been brought up?

16 CHAIRMAN HOOD: Okay, Mr. Young, could you bring Ms.
17 Horwitz -- Mr. Snow I forgot the next name? I didn't hear it.

18 MS. HORWITZ: I'm sorry, Elliot Gerson.

19 CHAIRMAN HOOD: Okay, I saw that. Okay. They're both
20 up, or they were up.

21 MS. HORWITZ: Great.

22 CHAIRMAN HOOD: Mr. Young, let's bring -- okay, I
23 think everybody's up.

24 Okay, great. Okay. Ms. Horwitz, you may begin.

25 MS. HORWITZ: Thank you, and I did want to raise, before

1 we start, that we do have an acoustics expert, and he will be
2 testifying. That's Mr. Snow. So if you have any questions about
3 his qualifications, you maybe can ask him later, or if you want
4 to address that first. I defer to the chair on that.

5 CHAIRMAN HOOD: So he's going to be testifying? Are
6 you proffering him as an expert?

7 MS. HORWITZ: Yes, I am.

8 CHAIRMAN HOOD: Okay. All right, could you tell us
9 what exhibit his resume is in?

10 MS. HORWITZ: Yes. I don't have the number, but it was
11 with our party's status application.

12 CHAIRMAN HOOD: Okay. So if I go off of -- vice chair,
13 you just take over until I maybe get back on. (Indiscernible),
14 Ms. Horwitz. I'm sorry?

15 MS. HORWITZ: I'm sorry, I didn't know the number.
16 Yes, it's Exhibit C of our party's -- it's exhibit 32.

17 CHAIRMAN HOOD: 32. An expert in acoustics.
18 Commissioners, let's look at the resume, and let me know what you
19 think. I thank everyone for telling --

20 COMMISSIONER SHAPIRO: I have no objection, Mr. Chair.

21 CHAIRMAN HOOD: No objections, anyone else? Anybody
22 have any objections? So we will proffer him as an expert in
23 acoustics, I believe is the relative title. I don't know if
24 we've ever done that before. We probably have.

25 Okay. Ms. Horwitz, you may begin.

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1 MS. HORWITZ: Thank you. Good evening. My name is
2 Laurie Horwitz, and I represent Jessica Herstein and Elliot
3 Gerson. They live at 4710 Woodway Lane. That property sits
4 immediately adjacent to Jacobs Field.

5 Please note that we have submitted a prehearing
6 statement at Exhibit 69. That filing provides a summary of
7 certain legal and factual issues. The prehearing statement also
8 includes five very important exhibits. The first exhibit
9 contains two maps, showing the respective locations of 4710
10 Woodway Lane and Jacobs Field.

11 The second exhibit provides topographical information
12 regarding the two adjacent properties. The third summarizes
13 usage of Jacobs Field, and includes two illustrative schedules
14 from American University regarding the activities on the field.
15 The fourth is a color depiction of objectionable noise from Jacobs
16 Field that inundates 4710 Woodway Lane. That graphic was prepared
17 by AU's sound engineer, not ours.

18 Finally, the fifth exhibit is a report from Cody Snow,
19 who's just been designated and accepted as an expert in acoustics.
20 Due to the time limits, we will not summarize all of the
21 information in these written submissions, but I do refer you to
22 them. At this time, Mr. Gerson will testify.

23 MR. GERSON: Thank you. Good evening. My wife, Jessica
24 Herstein, and I are the owners of 4710 Woodway Lane. The entire
25 length of Jacobs Field and its northern extensions, all the way

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1 to the volleyball courts, are adjacent to our property. My
2 comments will describe the objectional noise from the field, our
3 unsuccessful efforts to resolve the problem, and some of our
4 suggestions regarding this application.

5 I will comment on Commissioner Mays' question on March
6 22nd about why there is such a chasm between our level of concern
7 and the University's response, Commissioner Turnbull's
8 appropriate focus on the issue of field conditions after the wall
9 is built, and Chairman Hood's insightful question about what
10 mitigation there has been since 2001. The short answer to the
11 Chairman's question is very little indeed.

12 The noise today is objectively and indeed exponentially
13 far worse, and there has, in fact, been a lack of compliance with
14 some, if not most, of AU's key obligations, as the University's
15 own sound engineers concluded in a 2017 report. And as to the
16 other questions, more in a minute, but yes, the essence of the
17 continuing dispute is that the University abruptly changed its
18 longstanding and science-based approach two years ago to advocate
19 for a blank check after a sound wall is built. That is why we
20 are here.

21 Allow me first briefly to describe the sound problem,
22 as it is important for you to understand what we endure. The
23 simple and undeniable fact is that the noise is incredibly
24 disturbing and often relentless, frequently from 7:00 in the
25 morning until dark. The University's testimony last month about

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1 the daily duration of sound is flatly contradicted by its own
2 schedules that it sends us. Indeed, those schedules themselves
3 consistently understate reality.

4 For example, see Exhibit C of our submission, which
5 shows that in October of 2019, a fall sports month before the
6 pandemic, that there were 25 days with 7 or more hours of
7 scheduled activity, and 9 days with more than 11 hours scheduled.
8 And with noise commencing at 7:00 a.m. on 18 days, and ending
9 officially, though rarely, actually at 8:00 p.m. on 22 days.

10 Please also understand that we're not talking about
11 ordinary noise, but the kind of varied, loud, and startling noise
12 that any reasonable person would consider deeply objectionable.

13 For example, we hear groups of people shouting at the
14 tops of their lungs. The sports played on Jacobs Field are not
15 like baseball, or tennis, or even football. The players
16 themselves yell, as I know, as two of my daughters played field
17 hockey. Amplified music for 60 or 90 minutes at a time, amplified
18 announcements spanning several hours, and a multitude of jarring
19 sounds from airhorns, shot clock sounds, and whistles. Imagine
20 if you're in your own home at 7:00 in the morning and are awakened
21 by yelling players. Imagine if you're trying to eat dinner on
22 your patio, and are bombarded by amplified music, amplified
23 voices, and airhorns from the field. Imagine if these problems
24 persisted almost every day.

25 Last Sunday, inside, with the windows closed, we could

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1 make out almost every word in the amplification of voices
2 announcing the game. Imagine if you, or your father-in-law, had
3 appeared before this Commission at every campus planning
4 proceeding for the last 30 years, and this problem remained, and
5 indeed only got worse.

6 The good news, and we do want to look on the bright
7 side, is that with a properly engineered and constructed sound
8 wall, followed by the acceptance of simple, reasonable, science-
9 based, and enforceable conditions, we should finally get to where
10 we need to be.

11 What need and admire Robert Frost's famous poem, the
12 Mending Wall, didn't hold that good fences make good neighbors.
13 They allow that, but they're not enough. Even in the consistent
14 opinion of the University's own chosen sound engineers. The
15 sound wall we expected three or more years ago would not mitigate
16 all the objectionable noise.

17 I might add that insult is added to injury during the
18 summer months when the objectionable noise often lasts for more
19 hours, and is generated by users who aren't even AU students.
20 See that same Exhibit C. For example, the pre-pandemic July had
21 almost 220 scheduled hours of activity, more than in April when
22 the University was in session. This is a telling reflection that
23 rental profit is more important to the University than
24 neighborhood peace and wellbeing.

25 And don't be misled by the University's implications

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1 that these all-day uses are generous contributions to District
2 of Columbia children, which we would enthusiastically support.
3 They're for expensive summer camps.

4 So we ask the Commission to approve and clarify the
5 definition of so-called special events set forth in your order
6 to provide more reasonable, rational, and understandable limits
7 on field usage, and make that word special mean what it intends.

8 There are many productive and collaborative meetings
9 with the previous University administration regarding this
10 ongoing nuisance. We met with our sound engineers on both sides
11 of the fence for games and during other events, and with
12 arborists, and with the athletic director. These meetings ceased
13 in 2019 at AU's election. This goes to Commissioner May's
14 question.

15 The University unilaterally decided to cease all
16 meetings and almost all--communications about a sound wall. We
17 were close to a mutually agreeable solution. Promises were made
18 not only to build a wall, but also to prevent increased usage at
19 the field, because the mitigation benefits of the sound wall were
20 modeled, obviously, upon the existing uses of the field, and
21 existing sources of noise.

22 But the new administration reneged on the consistent
23 promises made for over a decade about limitations and conditions
24 on uses of the field, and came to the conclusion that they wanted
25 to eliminate all conditions in the order after the wall was built.

1 Mr. Fisher was copied on these communications, but
2 apparently forgot AU's position when he testified. AU took these
3 positions while ignoring the science of sound transmission, its
4 own sound studies, and years of promises regarding limitations
5 on field uses.

6 The University actually and astonishingly told us that
7 our obligations to AU should run with the land, but AU was
8 unwilling to make the same commitment. We reluctantly accept the
9 presence of varsity sports as our border. Despite the
10 University's assurances years ago that that was not in their
11 plans, they shouldn't be there. A serious past failure of zoning,
12 but they are.

13 Some years ago, AU decided, unlike any other urban
14 university of which we are aware, and contrary to repeated
15 promises to build varsity athletic fields on the quiet
16 residential fringe of its own urban campus, rather than centrally
17 within the campus or to a remote location, as almost all
18 similarly-situated universities do. This is the heart of the
19 problem, one in their own creation.

20 Now, decades later, not expect to operate athletic
21 fields, just like its sister institutions, because those other
22 institutions did not choose to impose their inherently raucous
23 sporting events on a pre-existing and immediately adjacent, and
24 quiet residential neighborhood. And raucous is the right word.

25 We are talking here about an athletic field, so maybe

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1 a sports metaphor might be an appropriate way to close. The
2 University keeps changing the locations of its goal posts. First,
3 they were only going to be recreational goal posts. Then there
4 were going to be goal posts for only one varsity sport, and for
5 very few, and highly limited non-athletic special events. Then
6 there were going to be goal posts used for two varsity sports,
7 and with no meaningful limits for other uses, even when the
8 University students weren't present.

9 Then we learned, horrified, of the latest goal post
10 move, that AU wants to expand uses of the field. In our meetings
11 with the University, AU never disclosed plans for expanding
12 usage. Talk about moving goal posts. AU wanted us to waive all
13 future objections to future use, while apparently secretly
14 planning to expand such use. And they asked us to bind our
15 successors to this travesty.

16 And a brief, but critical, word about the location of
17 the wall. An effective sound wall must finely and properly be
18 built, and built in the only logical and effective location,
19 where AU's existing aluminum fence has long been.

20 Let me be crystal clear about this. All discussions
21 with the University and sound engineers, for years, have been
22 based on a mutual and explicit plan that the wall will be
23 constructed along the existing fence line. Any suggestion as we
24 heard two weeks ago that the wall would be built closer to the
25 property line, which is down a dramatically steep slope, makes

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1 absolutely no sense: environmentally, acoustically, or
2 financially.

3 Once the wall is finally built, and yes, we are troubled
4 and puzzled why it will take yet another year or more before it
5 could be built, firm and enforceable conditions relating to
6 times, duration, character, sources, and types of noise must be
7 imposed to keep the inherently loud, erratic, distressing,
8 disturbing, unrelenting, and unpredictable noises of Jacobs Field
9 largely confined for the first time to the University's own
10 property.

11 It is extremely important for the commission to
12 understand that many conditions must remain after the wall is
13 built due to the topography of the two adjacent sites, and the
14 undeniable realities of acoustic science. The wall is not a
15 magic bullet that will solve all noise problems, but it is surely
16 welcome and long overdue. Thank you very much for your
17 consideration.

18 MS. HORWITZ: Cody, you may go now, please.

19 CHAIRMAN HOOD: Before you go too far, you're on mute.
20 We can't hear you. If you had your computer on headphones, you
21 want to go take it off.

22 COMMISSIONER MAY: You've got to set the right
23 microphone. One of the sounds uses system settings.

24 MR. SNOW: Can you hear me now?

25 CHAIRMAN HOOD: Yeah. There we go.

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1 MR. SNOW: Okay. Sorry about that. Good evening,
2 Chairman Hood and Commissioners. My name is Cody Snow, and I am
3 a senior engineer with (indiscernible) Noise and Vibration, an
4 acoustical engineering firm in Frederick, Maryland. Our firm has
5 been engaged by Dr. Jessica Herstein and Mr. Elliott Gerson to
6 analyze the noise impact on their property at 4710 Woodway Lane
7 Northwest, from use of American University's Jacobs Field.

8 Our analysis has included ambient noise measurements
9 at the property and reviewing the information provided within the
10 reports, completed by the University's consultant, Miller, Beam
11 and Pagonelli.

12 It is our understanding that the University is
13 proposing to construct a noise barrier along the length of the
14 field, near the existing fence line that separates the University
15 and (indiscernible) property. The intent of the noise barrier
16 is there would be some noise impact on the property from the use
17 of Jacobs Field from sources such as players, spectators, loud
18 speakers, and the shot clock.

19 In December of 2020, we conducted a five-day noise
20 measurement survey on the Herstein/Gerson property to determine
21 the ambient noise environment in absence of any field activity.
22 During this survey, Jacobs Field was not experiencing normal
23 usage, and COVID-19 restrictions were in place. Our evaluation
24 of the existing ambient outdoor noise environment determined the
25 following.

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1 63 percent of the time the noise environment within the
2 rear and side yard was less than or equal to 45 DBA. Noise events
3 greater than 60 DBA occurred for less than 1 percent of the five-
4 day measurement period. It was also observed that Jacobs Field
5 can be seen from the side and rear yard of the property.
6 Additionally, the first and second stories of the residence are
7 elevated above the field.

8 According to information provided within the Miller,
9 Beam, and Pagonelli reports, most Jacobs Field noise sources
10 generate noise levels in excess of 60 DBA upon the Herstein/Gerson
11 property, and they are more than three times as loud as the
12 ambient noise environment.

13 Note that the maximum noise level of these sources is
14 not fully understood, as it appears that average noise levels
15 were used to complete the analysis for some of the field's noise
16 sources.

17 Under the DCMR, this increase and type of noise could
18 be classified as objectionable, as a noise disturbance, and
19 exceeds the DCMR maximum allowable day time noise level of 60 DBA
20 upon a residential property. It is likely that with a 15-foot-
21 high noise barrier that the shot clock, and possibly other sources
22 will still be objectionable and exceed the DCMR residential
23 daytime limit of 60 DBA at the property.

24 It is recommended that additional mitigation measures
25 be put in place, such as regulating amplified noise and amplified

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1 noise events, sound monitoring of field activity, limiting field
2 usage hours, as well as other mitigation measures. In summary,
3 a 15-foot high noise barrier along the fence line of Jacobs Field
4 is expected to provide some reduction in noise generated by field
5 activity, but such a barrier is unlikely to reduce all field
6 noise sources to below 60 DBA at the property line (indiscernible)
7 objectionable levels.

8 Therefore, it is recommended that additional litigation
9 measures be implemented to supplement the noise barrier and
10 further reduce objectionable noise and disturbances
11 (indiscernible).

12 CHAIRMAN HOOD: Give us your closing thought. Your
13 closing thought.

14 MR. SNOW: That was it. Thank you.

15 CHAIRMAN HOOD: Well, Ms. Horwitz, your closing
16 thought.

17 MS. HORWITZ: Thank you, Chairman. My only question
18 is could we please put these oral testimonies in the record?

19 CHAIRMAN HOOD: Yes. We'll put those in the record as
20 well.

21 MS. HORWITZ: Thank you. We will (indiscernible).
22 Thank you.

23 CHAIRMAN HOOD: Okay. Commissioners, any questions?
24 Commissioner May, any questions?

25 COMMISSIONER MAY: Yes, I did have a question. So just

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1 to clarify, the recommended -- your recommended location for the
2 wall would be along the current fence line, and that is not was
3 is proposed?

4 MR. GERSON: Correct. Well, it's not clear. The
5 University keeps changing what it says. All of the conversations
6 for a decade have been along the existing fence line. And indeed,
7 the existing fence line is the only logical place. There is a
8 fence. There are trees on either side. Nothing needs to be
9 removed.

10 But as you heard the testimony, on the 22nd, there was
11 a suggestion that the fence would be -- that the sound wall would
12 be built closer to the property line. In other occasions, they've
13 suggesting that it be at the property line. The property line
14 is as many as 11 feet lower down a steep slope.

15 COMMISSIONER MAY: Got it. Okay. Thank you. I was
16 just trying to get clarity on which it was, and I had seen
17 drawings.

18 Now, the other question I have actually is for the
19 engineer, which is that you're saying that at 15 feet, additional
20 mitigation measures are needed. If the wall were 20 feet tall,
21 would that -- what would that do? Or did you even look at that
22 question?

23 MR. SNOW: I can't specifically comment on that
24 question. I have not fully analyzed the noise sources from the
25 field. What I have done is look at the information provided

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1 within the Miller Beam reports, and based upon that, there can
2 be some assumptions made that the 15-foot barrier may not be
3 enough to mitigate the shot clock, and possibly other sources.
4 But further analysis would need to be done in regard to a 20-
5 foot barrier.

6 COMMISSIONER MAY: Yeah. Okay. All right. Thank you.
7 That's it.

8 CHAIRMAN HOOD: Okay. Thank you. Commissioner
9 Shapiro?

10 COMMISSIONER SHAPIRO: No further questions.

11 CHAIRMAN HOOD: Commissioner Turnbull?

12 COMMISSIONER TURNBULL: No questions, Mr. Chair.

13 CHAIRMAN HOOD: And Vice Chair Miller.

14 VICE CHAIRMAN MILLER: No questions. Thanks for your
15 testimony and your patience with our finding a solution to your
16 problem. I wish we had a mute button for the fields.

17 MR. GERSON: We do too.

18 CHAIRMAN HOOD: Okay. So it's time for us to find a
19 solution. I was sitting here thinking, well, maybe we all just
20 need to sit down, the Zoning Commission, Herstein, Mr. Gerson,
21 and Ms. Horwitz, and the University, and have a work session.
22 Because I don't know what else to do. The late Mr. Bob Herstein
23 was always at the hearings, always -- and here we are, all this
24 time later, still sitting here talking about the same thing. And
25 I want the University to know that we need some answers and we

1 need some -- people want predictability. And I thought about a
2 neighbor, and I know we're late, but I need to say this.

3 He had drums playing right next to his house. And he
4 called me, and wanted me to get involved with the school system.
5 So I know how it can be. We need to see what level the noise,
6 how we can -- we need to resolve this once and for all, because
7 this has been going on when Carol Midden was the chair, and I
8 think it started in 2001, and it sounds like it started before I
9 even got here.

10 So I think it's time for us to put this issue to rest.
11 And I'll leave it at that. I'm looking forward to hearing
12 rebuttal. And if we need to do a work session, I don't know
13 legally what all we need to do, but we need to resolve this.
14 This should not be coming up at every ten-year campus plan.

15 So that's all I have. I don't have any questions. I'm
16 more disgusted that we're still talking about this than anything.
17 And that's not for show, that's for real.

18 All right. Any other questions, Commissioner? Okay.
19 Any other questions? Okay. Let me get my list up here. Hold
20 on one second. Does the applicant have any cross?

21 MR. TUMMONDS: No cross from the applicant.

22 CHAIRMAN HOOD: Okay. Does ANC 3D have any cross?

23 COMMISSIONER ELKINS: No, Mr. Chairman.

24 CHAIRMAN HOOD: ANC 3E have any cross?

25 COMMISSIONER MCHUGH: I have a quick question. 3E is

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1 known for when we negotiate with entities, like at the schools,
2 we ask them for community use. And one of them was mostly DCPS.
3 Do you have an objection to DCPS sponsored events? I'm not
4 talking about day camps or anything like that, but actual DCPS
5 sports, because we're always looking for fields.

6 MR. GERSON: I have absolutely no objection to school
7 sports activities, particularly if they don't engage with
8 amplified sound. And after a fence is built, we would love to
9 see school children using that field. We have a shortage of
10 fields in the district, and it should be used.

11 COMMISSIONER MCHUGH: I appreciate that. That's my
12 only question.

13 CHAIRMAN HOOD: I think that came up some time ago.
14 And it seems like this stuff just keeps recycling itself. So
15 let's get some resolution to this. So good question,
16 Commissioner. I appreciate it.

17 Mr. Kravitz, any cross?

18 MR. KRAVITZ: No, sir.

19 CHAIRMAN HOOD: Spring Valley/Wesley Heights.

20 MR. SMITH: A couple questions, although Commissioner
21 May got what I really wanted to get at. Has the University ever
22 explained to you how it wants to expand the field usage after
23 the wall is built?

24 MR. GERSON: No. And indeed, it's almost hard to
25 imagine how the usage could be expanded much beyond where it is.

1 But it is clear, as they told us very explicitly, that once the
2 wall is built, they wanted no further conditions, and they didn't
3 want to limit any future possibilities, which we find totally
4 unacceptable, and contrary to the principles of building a sound
5 wall.

6 The sound wall can only be built based on
7 understandable and managed and controlled conditions. The height
8 of the speakers, the decibel levels, the direction of the
9 speakers, the numbers of amplified events, and the like.

10 But they have simply indicated they want no limits, and
11 that's not acceptable.

12 MR. SMITH: Have you all given any consideration to the
13 conditions that you'd like to see in place while you're waiting
14 for the wall to be built?

15 MR. GERSON: Well, there are two different kinds of
16 conditions, and you're correct. The conditions while it's being
17 build should be the continuing conditions that exist at the
18 moment, because those -- except they need to be enforced. There
19 need to be no elevated speakers. The speakers need to be in
20 fixed locations and away from us. We were just at a game this
21 weekend. Actually, we love going to field hockey games, and my
22 daughters play field hockey. But we prefer going to the games
23 at the field, rather than listening to the games in our bedrooms.

24 So we saw the speakers, contrary to what AU
25 consistently says, aimed directly at our property. The air horns

1 high on the scoreboard, directly straight down the field and
2 close to our property. So for the first time in a long time,
3 we'd like those conditions actually enforced. We'd also like
4 restrictions on noise devices, because in many cases, students
5 bring their own noise devices. And when we complain about that,
6 there's never anything that can be done, because there's no one
7 who can be sent over, then it's after the fact.

8 And we want reasonable limits on the numbers of events
9 that are amplified. But ideally, we'd like the fence built as
10 soon as possible so we can move to a permanent regime, which is
11 the Chairman's hope, where we can all understand what the rules
12 are, what the conditions are, so this no longer has to be on the
13 agenda in future campus plans.

14 MR. SMITH: You mentioned about things needing to be
15 enforced. Are you basically saying that the University is not
16 in compliance now with the provisions of the --

17 COMMISSIONER SHAPIRO: Mr. Chair? Mr. Chair,
18 respectfully, and Mr. Gerson's testimony I found quite
19 compelling. And I must say if all Mr. Smith -- my experience,
20 all Mr. Smith is doing is asking Mr. Gerson to repeat his
21 testimony.

22 CHAIRMAN HOOD: Okay. Mr. Smith, you've heard the
23 issue, and I would agree with Mr. Shapiro. So if you could get
24 the questions that would help us, other than what's already --
25 that we've already heard, that we all have already heard, I think

1 it would be very helpful.

2 MR. SMITH: I'm sorry. I was just trying to pick up
3 on Mr. Gerson's comment about needing to be enforced. I just
4 wanted -- but okay.

5 CHAIRMAN HOOD: Well, it's been around since 2001.
6 Obviously, we've got some problems, and this is not the end of
7 it. So I think we get that. We've gotten it previously. If
8 you go back and look at the past transcript, and I just
9 remembered, from years ago. So we got it.

10 MR. SMITH: I just want to double check. If you've
11 already answered this question, I did not hear this, but have you
12 -- are there certain conditions that you've considered that are
13 needed after the wall is built?

14 MR. GERSON: Well, obviously, we have, and we will make
15 some suggestions. But the fundamental point is we need the wall
16 built and tested. But there's some obvious conditions, because
17 as has been recognized by everyone, even if the wall is 20 feet
18 high, the upper portion of our house is still going to get noise.
19 So there needs to be limits on hours and types of noise, and
20 frequency of noise, the kinds of direction of the speakers. Also,
21 the location of the spectators.

22 I mean, if the spectators are now at a height of 20
23 feet above the field, and they were to build stands that were 40
24 feet above the height of the field, obviously the whole point of
25 the sound wall would be defeated.

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1 So there are basic, simple conditions that could be
2 enforced. And again, we're great supporters of sports, and want
3 to see the University have a successful sports program. We don't
4 see any reason why they cannot conduct their sports activities
5 with reasonable conditions. There may be a few rules that are
6 NCAA rules or patriot league rules, but even there, we don't
7 understand why if, for example, sound clock -- time clock sounds
8 --

9 CHAIRMAN HOOD: Mr. Gerson. Mr. Gerson.

10 MR. GERSON: -- why they couldn't ask for an exception

11 --

12 CHAIRMAN HOOD: Mr. Gerson, I think the direction
13 that's going to come from this Commission, surely you will be
14 able to collaborate with the University on that. So I think
15 that's -- we can move, next question.

16 MR. GERSON: Thank you, Mr. Chairman.

17 MR. SMITH: I had a couple of questions, but in the
18 interest of time, I'll drop them, and I'll pass. So thank you,
19 Mr. Chairman.

20 THE CHAIRMAN: Okay. Thank you. Let's go to Westover
21 Place. No, I'm sorry. Ms. Gates, any cross?

22 MS. GATES: Thank you. I just wondered if Mr. Gerson
23 saw any sort of similarity between the University's not building
24 the sound wall, and the promises the University has made regarding
25 landscaping.

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1 MR. GERSON: I might ask my wife to comment on that.
2 I haven't been as focused on the landscaping issue. And my
3 exposure to the landscaping issue is largely along our property.

4 UNIDENTIFIED SPEAKER: I'm familiar with along
5 University Avenue too, which I think is something that's been
6 embarked on several times. I have met with people who are
7 neighbors on University, and with AU people, to discuss how the
8 buffer is no longer effective. And the University says that
9 they're going to work on it. And actually, Casey Trees did plant
10 a few trees last year -- more than a few trees, but they're small.
11 They didn't all survive.

12 So I think that both our buffer, and especially
13 University Avenue buffer requires ongoing attention and periodic
14 planting and nurturing of the plants in order to ensure there is
15 still a buffer. The pine trees have gotten so tall that are
16 there are are stops in front.

17 So I think there are some similarities that it's not a
18 once and done kind of situation. You need to enforce and continue
19 to monitor and spend some time on it.

20 MS. GATES: In the short term, would you be willing to
21 invite the zoning administrator to come out to a game at your
22 house, so that he might be encouraged to enforce the regulations
23 or conditions?

24 MR. GERSON: They would always be welcome. But frankly,
25 Alma, a point implicit in your question is that the noise is

1 appreciably worse during games than it is at many other times.
2 There are practices at 7:00 in the morning that wake us up today.
3 Those may be more distressing than a Saturday afternoon game that
4 is scheduled, and we're expecting.

5 But yes, of course, we have always welcomed people on
6 our side to listen. And indeed, until two years ago, the
7 University itself regularly came and observed, and we had a very
8 cooperative relationship, and we thought we were going to get
9 this done.

10 CHAIRMAN HOOD: Okay. Thank you. Next question.

11 MS. GATES: This is for Mr. Snow. What other sound
12 mitigation measures would you recommend if the wall is
13 insufficient?

14 MR. SNOW: It would go back to some of the topics that
15 Mr. Gerson previously mentioned. As far as regulating the
16 amplified sound from loudspeakers, trying to control the time and
17 the frequency of the events that occur.

18 COMMISSIONER SHAPIRO: Mr. Chair, respectfully, this
19 is I think quite unduly repetitive.

20 CHAIRMAN HOOD: I agree, Commissioner Shapiro, but what
21 I've learned long ago, the more I interrupt, the longer it's
22 going to take. Let's just get the question. I think the zoning
23 administrator question was out of order. I think this question
24 is out of order. That's why I need to get to the end, so I can
25 have Mr. Gerson and the University to be able to work together

1 and (indiscernible). There's give and take on their side, and
2 there's give and take on the University's side. And I'm saying
3 this now so I don't have to say it again. I'm looking forward
4 to them having a discussion. And yes, it might be a little
5 inconvenienced, Mr. Gerson, you live right there. But also the
6 young folks should have an opportunity to be able to enjoy
7 themselves.

8 So all that together, all that said, I think it could
9 be a win/win if we get those two parties back in a room, and
10 let's make it work. There might be a little noisy sometimes,
11 hopefully not a 7 o'clock. There might be a little amplified
12 sound. Who wants to go to a quiet game? Nobody.

13 So I think you all can really come to some type of
14 agreement. I think this thing is 20 years too long in waiting.
15 And I think everybody is going -- I think those two parties, not
16 any of the rest of us, those two parties are going to have to
17 sit down and have this discussion, and try to mitigate it. All
18 the rest of that stuff is on the administrator, Anthony Hood
19 coming over and all that, to me, irrelevant.

20 You may continue, Ms. Gates.

21 MS. GATES: Mr. Hood, it was a zoning administrator,
22 not you, that I was asking to go by the house, but --

23 CHAIRMAN HOOD: Ms. Gates, I agree with you when you
24 said -- I heard you say the zoning administrator, but what I need
25 first is for Mr. Gerson and the University to collaborate before

1 I get Mr. Snow involved, and try to find ways to mitigate some
2 of those 7 o'clock problems. Some of that stuff I think the two
3 of them can handle. We may build a wall, and the wall doesn't
4 even work. We don't know. So I just think that there needs to
5 be a conversation between them two to start. That's kind of what
6 I'm going to push, and I hope my colleagues will join me.

7 MR. GERSON: Yes. If I could just say, if I might, to
8 that response, Mr. Chairman. I just want you to know that we
9 spent many months and many meetings doing just what you suggested
10 with the previous administration. We were very, very close. We
11 thought we would have a wall built today.

12 So we simply would ask that we get some guidance from
13 the commission so the University will change what its current
14 posture is, which seems to be: we'll build a wall. We'll build
15 it somewhere. And then we're done and we don't need to talk to
16 you, and we'll do anything we want on this side of the wall.

17 We're very --

18 CHAIRMAN HOOD: I think it needs to be an ongoing
19 collaboration. I'm not even sure the wall is going to satisfy
20 you. I don't know. So --

21 MR. GERSON: It might.

22 CHAIRMAN HOOD: But it might. That's the key word,
23 might. So I don't want to get into that. What I want you all
24 to do is go back to the drawing board, go back and see what the
25 University, but also, Mr. Gerson and Ms. Herstein, I would like

1 for you all also to be -- here's the word I want to you. When
2 you're going in, we know that we've all got to co-exist. Because
3 when I go to games and them young folks go to games, they don't
4 want to be quiet. They want to enjoy themselves. So let's
5 balance that. That's all I'm asking.

6 So those are my -- and if my colleagues disagree, that's
7 the direction. You two start working it out first before we
8 bring Mr. Snow in, before we bring the ZA in, before we bring
9 anybody else in, you two work it out.

10 MS. HERSTEIN: We look forward to making progress.
11 Thank you.

12 CHAIRMAN HOOD: Thank you. Okay. Where did I leave
13 off at?

14 MS. GATES: I'm through.

15 CHAIRMAN HOOD: Okay. Thank you, Ms. Gates. Mr.
16 Kirkpatrick, do you have any cross?

17 MR. KIRKPATRICK: No cross, Mr. Chairman, thank you.

18 CHAIRMAN HOOD: Any Ms. Ambrose, do you have any cross?

19 MS. AMBROSE: Sorry. No, I don't. Thank you.

20 CHAIRMAN HOOD: Okay. So I think we've got everybody.
21 Ms. Schellin, and let me say this to my colleagues, I appreciate
22 each one of you all responding. It looks like we can do
23 Wednesday. I was thinking we could do -- we have a text amendment
24 case. I think we could really do Thursday. But we have a text
25 amendment case, and those usually go within 30 minutes to 45

1 minutes, and I shouldn't jinx it because of the prior -- last
2 four hours.

3 COMMISSIONER SHAPIRO: Wait, Mr. Chair. I'm confused.
4 What date are you proposing for us?

5 CHAIRMAN HOOD: Let me pull that back up. We were
6 proposing next Wednesday, but as I looked at the schedule, on the
7 26th, we have an Office of Planning text amendment case, and it's
8 only eight exhibits. That may be dangerous, but it's only eight
9 exhibits.

10 MS. SCHELLIN: That is the IVXL. I don't know how many
11 people may sign up to testify on that case.

12 CHAIRMAN HOOD: Okay. Okay. All right. So I think
13 we can make it Wednesday, because I've found out, I've been
14 notified, and I appreciate my colleagues all for chiming in. It
15 looks like we probably can make it at about 5:30 -- 5:00 or 5:30.
16 I found out I'm not the only commissioner there. I thought it
17 was just me, but it looks like there's a number of us, because
18 of the continuation issue that we're dealing with on BZA. But I
19 still think that we could break away at 5:00 or 5:30. I don't
20 know which time you all want. I've heard 5:00. And I'm thinking
21 5:30 to be safe. We don't want to make that an hour conversation
22 so --

23 COMMISSIONER MAY: 5:00 or 5:30 is fine by me.

24 COMMISSIONER SHAPIRO: I think 5:30 to be safe, Mr.
25 Chair. It probably makes sense.

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1 CHAIRMAN HOOD: Okay. So let's go with 5:30 on next
2 Wednesday. But before I do that, Ms. Schellin, how many people
3 -- I think we need to -- does anybody want to see if we can get
4 the (indiscernible) opposition.

5 MS. SCHELLIN: We only have three in opposition that
6 are here tonight. So if you want to go ahead and get them, they
7 -- if you want to have them testify, then we can take care of
8 that when we're done.

9 CHAIRMAN HOOD: Okay. Let's go ahead. And then we
10 would start with rebuttal. Let's go ahead and bring them out,
11 Ms. Schellin.

12 MS. SCHELLIN: Yes. Mr. Young already has the list.
13 We have Dennis Paul, Ruth Knauss, and Shelley Repp.

14 CHAIRMAN HOOD: Okay. Let's go in that order that your
15 name was called, and you may begin. Who was the first person,
16 Ms. Schellin?

17 MS. SCHELLIN: Mr. Paul.

18 COMMISSIONER SHAPIRO: I don't see the first person.

19 CHAIRMAN HOOD: Yeah. I don't see them either.

20 MR. YOUNG: I don't have Dennis Paul anymore. I only
21 have Ruth Knauss and Shelley Repp.

22 CHAIRMAN HOOD: Okay. Let's go with Ruth Knauss, and
23 then we'll go with Shelley Repp. Ms. Knauss, you can go ahead
24 and begin.

25 MS. KNAUSS: Okay. Can you hear me?

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1 CHAIRMAN HOOD: Yes, we can.

2 MS. KNAUSS: Okay. Mr. Chairman and commissioners, my
3 name is Ruth Knauss. I live at 4300 Massachusetts Avenue,
4 Northwest. I'm directly on the opposite side of the wall where
5 building 15 is to be built. My patio is only five feet from the
6 wall.

7 In my view, there are several objectionable conditions
8 to a building such as the one proposed. Firstly, it will dwarf
9 our properties by its size. A building this large will block
10 sunshine during the day, and will cut down on the fresh air that
11 we enjoy. Additionally, the buffer that exists now has not been
12 brought to the agreed upon terms of the last campus plan.

13 Secondly, any student use of this new building would
14 cause a huge amount of pedestrian traffic coming past my house.
15 Students are housed at the Avalon, the Berkshire, and the
16 Greenbriar. Prior to COVID, every morning, I would pick up trash,
17 half-eaten sandwiches, beer cans and bottles, candy wrappers, and
18 the like in the yard in front of Westover Place.

19 Any student life in this building would make this much
20 worse, causing more rodents and unsightly settings. The
21 pedestrian traffic would make it impossible for us to exit our
22 driveway, left or right. AU has not shared how pedestrians would
23 access this new building. Any cut through onto Massachusetts
24 Avenue would be unacceptable.

25 Certainly, Ward Circle is dangerous enough without

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1 adding more crossings by students on foot. Noise is already a
2 problem in front of my home. Any type of student life, food
3 service, and auditorium would make this much worse.

4 When I moved to Westover Place nine years ago, I would
5 open my windows at night. No longer. Pre-COVID, I was awakened
6 on a nightly basis by students clearly dealing with underage
7 drinking, screaming, and shouting to one another from both sides
8 of Massachusetts Avenue.

9 Any student life with evening attendance would make
10 this even worse. Coming home by car now is a problem in the
11 evening, as Ubers line two deep, waiting for student passengers
12 in front of our driveway late at night. Any student life would
13 make this much worse as well.

14 Georgetown University and GW both adhere to a student
15 cap. AU continues to add to its student undergraduate population
16 without any problem from this commissioner. It is my
17 understanding from the Zoning Commission regulations that the
18 neighbors should not be subjected to objectionable situations
19 caused by campus enlargement.

20 My hope is that this project is put back to the CLC for
21 more neighborhood input. AU has not disclosed pertinent
22 information so that the neighbors (indiscernible) base decisions
23 on facts, such as exact use of this building. What is the exact
24 breakdown on use? Percentage academic? Percentage
25 administrative? Percent student life. All has been mentioned

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1 in this plan.

2 No particulars have been shared. In my view, any
3 decision by the Zoning Commission would be premature until we get
4 candid responses from the University.

5 That's all.

6 CHAIRMAN HOOD: Okay. Thank you. Shelley Repp, you
7 can go next, please.

8 MR. REPP: Yeah. I think I'm unmuted here. Can you
9 hear me?

10 COMMISSIONER SHAPIRO: Yes, we can.

11 CHAIRMAN HOOD: Yes, we can hear you.

12 MR. REPP: My name is Shelley Repp. I live one block
13 from American University's Spring Valley building. While I
14 recognize the positive role AU provides, I have several concerns.
15 First, the commission should disregard AU's statement in the
16 campus plan that it is providing directional guidance in terms
17 of anticipated program growth, and instead makes sure that AU is
18 subject to a hard cap on overall enrollment, which I believe
19 President Burwell agreed to on March 22nd.

20 According to AU, reported enrollment currently
21 understates actual enrollment, because it excludes 780 students
22 who take classes at buildings off campus. On the 22nd, Mr. Fisher
23 appeared to say that this number includes certificate and life
24 long learning students. Is the proposed increase in the
25 enrollment cap based on past enrollment of certificate and

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1 lifelong learning students?

2 Because this calculation is central to the proposal to
3 raise the overall enrollment cap, the commission should ask the
4 University to provide an independent report on the students it
5 has excluded from its previous student count.

6 Wesley Seminary has disclosed plans to build a 690-bed
7 student dormitory on the Wesley campus. Only 160 of those beds
8 will be reserved for seminary students. Most of the remaining
9 530 spots are expected to be filled by AU students. The AU campus
10 plan fails to mention these plans, and Mr. Fisher stated that AU
11 was previously unaware of the plan.

12 The Commission should ask more questions about this
13 plan and its impact on AU's enrollment.

14 The next question is whether within the overall cap,
15 there should be a cap on undergraduate students. The mechanism
16 in the existing campus plan to address undergraduate enrollment
17 consists of a housing requirement. This has proven to be an
18 ineffective governor. I was pleased to hear Mr. Fisher state
19 that AU is agreeable to capping off-campus leasing at the current
20 amount. This limit should be explicitly stated in the campus
21 plan.

22 Nonetheless, the Commission should adopt the Georgetown
23 University approach, which clearly served as a model for AU, and
24 imposed an undergraduate cap. This should not be a burden, as
25 AU states in the campus plan that undergraduate enrollment will

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1 remain close to current levels.

2 Second, the proposed campus plan references two forums
3 for community involvement: the CLC and the neighborhood
4 partnership. To my disappointment, there is hardly any
5 discussion at CLC meetings. The facilitator rushes through the
6 agenda.

7 The partnership, on the other hand, is not an inclusive
8 body, as shown in the e-mail exchanges included in my written
9 statement. The neighborhood co-chair of the partnership told me
10 that I was "not selected." The e-mails show that she continued
11 to advocate for my participation, but was turned down by others
12 on the partnership steering committee.

13 The existence of two forums is operated in a way to
14 exclude community participation. The CLC and the partnership
15 should be collapsed into one, transparent entity. Thank you for
16 the opportunity to share my views.

17 CHAIRMAN HOOD: Thank you both. Let's see if we have
18 any questions, Commissioners, for Ms. Knauss and Mr. Repp. You
19 could just shake your heads, Commissioner May and Commissioner
20 Shapiro, (indiscernible). I don't have any either.

21 Let's see if we have any cross. Does the applicant?

22 MR. TUMMONDS: No cross.

23 CHAIRMAN HOOD: Okay. ANC 3D?

24 COMMISSIONER ELKINS: No cross.

25 CHAIRMAN HOOD: ANC 3E?

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1 COMMISSIONER MCHUGH: No cross.

2 CHAIRMAN HOOD: AU Neighborhood Partnership?

3 MR. KRAVITZ: No cross.

4 CHAIRMAN HOOD: Spring Valley/Wesley Heights?

5 MR. SMITH: I have two questions, Mr. Chairman. First,
6 they're both to Mr. Repp. Shelley, do you -- will the -- the
7 campus plan's proposal to move from a 2,200 minimum parking
8 requirement to a ceiling, do you anticipate that having any kind
9 of impact on neighborhood where you live?

10 MR. REPP: Well, yes. Yes. I mean, there is a traffic
11 problem, a parking problem at the AU building. There has been.
12 Not just for students. In fact, less so for students then for
13 the OLLI students, older students, lifelong learning students who
14 take classes there, back when it was -- basically when it was in
15 operation.

16 They almost always parked in the neighborhood. They
17 refused to park in the underground garage, sort of
18 understandably. They're uncomfortable going in the underground
19 garage. And it has pre-pandemic, been a big problem. And so I
20 do -- but to get to your bigger point, while a maximum parking
21 ceiling, I guess, makes some sense, frankly, I think there should
22 be also a minimum like there is currently. And I can't tell you
23 what that should be, but there should be a minimum.

24 MR. SMITH: Thank you. And my last question, were you
25 ever given a reason why you were rejected for participation in

1 the partnership working group?

2 MR. REPP: I made it absolutely clear to Don Edwards,
3 who I met with for coffee, to Linda Argo, who was director of
4 community affairs a while ago, that I wanted to participate in
5 the partnership. I always was willing to abide by the somewhat,
6 what I thought unnecessary rule about confidentiality. Linda
7 referred me to Claire (indiscernible), who was the chair of the
8 partnership, the neighborhood chair of the partnership. And I
9 have here in front of me probably ten e-mails with Claire, trying
10 to find out what the situation was. I wanted to participate in
11 the partnership.

12 She told me in one e-mail, absolutely clear, she said
13 that I was "not selected." Then I went back to her several months
14 later and she said, "Well, I'll bring it up with the steering
15 committee and see what happens." She was advocating -- I believe
16 she was advocating on my behalf for there, but as it turns out,
17 I was never selected.

18 So I went to the University. I went to Don Edwards.

19 MR. SMITH: Mr. Repp? Mr. Repp?

20 MR. REPP: And I went to the top of the partnership.

21 MR. SMITH: Mr. Repp, can I ask you to answer the
22 question, which was were you given a reason?

23 MR. REPP: No.

24 MR. SMITH: Okay.

25 MR. REPP: Well -- no. The answer is no.

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1 CHAIRMAN HOOD: Okay. Great. I think that's the
2 answer. Thank you. Any other questions?

3 MR. SMITH: No more questions. Thank you, Mr. Chairman.

4 CHAIRMAN HOOD: Okay. Thank you. Ms. Gates, Neighbors
5 for Livable Community, do you have any cross for either one?

6 MS. GATES: No. No cross.

7 CHAIRMAN HOOD: Thank you. Mr. Kirkpatrick, any cross?

8 MR. KIRKPATRICK: No cross, Mr. Chairman.

9 CHAIRMAN HOOD: Thank you. Ms. Horwitz, any cross?

10 MS. HORWITZ: No cross.

11 CHAIRMAN HOOD: And Ms. Ambrose, any cross?

12 MS. AMBROSE: No cross.

13 CHAIRMAN HOOD: Okay. It's getting late. Did I miss
14 anybody? Okay.

15 All right. So I think -- and we don't have anybody
16 else, right, Ms. Schellin?

17 MS. SCHELLIN: That is correct. Mr. Young did a last
18 look for Mr. -- for a Timothy Alley and he did not see him.

19 CHAIRMAN HOOD: Well, he can always submit it. And if
20 he had to go, he can always submit his --

21 MS. SCHELLIN: (Indiscernible).

22 CHAIRMAN HOOD: Okay. I didn't see that. Okay, but
23 anyway, what we're going to do, we're going to -- next Wednesday,
24 let me see, next Wednesday at 5:30, I think, does that meet
25 everyone's schedule? Well, (indiscernible) schedule, but we're

1 going to try to go next Wednesday at 5:30. We would like to
2 finish this case this month. Let me make sure I have the date.
3 It's the 28th, next Wednesday the 28th at 5:30 p.m. None of us
4 have BZA that day, but at 5:30, commissioners, we have to tell
5 the chair of BZA we need to switch over to our ZC at 5:30.

6 So Ms. Schellin, is there anything else tonight?

7 MS. SCHELLIN: Nothing else.

8 CHAIRMAN HOOD: Okay. And we will be starting with
9 rebuttal, and then we have cross on rebuttal, and then we'll have
10 closing. But again, I want to reiterate to Mr. Gerson and to
11 Mr. Fisher, give and take on both sides, Mr. Gerson, you might
12 hear a little noise. You might hear the buzzer sometimes, let
13 the young folks play. But also, Mr. Fisher, let's work it out.
14 It's time to get that issue put to rest.

15 So I'm depending on that, and looking forward to an
16 update, at least when we're getting ready to deliberate, if not
17 sooner. Okay?

18 Anything else, Commissioners? So with that, we're
19 going to continue this hearing next Wednesday, the 28th of April
20 at 5:30 p.m. on the same platform.

21 Good night, everybody. Thank you for sticking with us
22 and good night. And stay safe.

23 (Whereupon, the meeting ended at 10:18 p.m.)

24

25