

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

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MONDAY

SEPTEMBER 11, 2023

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
TAMMY STIDHAM, Commissioner
JOSEPH S. IMAMURA, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL COUNSEL:

HILLARY LOVICK, Esquire
DENNIS LIU, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on September 11, 2023.

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| Case No. 23-08(1) | |
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| Wesley Theological Seminary of the | |
| United Methodist Church | 4 |

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

2 (4 p.m.)

3 CHAIRPERSON HOOD: Good afternoon, ladies and
4 gentlemen. Today's date is September the 11th, 9/11, 2023. We
5 are convening and broadcasting this public hearing by video
6 conferencing. My name is Anthony Hood and I am joined by Vice
7 Chair Miller, Commissioner Stidham and Commissioner Imamura.
8 We're also joined by the Office of Zoning Staff Ms. Sharon
9 Schellin, and Mr. Paul Young who will handling all of our virtual
10 operations, also our Office of Zoning Legal Division under the
11 leadership of Ms. Lovick and Mr. Dennis Liu joining us this
12 evening.

13 I will ask others to introduce themselves at the
14 appropriate time. Let me also mention that we're joined by Ms.
15 Sharon Schellin. I think I mentioned that, but anyway. The
16 virtual public hearing notice is available on the Office of
17 Zoning's website. This proceeding is being recorded by a court
18 reporter. Platforms used are WebEx and YouTube Live. The video
19 will be available on the Office of Zoning's website after the
20 meeting. All persons planning to testify should have signed up
21 in advance and will be called by name at the appropriate time.
22 At the time of sign-up all participants will complete the Oath
23 or Affirmation required by Subtitle Z 408.7. Accordingly, all
24 those listening on Webex or by phone will be muted during the
25 hearing and only those who have signed up to participate or

1 | testify will be unmuted at the appropriate time.

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

10 | The hearing will be conducted in accordance with
11 | provisions of 11-Z DCMR Chapter 4 as follows: preliminary
12 | matters, applicant's case. The Applicant I believe has requested
13 | up to 60 minutes. Then we have report of other government
14 | agencies, report of the Department of Transportation and the
15 | Office of Planning, report of the ANC, testimony of organizations
16 | and individuals, organizations five minutes and individuals three
17 | minutes and we will hear in the following order from those who
18 | are in support, opposition and undeclared. After testimony of
19 | those in support we'll hear from the parties and the opposition,
20 | and then proceed with the individual testimony. Then we will
21 | have rebuttal and closing by the Applicant.

22 | The subject of this evening's case, we have two cases.
23 | I guess I should tell myself to read my phone. So we will have
24 | two cases. I believe our first case is Zoning Commission case,
25 | and Ms. Schellin I might ask you to correct me, our first case

1 is Zoning Commission 23-08(1) and our second case is Zoning
2 Commission case No. 23-08. I'm looking at you Ms. Schellin. Is
3 that correct?

4 MS. SCHELLIN: 23-08(1) and 23-08, yes.

5 CHAIRPERSON HOOD: Okay. All right. Good. Thank you.
6 And the subject of it is Wesley Theological, the first one 23-
7 08(d1) Wesley Theological Seminary of the United Methodist
8 Church, 223-233 Campus Plan at Square 1600, Lot 6 (A&T Lots 818
9 and 819) 7, 8, and 9. Again, today's date is September 11th,
10 2023 for that case, and our second case which I will explain how
11 we will hear this, Zoning Commission case No. 23-08 Wesley
12 theological Seminary of the United Methodist Church first stage
13 in a consolidated PUD at Square 1600, Lot 6 (A&T Lots 818, 819),
14 7, 8 and 9. Again, September 11th, 2023 and this case
15 particularly our ANC I believe I captured all of it is ANC 3D.
16 We have already decided on the parties and I'll let Ms. Schellin
17 run through that, but let me finish.

18 Again, the OZ hotline number is 202-727-0789 for any
19 concerns during this proceeding and what I would like, and I will
20 turn to Ms. Schellin, I would like for us to do it this way. We
21 will have the presentation by the Applicant. The Applicant will
22 do the campus plan first and their presentation, then we will
23 have testimony on the PUD and then we will go our normal course
24 and we will ask questions then proceed encompassing both and we
25 will, depending upon which you're talking about, we'll actually

1 reference that in your beginning comments.

2 At this time, the Commission will consider any
3 preliminary matters. Does the staff have any preliminary matter?

4 MS. SCHELLIN: Yes, sir. First to party status request
5 and also want to say that there were two ANCs, I believe it's 3D
6 and 3E. Let me double check that.

7 CHAIRPERSON HOOD: I think you're right.

8 MS. LOVICK: That's correct. It's Hillary. That's
9 correct.

10 CHAIRPERSON HOOD: That's fine. Yes --

11 MS. LOVICK: 3D and 3E.

12 CHAIRPERSON HOOD: Okay.

13 MS. SCHELLIN: 3D and 3E. Yes, so two ANCs just to
14 clarify the ANC. So party status request. We have two groups.
15 Typically they apply separately, however they have joined
16 together for this case. Neighbors for a Livable Community, NLC
17 and the Spring Valley Wesley Heights Citizens Association,
18 SVWHCA. They have applied for party status in both cases but
19 since they are being heard together this evening and they are
20 represented -- they are in opposition. It was filed on time.
21 Their representatives are Dennis Paul, Alma Gates, William Krebs,
22 Blaine Carter and Tom Smith. So we have that one first for the
23 Commission to consider.

24 CGAIRPERSON HOOD: I'm sorry, Ms. Schellin. I should
25 have probably been taking notes. I'm thinking we're still in the

1 hearing room where you write it down and hand it to me so I need
2 to do it myself. So let me -- could you repeat that? I know we
3 have NLC and SVWHCA. They're jointly; right?

4 MS. SCHELLIN: Right. They applied for party status
5 as one group, yes.

6 CHAIRPERSON HOOD: Okay. And the Spring Valley
7 Neighbors Association, they are another group.

8 MS. SCHELLIN: They will be a separate group in support.
9 This group --

10 CHAIRPERSON HOOD: (Indiscernible).

11 MS. SCHELLIN: -- is in opposition.

12 CHAIRPERSON HOOD: Right. The first group is in
13 opposition. Any, okay. So we've heard from, I'm just going to
14 use acronyms, Neighbors for a Livable Community and then the
15 Spring Valley Wesley Heights Citizens Association. Any
16 objections to them having party status? Okay. Not seeing any
17 objection. So we will continue that status.

18 MS. SCHELLIN: And they can let you know who's going
19 to do the cross-examination --

20 CHAIRPERSON HOOD: Yes.

21 MS. SCHELLIN: -- for them when the time comes.

22 CHAIRPERSON HOOD: Yes. All right. Thank you, Ms.
23 Schellin. All right. Let's go to the next.

24 MS. SCHELLIN: So you're going to approve them by
25 general consensus?

1 CHAIRPERSON HOOD: General consensus, yes.

2 MS. SCHELLIN: Okay. The next one is the Spring --

3 MS. LOVICK: Sorry. Hold on one second. It's Hillary.

4 Can you just clarify that you're doing it, you're approving them
5 for party status in both proceedings; correct?

6 MS. SCHELLIN: I said it was for both cases.

7 MS. LOVICK: Okay. Just making sure. Sorry, I didn't
8 hearing you say that.

9 MS. SCHELLIN: I did.

10 CHAIRPERSON HOOD: Okay. Let's go to the next one.

11 MS. SCHELLIN: And the next one Spring Valley
12 Neighborhood Association. They too applied for party status in
13 both cases as a proponent and their representative is William
14 Clarkson.

15 CHAIRPERSON HOOD: Okay. Any objections to, I'm going
16 to -- if you all don't mind this evening, let me use the, so I
17 don't confuse myself and everyone else, let me just use the
18 acronym Spring valley Neighbors Association, Mr. Clarkson. Any
19 objections? Okay. No objections. We have the SVNA as well, as
20 proponents for both cases.

21 MS. SCHELLIN: And I know the Applicant asked for 60
22 minutes, however this party in support has to share that 60
23 minutes with the Applicant so the Applicant will need to allow
24 some time for Mr. Clarkson to give his presentation. So I don't
25 know if they've already worked out something but I didn't look

1 to see how much time SVNA asked for, but maybe that's something
2 that Mr. Brown has already discussed with them but he will need
3 to take some time off that 60 minutes to allow that party in
4 support to give their presentation.

5 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.
6 Let's bring everyone up. And Mr. Brown, you've heard the
7 discussion. I know you've asked for 60 minutes but you need your
8 party in support, your proponent party to give, at least give
9 them some time.

10 MS. SCHELLIN: And there's a couple of other
11 preliminary matters --

12 CHAIRPERSON HOOD: Okay.

13 MS. SCHELLINI: -- on expert witnesses.

14 CHAIRPERSON HOOD: Okay. Let's do that.

15 MS. SCHELLIN: Jack Boarman is a architect. He's
16 previously been approved.

17 CHAIRPERSON HOOD: Okay. Any objections? Let's do one
18 at a time, Ms. Schellin. Any objections to continuing that
19 status? No objections. We will continue that status.

20 Next.

21 MS. SCHELLIN: Stephen Karcha is project and
22 construction management. We could not show that he had previously
23 testified before the Commission. His resume in the PUD case is
24 at Exhibit 24J. In the campus plan case at Exhibit 16J.

25 CHAIRPERSON HOOD: So, and I'm really leaning on the

1 Vice Chair and Commissioner Imamura on this one. Project and
2 construction management. Have we, do we do expert status in that
3 area? I don't think we do. Can't remember.

4 COMMISSIONER IMAMURA: I was wondering what he was
5 being proffered for as an expert (indiscernible) I don't believe
6 that we have in the past. He does have a CCM, certified
7 construction management (indiscernible) but I don't think that's
8 (indiscernible).

9 VICE CHAIR MILLER: We might have qualified experts in
10 the environmental area separately previously but I have no
11 problem either way going with whatever you all think.

12 CHAIRPERSON HOOD: Okay. Okay. I do know we did.
13 Okay. I'm looking at the construction part of it and not leaving
14 the LEED out. So we will -- Ms. Schellin, he's asking to be
15 certified in LEED; correct?

16 MS. SCHELLIN: As a proffered expert, yes.

17 CHAIRPERSON HOOD: Okay. Yes. I don't have any
18 objection to that, but no, I misunderstood that. All right. So
19 let's, unless I hear any objections --

20 MS. SCHELLIN: Okay.

21 CHAIRPERSON HOOD: -- we will give that status.

22 MS. SCHELLIN: Okay. The last two have previously been
23 accepted, Brandice Elliott in land use planning, and William Zeid
24 in transportation.

25 CHAIRPERSON HOOD: Okay. We will continue that status

1 unless I hear an objection. No objections. We will continue.

2 MS. SCHELLIN: Okay. And just very quickly, the OP
3 report was filed a little bit late, their hearing report. They're
4 just asking for a waiver along with ANC 3D. Their report was
5 filed less than seven days prior to the hearing. They're both
6 asking for waivers for the late filing. Typically the Commission
7 accepts those. I would just ask that the Commission accepts
8 those late filings so they can participate in the hearing.

9 CHAIRPERSON HOOD: Okay. Any objections? No
10 objections. We'll continue -- we will accept those as well.

11 MS. SCHELLIN: Okay. And other than that, that's all
12 the staff has at this time.

13 CHAIRPERSON HOOD: Okay. Let's bring everybody up and
14 I would ask the Applicant to be cognizant, let's talk about the
15 campus plan first and then the PUD second in your presentation,
16 and then we'll go through our normal process of asking questions
17 and depending upon your questions, we may want to ask, and I'm
18 talking about my colleagues and the ANC Commissioners, you might
19 want to mention which one you're talking about, the campus plan
20 or the PUD. So let's bring everybody up.

21 VICE CHAIR MILLER: And as you're bringing them up I
22 would just ask the Applicant's representative to be cognizant of
23 what Ms. Schellin said to leave time for the party in support,
24 the Spring Valley Neighborhood Association, if you haven't worked
25 that out already.

1 MR. YOUNG: Sharon, I don't see either Patrick Brown
2 or Cynthia, or frankly anyone else on their team except for Bob
3 Kettler. So unless they're all signed up under one name we'll
4 need to (indiscernible).

5 MS. SCHELLIN: Why don't you try that?

6 MR. YOUNG: I brought in Bob Kettler. He's the only
7 one I see from their team.

8 MS. SCHELLIN: Well, that's interesting. Let me --

9 CHAIRPERSON HOOD: Yes. Let's see, they may be with
10 Mr. Kettler. Mr. Kettler, can you unmute? Is everyone in your
11 office?

12 MR. KETTLER: No, no, no. I'm actually up in
13 Massachusetts, so they gave me the link and I just signed up.
14 So, I can call them and find out where they are if you want me
15 to.

16 CHAIRPERSON HILL: (Indiscernible).

17 MR. KETTLER: It's my old school kind of, you know, so
18 I --

19 CHAIRPERSON HOOD: Yes. That's fine. We'll figure
20 it out and if you can call them and let them know that tonight
21 is their hearing date.

22 MR. KETTLER: Oh, no, they know that. I've got all the
23 materials here. they're prepared. I don't know what the issue
24 is.

25 CHAIRPERSON HOOD: Okay, well tell them we're standing

1 by.

2 MR. KETTLER: Okay, okay.

3 CHAIRPERSON HOOD: And college, for a professor I think
4 it's 60 minutes. We're not going to give them 60 minutes. I
5 think an adjunct gets 30 minutes, so since we're Commissioners
6 we're going to give them 15 minutes.

7 MS. SCHELLIN: They're under Norman Glasgow.

8 MR. KETTLER: I just saw that. They're all under Normal
9 Glasgow, you're right. They just wrote me that.

10 MS. SCHELLIN: So they must be in with Brandice
11 Elliott's office.

12 CHAIRPERSON HOOD: Okay. They're there now. Whenever
13 you all get ready Mr. Glasgow, Ms. Elliott, you all may begin.

14 MR. KETTLER: (Indiscernible).

15 CHAIRPERSON HOOD: Okay. Mr. Brown?

16 MR. BROWN: Yes. Chairman Hood. Good afternoon,
17 Chairman Hood, members of the Commission. Welcome to Ms. Stidham.
18 We're all together here today and as far as an allocation of the
19 60 minutes, I think based on the preliminary discussions with Mr.
20 Clarkson that he needs five to ten minutes so we'll defer that
21 period of time for him, if that's appropriate.

22 CHAIRPERSON HOOD: That's fine. Whenever you're ready,
23 you may get started.

24 MR. BROWN: Okay. Very good. Would you prefer we
25 introduce our witnesses now or as they come up?

1 CHAIRPERSON HOOD: You can introduce everybody now so
2 we'll know who, unless you have to move around in chairs. If
3 not, you can do it as you come up.

4 MR. BROWN: Yes. We have to move. We've only got one
5 camera so we'll do it.

6 What I'd like to do is briefly introduce the campus
7 plan and the PUD case. Much of our testimony and the exhibits
8 run parallel for both cases but I would like to start off by
9 highlighting the specific standards for each. I'll note from the
10 beginning that the PUD and campus plan as we presented them in
11 our filings and tonight's application hearing are complimentary.
12 They're not mutually exclusive. They share the same boundaries
13 and incorporate the same planned elements and that is intentional
14 and provides the maximum amount of certainty to the process.

15 Briefly, I'll start first with the campus plan and we
16 were here previously. We withdrew the original campus plan
17 application and have refiled it under this case. The campus plan
18 is governed by the special exception provisions and laid out in
19 Section 9 Title X and also basically that the campus plan will
20 not adversely affect the use of the neighboring property.

21 Paul, Mr. Young, excuse me. We have a PowerPoint
22 presentation. I don't want to focus too much on it but it's
23 there. It's been filed in the record and it's quite frankly a
24 very detailed document that we are not going to replicate tonight
25 but important for documenting the record, and I was on slide 8.

1 Okay. And I set forth, just as I went through briefly,
2 the standard for review and the campus plan requirements. The
3 next slide lays out the PUD standards of relief not inconsistent
4 with the comp plan. Again, no unacceptable impacts and the
5 inclusion of public benefits and project amenities that are
6 balanced against the flexibility that's being requested, in this
7 case quite limited flexibility and the potential adverse impacts.
8 We plan to present Brandice Elliott as an expert witness both in
9 the campus plan standard and the PUD standard, and we'll defer
10 more detailed discussion to that in the future.

11 What I'd like to do is briefly lay out the elements of
12 the campus plan PUD and then we'll have testimony from our
13 witnesses. I preface it by the fact that, as we've put in the
14 record, the level of community engagement that has occurred here
15 over an extended period of time is quite remarkable and includes
16 both the ANC 3E, 3D and the well established and longstanding
17 Community Liaison Committee and I think they're supporting, just
18 quickly by background.

19 Wesley has had a campus plan since 2005 and throughout
20 that process Wesley has treated ANC 3D and 3E with the exact same
21 level of dignity and treated them both equally as affected ANCs.
22 We've continued that process throughout regardless of where the
23 boundaries are at any given moment. Currently Wesley is in ANC
24 3E but adjacent to 3D. Previously it was in 3D adjacent to 3E
25 but we've treated them the same going back for quite some time.

1 Basically the elements of the campus plan and PUD are
2 working with the existing hilltop campus and its relationship
3 with the neighborhood to demolish two 1960 era obsolete
4 dormitories and the surface parking lot in the center of the
5 Wesley campus and a small maintenance building, and also demolish
6 what was referred to as the old president's house on University
7 Avenue that hasn't been used for that purpose for at least 20
8 years. That would entail, enable the construction in the former
9 area of the surface parking lot of a student dormitory seven
10 stories, 659 beds to serve only Wesley and American University
11 students.

12 The campus would include a substantial maintenance of
13 a green open area surrounding the campus on University Avenue and
14 Mass Avenue and increase that through additional landscaping, a
15 playground on University Avenue for the community and the
16 enactment of additional exit restrictions on the driveway on
17 University Avenue, a 19 dock Capital bike station on the campus,
18 a TDM MPMP plan and a detailed set of campus plan PUD conditions.
19 In the second phase of the PUD, that was a consolidated PUD campus
20 plan, the second phase would be the new administration building
21 at the top of the University Avenue driveway which we'll discuss
22 further.

23 So that's the general outlines for both the PUD and
24 campus plan. At this point, absent any questions I'd like to
25 introduce Reverend Dr. McAllister-Wilson, the President of

1 Wesley.

2 DR. MCALLISTER-WILSON: Thank you, Commissioners, and
3 thank you for this opportunity to return to the Zoning Commission
4 with this revised version of our commitment to thrive in place
5 on this 65th anniversary of our home on this campus.

6 A seminary is an unusual institution and this is an
7 unusual solution. We need to understand it has created
8 consternation for some as they search for precedents. There are
9 none. But it is highly unlikely it's going to create a precedent
10 in this PUD context in our own unique circumstances.

11 We urge the Commission to embrace the PUD flexibility
12 as the Commission was actually was the first to suggest applying
13 this creative and highly effective approach. We have spent a lot
14 of time and resources to get to this moment. Nearly five years
15 since our first conversations with our neighbors. This approach
16 ahs been shaped by the input of our closest neighbors on the
17 Community Liaison Committee and members of the ANC 3D as reflected
18 in the many proposed conditions and amenities.

19 We have endeavored to keep cars and traffic away from
20 that neighborhood, have made the building smaller and moved it
21 up against the taller adjacent AU buildings and have foregone
22 allowable FAR in order to expand and protect our extensive green
23 space. We have kept ANC 3E informed throughout prior to the
24 recent shift of the ANC boundaries. Since their active engagement
25 earlier this year, they have their own perspective on priorities

1 and we find ourselves somewhat caught between the two at this
2 late stage of the process.

3 Questions have been raised about American University's
4 role in this process. We have long close ties with AU and I am
5 certain they will continue. AU has said a number of times in
6 this process they would engage at the appropriate time and I have
7 honored that position even as we have endorsed their own campus
8 plan unreservedly.

9 The economics of this plan rest on the overwhelming
10 need for convenient, modern and affordable student housing. This
11 plan moves the students out of the neighborhood and on to campus
12 housing, a long sought goal of the surrounding community. To
13 guide us in responding to the regulatory and bureaucratic
14 concerns raised by the opposition, we have had extensive input
15 from the staffs of the Office of Planning, DDOT and DHCD. Most
16 especially, we appreciate this Commission's own steering of the
17 process. Our Board of Governors has been guiding and overseeing
18 our efforts and it includes such luminaries, D.C. luminaries as
19 Bob Kettler, former City Administrator Carol Thompson Cole and
20 Pastor Kip Baines (phonetic). The record shows support from key
21 pastors and non-profit leaders from across the city.

22 The many pages of this plan speak for itself. Instead,
23 let me describe why the title Thrive in Place is so important
24 and so appropriate. I enter my 42nd year as a student and member
25 of the staff of Wesley and 22nd year as president, now serving

1 as the longest seminary president in North America. I
2 transitioned to the presidency during 9/11. In response we
3 resolved to both serve this city and make use of our D.C. location
4 as a kind of teaching hospital for congregations and human service
5 agencies. We built our Community Engagement Institute, our
6 Center for Public Theology and our Leadership Center in the
7 aftermath of 9/11 and we are now the seminary doing the most to
8 provide military chaplains their graduate education.

9 We bring to this campus and this neighborhood a truly
10 diverse community intent on establishing the beloved community
11 preached by Dr. King. We cultivate such a community in our
12 recruitment of students and faculty. When we look at the iconic
13 image of the walk across the Independent Bridge, everyone in that
14 front row, except for Dr. King himself, has spoken at Wesley and
15 his thesis advisor was our first dean. Now we are a
16 majority/minority community with both national and international
17 breadth.

18 We ended the previous academic year with the greatest
19 amount of charitable (phonetic) support in our history including
20 new grants for our Public Health and Urban Ministry program, a
21 renewed contract with the Army for preparation of chaplains
22 working in clinical settings and a major grant to experiment and
23 build out innovative programs for ministerial education. Another
24 Movie Night for the Neighbor is coming up again on September 23
25 and we are praying for good sledding snow in the Winter. In

1 February, we will be co-host with the National Cathedral of a
2 major event led by Governor Cox of Utah, Josh DuBois and others
3 to try and restore civility to the public square as we enter the
4 presidential election season.

5 We entered the new year with good signs that our
6 enrollment is coming back after the pandemic. Ours are up for
7 the first time since it broke out, thanks especially to a 24
8 percent increase in our predominant degree, the Master of
9 Divinity, in the entering class. We are approaching full
10 occupancy in our two dorms, partly because we needed to
11 reconfigure and reduce the number of rooms because of heightened
12 sensitivity during Covid and the change in demand in the student
13 market. One dorm is already beyond habitation, another one is
14 nearly there and so this project comes none too soon.

15 With all due respect to those who have suggested
16 alternatives, we know our mission and our business. The economics
17 of this plan, the quality of the housing and our ability to stay
18 in Washington is the reason for our plan which is called Thrive
19 in Place because it will indeed allow us to remain on this site
20 for generations to come. We could move and survive but it would
21 be quite a different seminary. This piece of property, along
22 with AU, has been an academic hilltop for 130 years since bare
23 ground. This plan will ensure its use for generations to come.
24 We think this is not only the highest best use of the property
25 for our purposes, but also for our neighbors for Ward 3 and the

1 District of Columbia.

2 Thank you for your attention.

3 MR. BROWN: We'd like to call on Mr. Kettler.

4 MR. KETTLER: Thank you. My camera's not up, I don't
5 see the video. Thank you and good afternoon, Chairman Hood and
6 members of the Zoning Commission.

7 My name's Bob Kettler. I'm the founder and Chief
8 Executive Officer of Kettler, Inc. I've more than 45 years of
9 real estate development experience in our city and region
10 including numerous projects built upon long term ground leases.

11 Just by way of background in my 45 years I've worked
12 predominantly in Washington metropolitan area. We're currently
13 up and down the east coast and now to Texas well, but we've
14 developed 75,000 residential lots and homes, 40,000 apartments
15 and 10 million feet of commercial mixed uses so with about a \$30
16 billion of build-out values over the years.

17 But instead I'm here today really not in my
18 professional capacity but more importantly as a fourth generation
19 Washingtonian and second generation member of Wesley's Board of
20 Governors. In doing so I honor my family's long standing
21 commitment to the Wesley seminarians and Spring Valley and the
22 vital educational religious social service role it plays in this
23 city, regionally, nationally and internationally.

24 For more than 60 years, Wesley has not only contributed
25 to this city and its neighborhood, but also derived its strength

1 and identity from our nation's capitol. Reverend McAllister-
2 Wilson and the entire Board of Governors have devoted themselves
3 to the long term vitality of the seminary and more importantly,
4 to the current plan to drive in place. Relying on my real estate
5 experience I was able to assist the Board of Governors in
6 identifying leverage the seminary's location and resources to
7 meet unmet demands for Wesley and the AU on-campus student housing
8 in order to further its long term educational mission.

9 Specifically, this involved a selection of Landmark
10 properties as the leading student housing provider and utilizing
11 long term ground lease mechanism. The ground lease approach
12 secures Wesley's continuing presence on ownership and control of
13 its campus. It also critically provides long term and substantial
14 financial support for the seminary's educational and religious
15 mission. Obviously the economic benefit to Wesley will
16 strengthen its programs, faculty, research and students further
17 elevating stature among the top seminaries nationwide and
18 worldwide.

19 More immediately, the new on campus student housing
20 will provide the quality, number of configuration affordability
21 of housing to meet current and future demand for Wesley students.
22 It would give the seminary a competitive advantage of attracting
23 and retaining the best students.

24 Nationwide, the student housing market is very strong
25 fueled by increasing an unmet demand for quality and affordable

1 on and near campus housing. As a result, the ground lease and
2 related new housing on the campus represents the highest and best
3 use of the Wesley property. Not only will Thrive in Place benefit
4 the seminary but it can be accomplished within the long standing
5 hilltop campus configuration preserving and enhancing the
6 surrounding green open space and natural relationship in buffer
7 with the adjoining community.

8 Thank you for your thoughtful review of this
9 application. I would be pleased to answer any questions from the
10 Commission.

11 MR. BROWN: If there are no questions for Mr. Kettler,
12 I'd like to introduce Eric Leath from Landmark Properties.

13 CHAIRPERSON HOOD: Mr. Brown, we're going to ask our
14 questions at the end of your presentation.

15 MR. BROWN: Okay. Very good.

16 MR. LEATH: Thank you, Chairman Hood and members of the
17 Commission. My name is Eric Leath, Senior Director of Development
18 for Landmark Properties.

19 As mentioned, Landmark is a national vertically-
20 integrated student housing company. We serve as both developer
21 and manager of over 60,000 student housing beds across the
22 country. We've been working with Wesley Seminary and the
23 neighboring community for almost five years now on this project.
24 We are excited about the opportunity to bring much needed student
25 housing to this existing campus community and I also will be

1 available for questions as they're asked.

2 MR. BROWN: Thank you. I'd like to just very quickly,
3 and if we could turn to slide 10, Mr. Young.

4 Okay. Very quickly, before we launch into discussing
5 the specific details of the proposed plan I'd like to just spend
6 a moment and very importantly to focus in on some of the legal
7 questions that have been raised. We wanted to make, and I have
8 done so in our written filings, the point that 1) the dormitory
9 is a permitted use on a campus and in particular the zoning
10 administrator has indicated that the proposed dormitory being
11 proposed by Wesley and constructed by Landmark to house both
12 Wesley and AU students is in fact a permitted dormitory. A
13 dormitory is a residential use. That use is permitted in the
14 underlined RA-1 zone.

15 We've asked for no flexibility unrelated to use
16 requested or required, and a point that I want to make and will
17 make repeatedly is that a dormitory is a residential use. It's
18 not a commercial use. The fact that the building is being
19 developed under a ground lease does not change the underlying use
20 of residential dormitory use and that's important to focus in on
21 because the word commercial is used inappropriately and as a
22 means of attack in this project and wholly inappropriate.

23 And finally no zoning relief or map amendment is
24 requested or required. We do in fact ask for some limited
25 flexibility, one having to do with the private administration of

1 the IZ plan so it can serve only Wesley and AU students. We've
2 asked for a minor variance from the setback requirements of what
3 I refer to as the southern notch in order to locate the building
4 nestled in the corner of the campus furthest away from the
5 community and immediately abutting the taller AU buildings on the
6 adjoining property, and again no zoning or additional density is
7 being requested.

8 The project and this plan are within the R-1-A limits
9 and do not take advantage of enhanced campus plan FAR so therefore
10 we are significantly below the permitted FAR for a campus. The
11 end result of that is 278,000 square feet of campus development
12 that under the campus plan PUD will not occur and to put it in
13 context, that's essentially the size of the proposed dormitory
14 that could be but will not be built on the campus property.

15 With that, I'd like to go next to Cynthia Giordano who
16 will walk us through the IZ program and, Mr. Young, if you could
17 go to slide 17.

18 MS. GIORDANO: Sorry, we've got a little musical chairs
19 going on here. My name is Cynthia Giordano. I'm with the Saul
20 Ewing law firm.

21 The project cannot basically do standard IZ because
22 there is an exemption for IZ but it's limited to projects,
23 dormitories which are populated by students of the campus in
24 which it's located. So in an effort to still provide affordable
25 units for students that need them, we thought it would be

1 important to do a IZ bracket program and that is permitted by
2 the flexibility within the PUD regulations.

3 There is a special exception which allows for reduction
4 or elimination of IZ set aside requirements and with the PUD
5 flexibility regulations, we can have a special exception, that
6 particular special exception actually, approved by the Zoning
7 Commission and we think we need the special exception standard
8 which we've laid out in the zoning submission.

9 Basically, the way the IZ program would work is very
10 similar to standard IZ except for a few deviations. The primary
11 one is that we would not use the public lottery process for
12 filling the units because, again, you know, obviously this
13 project is restricted to students and specifically AU and Wesley
14 students. So it wouldn't be appropriate obviously to have people
15 who are not students taking advantage of the IZ units.

16 In addition, where it has some flexibility because we
17 are providing the set aside on the basis of beds rather than
18 square footage and we think that that's important because square
19 footage would lend itself more to a unit application and we don't
20 want to concentrate all of the IZ eligible students within a few
21 units or apartments. So we have provided, actually Landmark has
22 provided the plan which shows the layout of where the IZ beds
23 would go. The participation eligibility would use the same income
24 standards as regular IZ and Landmark would be primarily
25 responsible for qualifying the eligible students using Federal

1 income documents which are submitted as part of the typical
2 student aid process.

3 In addition, the IZ units or IZ bedrooms, they're
4 actually bedroom and bath units, would be identical to the rest
5 of the units in the building and finally the Department of Housing
6 and Community Development would monitor the program. This would
7 be done with reporting and any other means that DHCD would like
8 to have, but we want to work closely with DHCD on this and we
9 would be bound by DHCD's oversight with a affordable housing
10 covenant and these affordable housing covenants are used in a
11 variety of projects, two of which I'm involved in including the
12 Walter Reed project which is also it's exempt from IZ but has a
13 very broad affordable housing program and also the recent Lisner
14 project.

15 So DHCD is well versed and experienced in monitoring
16 these type of think IZ-like projects and with that.

17 MR. BROWN: Thank you. Very quickly, Mr. Leath is
18 going to describe Landmark Properties' experience on a nationwide
19 basis of implementing affordable housing in its project. If we
20 go to the next slide.

21 MR. LEATH: As Cynthia mentioned, we would intend to
22 operate this IZ program with DHCD oversight. We would be
23 reporting to them. Landmark does operate other projects in other
24 municipalities in the country that have affordable housing or
25 inclusionary zoning provisions. We've listed several of those

1 on this slide.

2 If we go to the next slide, slide 19, please. Yes,
3 thank you. Landmark would use both Federally available forms.
4 All undergraduate students in America that want Federal financial
5 aid must fill out the Federal application for financial aid that
6 lists what their household income and their income if they are
7 an independent. That's one tool that we use to qualify students.
8 We would be doing that in conjunction with DHCD. We would be
9 actively marketing the availability of IZ students to Wesley and
10 American University students that would qualify and we think this
11 is an excellent opportunity to bring affordable units to students
12 that are otherwise finding it very difficult to participate in
13 the existing DC IZ lottery and provide students with the, that
14 are in need of this type of housing, with the opportunity to live
15 on the campus setting when this project was proposed.

16 I'm again happy to answer any questions, at least at
17 the end of the presentation.

18 MR. BROWN: Thank you. If we could go to slide 31,
19 Mr. Young.

20 And if I could just briefly, and this shows the campus
21 plan and in this case is referenced to the consolidated PUD
22 boundaries. The consolidated PUD includes all the demolition on
23 the campus, the construction of the new dormitory and the
24 landscaping on University Avenue, the playground, and you'll see
25 along University Avenue the sidewalk and public space

1 improvements. They're all part of the consolidated PUD.

2 The second stage PUD would be the new administration
3 building. With that, I'd like to introduce Mr. Karcha and if we
4 go to --

5 MR. KARCHA: Slide 33.

6 MR. BROWN: Yes.

7 MR. KARCHA: The proposed development proposes to
8 maintain the hilltop campus for locating the proposed dorm at the
9 top of the hill of the center of campus for the existing
10 buildings. The development actually increases the perimeter
11 buffer to the neighborhood with the demolition of the old
12 president's house as has been mentioned, this curb cut, driveway
13 and parking area and then filling these areas with new trees.

14 Next slide, please. The existing dorm is roughly 171
15 feet back from University Avenue. This was the dorm built in
16 2014 and the proposed dorm is located roughly 300 feet from the
17 street. Fifty five percent of the campus or 210,000 square feet
18 is open green space which exceeds the green area ratio
19 requirements.

20 If we could skip ahead to slide 38, please. The area
21 of the old president's house will be in-filled with new trees and
22 this area as well as the neighborhood playground will be
23 accessible to those as well as serving children three to five as
24 well as five to twelve.

25 If you could go to slide 40, please. There are nine

1 heritage trees located on the campus noted by the green circles
2 here and several special trees which will soon be heritage trees
3 in the upcoming years. The buildings were sited specifically to
4 ensure the preservation of these trees on site.

5 MR. BROWN: Mr. Boarman, and I think go to slide 43.

6 MR. BOARMAN: An extensive part of the overall project
7 design was to look at the building massing as it would relate to
8 walking down University and if you go through the slides this
9 showing from Massachusetts looking up at the project site.

10 Next slide. Then as you would see, the overall building
11 massing with the seminary buildings in the foreground and then
12 to the left you can see the American University dorm facilities
13 which are about two stories higher than our highest portion of
14 our building, and then as you move towards University to the
15 right it illustrates how through the discussion with all the
16 neighborhood groups and the overall design of the project and the
17 massing, we stepped the building down by reducing two floors of
18 the building mass as it moved towards University Avenue and the
19 end result is a continual stepping from American University to
20 University Avenue as we've melded the project into the
21 neighborhood.

22 Next slide. As, again, you're walking down University
23 this is the entrance off of Mass Ave and you can see the seminary
24 and then back behind the seminary the actual building design
25 massing.

1 Next. Then as you come around to the intersection you
2 begin to see as we're looking at both University.

3 Next, please. Along University.

4 Next please. As you proceed along University, this is
5 the other curb cub that goes up to the housing site. You can
6 see the new Wesley structure and then beyond that the student
7 housing and here you can see where it steps where you can see
8 the higher building mass further beyond and then the lower two
9 story building mass in the -- to the foreground.

10 Next, please. This, again, as you continue along you
11 can see there's a very heavy tree of foliage coverage, but the
12 existing Wesley dormitory building is a significant screen from
13 the new structure and as you continue along University Avenue
14 -- next slide -- you can specifically see that barely the top
15 floor of the five story new student facility is all you see over
16 the existing Wesley dorm.

17 Next. As you move further down University the project
18 exit is virtually covered by the trees.

19 Next, please. This covers some of the specifics as far
20 as the height and I want to specifically stress that the overall
21 building design goes from seven stories to five stories as it
22 proceeds towards its view along University Avenue, continual
23 setbacks and articulation to provide a screening and an overall
24 sort of integration of the building scale and massing into the
25 overall campus plan. I won't go into the details but you an see

1 specifically the height and size and number of parking levels and
2 whatnot and those, for the sake of time, speak for themselves.

3 Next. This is our design drawing of the elevation of
4 the building. The articulation of the building and a articulated
5 ground floor base that relates across the entry drive to the
6 Wesley campus buildings and then on the left hand side is the
7 edge of American University and, again, you can see the
8 significant reduction in the building massing to the right which
9 is the part that I've been talking about that relates to the sort
10 of escalating the scale down as it moves towards University.

11 Next, please. This is the opposite elevation which
12 shows the stepping to the left and this is along the American U.
13 field area.

14 Next. This is directly across from the American U.
15 campus.

16 Next. And this is the west elevation. So that finishes
17 that up.

18 MR. BROWN: If I could then just move along and rather
19 than have what's in the record, Mr. Young, if you can move to
20 the next slide, sets forth the -- keep going, please -- and then,
21 next slide.

22 MR. BOARMAN: So Wesley proposes to construct the
23 roughly 5,300 square foot administration and faculty office
24 building with maintenance on the lower level. This will be
25 nestled in between the 2014 dorm and the existing service drive

1 while preserving the area's streets around it. The character of
2 the architecture will be complimentary to the existing
3 architecture on the campus.

4 MR. BROWN: Slide 60. Okay. And we won't discuss this
5 at this point but it shows a campus security plan that encompasses
6 the entire campus as well as the new dormitory and existing and
7 proposed Wesley improvements.

8 I'd like to introduce Brandice Elliott, expert witness
9 on main zoning and planning comprehensive plan for her testimony.

10 MS. ELLIOTT: Hello. Good afternoon, Mr. Chair and
11 members of the Commission. I am Brandice Elliott representing
12 the Applicant from the law office of Holland & Knight and
13 hopefully I will do a little bit better with my sentence
14 structure. I hope you all had a wonderful summer break and you
15 can cut me a break if I can't speak.

16 All right. So if we could move to the next slide, Mr.
17 Young, and then the next one. Before we really get into the
18 zoning analysis I just wanted to touch on the use. There's been
19 a lot of different ideas floating around in the record about what
20 a dormitory use is and so I just wanted to elaborate on what Mr.
21 Brown started to discuss earlier concerning the dormitory use.

22 So first of all, it is a permitted use on campus. The
23 regulations, and that's Subtitle B § 200.2(aa) defines a
24 residential use as a use offering habitation on a continuous
25 basis of at least 30 days and then it goes on to say that an

1 example of that use includes a dormitory and so it's very clear
2 from this regulation that a dormitory is a residential use.

3 Additionally, another thing that we can point to is the
4 fact that a dormitory is permitted in the education and college
5 university use groups and so if we go to that second point there
6 on the slide, is that the zoning administrator gets the last
7 call. He gets to decide whether a use falls into a certain
8 category and in this case he certainly has. We have an
9 interpretation dating back to 2020 where the zoning administrator
10 identified or specified that this particular use would be a
11 dormitory.

12 And then if we move along to that third line in the
13 table. The zoning regulations actually do not even identify
14 specifically what a commercial use is and it's not identified as
15 an appropriate use in those commercial-like groups like retail
16 or general service, financial service or office uses. You're not
17 going to find dormitory listed as an appropriate or as an example
18 use under those use groups.

19 And that fourth line talks about how the zoning
20 Commission has previously authorized Wesley to allow up to 55
21 non-Wesley graduate students to occupy one of the dormitories.
22 So it is a use that the Zoning Commission itself has determined
23 is appropriate and then that fifth line, that's talking about how
24 the ground lease does not make the proposed dormitory a commercial
25 use. In particular, now if you take the ground lease away from

1 this you've still got the dormitory at the end of the day, the
2 land is being used the same and so it really has an impact on
3 how that property is being used and nonetheless, there is some
4 precedent with a previous case that was processed for Georgetown
5 University campus where the details of the ground lease were not
6 even part of the discussion in determining whether it was in an
7 appropriate use category.

8 And then finally, the Applicant is not requesting a use
9 flexibility. The PUD process does allow for an applicant to
10 request approval under any relief for which special exception
11 approval is required. We have done that in this case for the
12 special exception and the IZ but the uses aren't permitted. So
13 there is no flexibility being requested for uses. Everything is
14 outlined and allowed in the zoning regulations.

15 So now we're going to go ahead and go to the next slide.
16 Thank you, Mr. Young, and then we'll discuss process a little
17 bit.

18 After the hearing that occurred in October of 2022
19 there were a lot of questions concerning whether the campus plan
20 was actually proceeding through the right processes and so this
21 presentation is actually divided into two parts where we're going
22 to discuss the campus plan process followed by the PUD process.
23 They are sort of, you know, interwoven here so I'll do my best
24 to keep them separate but you're going to see where, you know,
25 they are a little bit linked because they need the PUD in order

1 to get to the campus plan and that's in order to overcome some
2 of the procedural and technical issues that we have with this
3 case.

4 Next slide, please. All right. So in short, the campus
5 plan is an appropriate process for this case. An education use
6 by a college or university is permitted by special exception such
7 as through the approval by the Zoning Commission and that's what
8 we're doing. That's why we're here.

9 The use of a dormitory has been confirmed by the zoning
10 administrator and also by the zoning regulations as being
11 permitted at this location. Now, the point where there was a
12 question when the Zoning Commission last considered this campus
13 plan is that potentially it does not -- the dormitory use
14 potentially does not relate to the mission of the university and
15 so that's why we need the PUD to sort of make that relationship
16 and that's Subtitle X 101.4 which comes up a lot in our
17 discussion. So in combination with the PUD, the campus plan is
18 appropriate.

19 Next slide, please. And so I want to try to briefly
20 run through the special exception criteria here. IT is typical
21 of the special exception where you just have to demonstrate that
22 there's really no adverse impact. We have answered all of these
23 questions in the affirmative and, you know, just to reiterate
24 here that it so far, as the first part of the test is to
25 demonstrate that there's no objection that's related to noise,

1 traffic, parking, number of students or other conditions. All
2 of this has been outlined in our submission and also in OP's
3 report. But in short, we don't find that the use is likely to
4 become objectionable because of these issues.

5 Next slide, please. And then there are just some basic
6 issues here. This is the first one which I've already kind of
7 addressed where the campus plan process is not meant to create
8 general commercial activities or developments unrelated to the
9 educational mission. Hopefully I've clarified that this is in
10 fact a residential use but there's still that question of the
11 educational mission and that's why when coupled with the PUD
12 process we are going through the correct processes. The FAR
13 complies with the regulations. The boundaries of the campus plan
14 are not being modified and there are no streets or allies, public
15 streets or allies within the campus boundaries.

16 Next slide, please. All right. You know, the
17 regulations just says we need to do the whole plan. We have
18 provided a whole plan into the record and we have identified, you
19 know, all of the proposals current and future.

20 Next slide, please. And then here's some additional
21 regulations. There are no interim uses that are being proposed.
22 The campus plan is not inconsistent with the comprehensive plan
23 and we'll have a few more details on that later. Again, the FAR
24 is permitted and we do have reports recommending approval from
25 both OP and DDOT.

1 Next slide, please. And so finally, the special
2 exception review is basically demonstrates that there's no
3 adverse impact. You know, it does meet the intent of the campus
4 plan regulations. The expected impacts have been minimized and
5 there is a huge buffer around the proposed dormitory that would
6 separate it from the neighborhood.

7 Next slide, please. So this is the second part of the
8 process, the PUD. So this first came up in October. There was
9 a lot of discussion amongst the Zoning Commission in trying to
10 determine whether, you know, a campus plan was sufficient or if
11 it needed to be coupled with the PUD to overcome those technical
12 obstacles and the Zoning Commission did suggest this. We looked
13 into it and we agreed. The Office of Planning agreed with their
14 report by saying that the PUD process was appropriate and then
15 not to mention, we found precedent where a PUD was found to be
16 appropriate in addition to a campus plan. You know, it does
17 offer more certainty concerning the long term development of the
18 site and it ensures that the building can actually have more to
19 do with, you know, the actual campus and not veer off into other
20 uses.

21 Next slide, please. All right. So as quickly as I can
22 because I'm not known for being a fast talker we'll go through
23 the PUD standard of review. I think the Zoning Commission is
24 fairly well versed in this and so I'm not going to hammer on it
25 too hard. It's here for your reference.

1 If we can go to the next slide, please. All right. So
2 we're going to go into the comprehensive plan review territory.
3 Basically we have to demonstrate that the project is not
4 inconsistent with the comprehensive plan and then we're also
5 going to use the Zoning Commission tools to demonstrate that.
6 Predominantly, the racial equity lens.

7 Next slide, please. So first of all just to cover some
8 of the formalities here. The generalized plan designates that
9 the property is institutional, that it's being used for an
10 institutional purpose so I won't belabor this part.

11 Next slide, please. And it says it's the same situation
12 with the future land use map where the land is designated as
13 institutional and of course it's already in institutional use.

14 Next slide, please. All right. So the racial equity
15 tool was used to review the comprehensive plan through a racial
16 equity lens and so we'll jump into the next slide where we talk
17 about the comprehensive plan. We have identified --

18 Next slide, please, Mr. Young. I'm sorry. I was
19 unclear. We have identified several comprehensive plan policies
20 that would be advanced by the proposed project. You know, it
21 includes policies related to housing and affordable housing,
22 coordination with the surrounding community. There is one in
23 particular that was identified in OP's equity crosswalk as a
24 fencing equity that is highlighted in pink there. There is a
25 full complete analysis provided in our submissions.

1 Next slide, please. So the second part of the racial
2 equity tool requires that we discuss some of the past and present
3 discrimination and some of the lasting harm that it's done to the
4 community. Basically in short, you know, this an area that was
5 redlined and it did create a very segregated part of the city
6 and as we see going into our demographic that actually continues
7 to be the case due to redlining.

8 So if we could go to the next slide, please. There was
9 a significant amount of community engagement and I believe Mr.
10 Brown actually already highlighted that so, again, I'm not going
11 to belabor this but there have been a lot of meetings with both
12 ANCs 3D and 3E and then of course the Community Liaison Committee.

13 Next slide, please. And some of the community
14 priorities that were identified in those meetings, you know, have
15 actually been reflected in the proposed design of the dormitory.
16 Things like scaling back the size and reducing the number of
17 units actually were the results of some of those meetings.

18 Next slide. Please. So when we look at the
19 disaggregated data for the Rock Creek West planning area, we do
20 see that the population has declined a little bit in the past
21 few years but the predominant population is made up of White
22 residents and that's 75 percent. The median household income was
23 118,000 for the planning area which far exceeds the District-
24 wide household income at 72,000 and even that exceeds what we see
25 as the income for Black or African American households which is

1 \$63,000. So there is a huge disparity there.

2 Another thing that we need to touch on is the Housing
3 Equity report. I know that we've all seen some news in the past
4 couple of weeks about how we're at roughly 85 percent towards our
5 housing goal. But this planning area lags far behind all other
6 planning areas in achieving its affordable housing goal. It's
7 at 13.8 percent. It's last.

8 You know, the other thing to consider here is that
9 Wesley actually increases the diversity of this area. Thirty
10 four percent of the students are Black and that's compared to,
11 it's about nine percent in the planning area itself and so what
12 we see is that this really is an issue of equity providing more
13 housing and affordable housing for students because communities
14 of color are disproportionately impacted by increased housing
15 costs and a diminishing supply of affordable housing. The
16 District's Black and Hispanic households experience higher levels
17 of rent burden and an increased likelihood of displacement.

18 Next slide, please. All right. So this is the last
19 part of the racial equity tool and this is where we sort put all
20 of those pieces together and identify what the outcome will be
21 and how racial equity would be advanced. You know, in summary
22 this is not a project that would create any direct displacement.
23 We would not expect it to create any indirect displacement.
24 Student housing is a little bit different than the residential
25 housing that's nearby. It would provide, you know, some

1 affordable units of 60 and 50 percent MFI. It would provide
2 family sized units and there would be some physical improvements
3 including a, you know, a park on the property and an overwhelming
4 amount of public open space.

5 So, we'll go ahead and move to the next slide, please.
6 All right. And so we're also going to address the potential
7 comprehensive plan inconsistencies here and, you know, a big one
8 is usually rehabilitation before demolition and that's really
9 just not possible. This isn't a building that can be salvaged
10 for this purpose and there's also a possibility of the off-street
11 parking increases simply due to there just being an increase in
12 density. There has been a lot of work to work with the community
13 on parking and other traffic mitigation that we'll go into later.

14 But you can see these policies are outweighed heavily
15 by other policies in the comprehensive plan including the future
16 land use map designation, the generalized policy map designation
17 and then some of those other policies related to housing and
18 affordable housing and the coordination of the universities.

19 Next slide, please. All right. So we're going
20 (indiscernible) the potential impacts. Generally we have found
21 that this is a project that would have favorable outcomes for the
22 community or it would be favorable with mitigations. I'm not
23 going to address this specifically but they're here and we can
24 discuss them, you know, in questions if you would like.

25 Next slide, please.

1 And then the next slide, please. A lot of this stuff
2 is actually covered in the Part IV of the racial equity tool so
3 it is a little bit redundant but there still might be some
4 different items.

5 Next slide, please. You know, it does advance the --
6 it is consistent with the Zoning Act but a lot of the reasons
7 we've already discussed here so I won't go into these by detail
8 or in detail, but I'm happy to answer questions about it.

9 We'll go to the next slide, please. And the last part
10 of the PUD analysis is that the Zoning Commission gets to balance
11 the flexibility against the public benefit and project amenities.
12 You know, the Applicant will be developing the project that
13 complies with all of the development standards. There's really
14 only flexibility that's related to the IZ program and this, you
15 know, all of the benefits that are proposed outweigh that.

16 Next slide, please. All right. And finally our PUD
17 evaluation concludes with this not being inconsistent with the
18 comprehensive plan. Any potential inconsistencies are outweighed
19 by other policies and plans. We would not expect it to create
20 any unacceptable impacts and there has been a lot of work with
21 the community to identify mitigations if there are impacts and
22 they include substantial benefits and amenities when weighed
23 against the flexibility that has been requested.

24 So that concludes my presentation. I'm happy to answer
25 any questions you have when we're all done.

1 Thank you.

2 MR. BROWN: And very briefly, Will Zeid from Gorove
3 Slade will --

4 CHAIRPERSON HOOD: I'm just going to remind you, Mr.
5 Brown, that you are not leaving your party opponent any time
6 because we have 50 seconds and I will hold us true to that because
7 I have to by law.

8 MR. ZEID: I can just respond --

9 MR. BROWN: Yes.

10 MR. ZEID: -- to questions then.

11 MR. BROWN: Yes. Mr. Zeid can, the records -- we can
12 respond to questions at the appropriate time.

13 CHAIRPERSON HOOD: Okay. You finished? I hate to do
14 that to Mr. Clarkson but who knows where the case may end up and
15 I think legal precedent has shown that we have to come back
16 because of going over the 60 minutes and not following our own
17 regulations. So we have left Mr. Clarkson with 30 seconds. Okay?
18 Unless my legal counsel tells me something different. I've
19 learned the hard way some years back, so.

20 VICE CHAIR MILLER: Mr. Chairman?

21 CHAIRPERSON HOOD: Yes.

22 VICE CHAIR MILLER: I just had a question on that
23 procedural point. I don't have any problem with you going forward
24 the way you're suggesting but if we allow the transportation a
25 couple of minutes and then whatever over time, it would be over

1 the 60 minutes that you allocated originally. If we allocated
2 that same amount of time to 72 or 75 or whatever they go to, not
3 that I want to extend this hearing any more than it's going to
4 go, would that comply with our regulations if we gave the same
5 amount of time if we went to 70 or, you know, if we went over
6 the 60 as long as we gave the same amount of time to the opponent?
7 I asked, I guess that was a procedural question.

8 CHAIRPERSON HOOD: Right. I guess we could try that.
9 I just know that the last time with the case on M Street I went
10 over the 60 minutes. We had to come back and have another
11 hearing.

12 VICE CHAIR MILLER: I don't want to do that. We had a
13 five hour hearing previously I think on this case, I don't know
14 if it was five or four, but it was long. So let's go with where
15 you're going and if we need to ask people questions we'll ask
16 them questions when we need to do that.

17 CHAIRPERSON HOOD: Okay. Let me do this. Mr. Liu, do
18 you have an opinion on that? I hate to put you on the spot.

19 MR. LIU: I wasn't on the M Street case (indiscernible)
20 the issue there, it seems like the Commission could allow a waiver
21 from that rule so long as the opposition gets the same amount of
22 time.

23 CHAIRPERSON HOOD: Let me do it this way. I'm going
24 to take a chance. I think the Vice Chair thinks I'm always open
25 for suggestions and always trying to see what the outcomes. Let

1 me do this.

2 MS. LOVKCK: Wait. Sorry.

3 CHAIRPERSON HOOD: Hold on a second. Hold on Ms.
4 Lovick. Let me do this. Vice Chair, I'm going to follow your
5 lead. You have a legal mind, I don't. But if we get back in
6 trouble it's going to be Miller's rules. No, I'm just playing.
7 Let's do a five minute extension. I guess, Ms. Lovick, if you
8 want to -- we're going to do a five minute extension on top of
9 the 30 seconds and then we'll go from there.

10 Any objections by anybody? Okay. Now, let me hear
11 from you, Ms. Lovick.

12 MS. LOVICK: I don't know what's wrong with my video.
13 That's okay though. What I was saying is you just need to give
14 equal, the party, the proponent, their time has to be wrapped
15 into the Applicant's time so as long as you give equal time to
16 the opposition I think you're okay. So I think what you're doing
17 is fine is basically what I'm saying.

18 CHAIRPERSON HOOD: Okay. Good. All right. Well, in
19 that case unless I hear any objections from my colleagues, Mr.
20 Brown, you can bring your transportation person back up and we'll
21 just extend this -- so you finish and then we will ask our
22 questions.

23 MR. BROWN: Mr. Chairman, we're willing to defer, I
24 mean, his reports are in the record, defer his testimony and I
25 think it's more important for the Commission to hear from Mr.

1 Clarkson and the Spring Valley Neighborhood Association.

2 CHAIRPERSON HOOD: I think we've accomplished that.

3 Bring your transportation person back up.

4 MR. BROWN: All right.

5 CHAIRPERSON HOOD: We'll hear their presentation and
6 then we'll hear from Mr. Clarkson. Okay. Thank you. Thanks
7 everybody.

8 MR. ZEID: I can be rather brief. We went through a
9 full presentation last time we were here. So William Zeid with
10 Gorove Slade. We're the traffic consultants for the project. If
11 we can bring the presentation back up.

12 We're on slide 89. Okay. So in 2022 in the previous
13 application we did do a full comprehensive consultation review
14 for this project. Spoke with DDOT, approved by DDOT that included
15 traffic impact analyses even though we were technically below the
16 threshold for it being required, we did it anyway as part of the
17 project. The trip generation for the project has not changed.
18 There's nothing of substance that would change with the amount
19 of uses on site so the results from that analysis (indiscernible).

20 The only noticeable real change in what's being
21 proposed is now we are also proposing a Capital Bikeshare station
22 be included with the TDM plan and DDOT has requested that we do
23 a traffic signal warrant study as part of the performance
24 monitoring plan which we are agreeing to.

25 Next slide. Our TDM, the transportation demand

1 management and the performance monitoring plan, these are both
2 carryovers from the previous application. They were both
3 developed in coordination with DDOT. The only changes are, as I
4 previously mentioned, we are now adding a Capital Bikeshare
5 station as an additional commitment and we will do the warrant
6 study as requested by the Applicant.

7 Next slide. DDOT report was issued in support of the
8 project. Their only real condition is that we include those two
9 things I just mentioned as well as the pedestrian improvements
10 that we are committing to along University Avenue which we were
11 also previously committing to.

12 Next slide. Just some mock-up locations. Potential
13 for the Capital Bikeshare station right next to the new dorm
14 building for maximum usage.

15 Next slide. A lot on this sheet. You're free to go
16 through it line by line. The general takeaway is the current
17 comp plan does not have the small fully recalling (phonetic)
18 retail space as was in the previous plan where there's a small
19 increase in the number of spaces to 13 spaces. The usage and
20 University Avenue driveway. In our previous study that we did
21 in 2012, we assumed that to being closed during the peak periods,
22 so that continuing to be closed but now all the time, that
23 analysis carries through. So we did analyze that with our full
24 CTR.

25 Next slide. This is just a breakdown of the parking.

1 It gets a bit complicated, but just as it is we are removing
2 existing Wesley surface parking, some of which gets replaced in
3 the new building. Overall, Wesley will have 38 fewer spaces than
4 it does today. For the dorm building for the AU portion of the
5 dorms it comes out to roughly 0.4 spaces per bed and an important
6 thing we discussed this last time, this is student housing which
7 doesn't necessarily have a us, if you will, in zoning
8 classifications for parking. You have typical multi-family in
9 the morning. Residents drive away from their apartment to go to
10 work. Since we are located directly next to AU, AU students
11 would not be driving away from the campus to go to AU, they would
12 be walking over. So vehicle parking in the traditional sense
13 here is more of a storage than it is for a daily commuter peak
14 period usage. This is for students that commute to the campus
15 from their home state, New York city, out of the area and want
16 to have a car for usage on the weekends and maybe they're at off
17 peak and they don't have classes.

18 And that's it. Thank you.

19 MR. BROWN: Chairman Hood, that's the end of our
20 presentation in chief.

21 CHAIRPERSON HOOD: Thank you, Mr. Brown, and team. As
22 noted, and I'm going to ask Ms. Schellin, Ms. Lovick and Mr. Liu
23 to make sure they help me out with the timing of everything so
24 if we can keep note of the time.

25 Ms. Schellin, I think we ask our questions first. We're

1 going to hear from the party. Do we hear from the party in
2 support first?

3 MS. SCHELLIN: Yes. They don't come in until much
4 later in the hearing.

5 CHAIRPERSON HOOD: So if we can just allow whatever
6 time we went over to Mr. Clarkson, I'm sure he'll work with us.

7 All right. Let's do this. I want to thank you again,
8 Mr. Brown, and team. Let's see who has any questions or comments.
9 Let me start off with Commissioner Imamura.

10 COMMISSIONER IMAMURA: All right. Thank you. Thank
11 you, Mr. Brown, and team.

12 I have a few comments and a few questions and I took
13 several notes. I appreciate the organization of your
14 presentation although I don't think my notes would have been
15 nearly as organized, so but I'll endeavor to present them in an
16 organized fashion.

17 A couple of notes from Dr. McAllister-Wilson's comments
18 about a lot of time and resources have been put into this. Vice
19 Chair Miller commented, it's in the public record, we discussed
20 this at great length. I think there are a few issues here, topics
21 that of particular focus, one being the special exception GED
22 flexibility (indiscernible) suited only IZ. The area variance,
23 height and setback, I think that's easily negotiated that's been
24 put in the record, where the lot line to the 35 feet, the regular
25 notch that we talked about, Mr. Brown, at the south end of the

1 site or the lot. So for me personally I think that's pretty
2 reasonable 27 feet.

3 I know there's some concerns now and in the past about
4 the height of the building, stormwater impacts. I think we've
5 addressed in my view many of those issues previously. I also
6 noted the LEED gold. Certainly my impression would be that could
7 include probably some element of green roof and solar panels
8 (indiscernible) I'm certain of that. I think it's been
9 established that the dormitory qualifies as residential use.
10 Certainly the argument has been made in the record whether or not
11 that sufficiently (indiscernible) Wesley's educational mission
12 and I remain open to being persuaded by the (indiscernible).

13 I think the concept here, there's a couple of things
14 that I wrote down in terms of clearly there's -- the PUD to
15 overcome the technical obstacles is a tool in the Zoning
16 Commission's toolbox here. Zoning is imperfect and we have to
17 look at each case through its own set of issues and through a
18 different lens and this is certainly one of those cases. I think
19 Dr. McAllister-Wilson used the words caused a lot of
20 consternation and it certainly has, and I think I mentioned this
21 in probably the first hearing, but it's an unconventional but
22 creative solution to solve Wesley's goal here to thrive in place
23 after 65 years and I always like to try to get to the word yes,
24 and so that's why I use the word zoning gymnastics. A lot of
25 effort and time and resources certainly have been put forward to

1 make this work.

2 The questions that I have are not related to design
3 believe it or not. As much as I'd like to comment on it I think
4 it's reached its sufficiency in terms of quality and amenities
5 and what I would like to focus on however, are the highly unusual
6 and unique extenuating circumstances here about the student only
7 IZ program and looking at the numbers, please help me correct
8 these if I'm a little bit off but it looks there's about 659 beds
9 that are designed. There were 90 that were existing, so about
10 569 beds are for AU students, 66 IZ beds. I understand that the
11 program here is based off IZ beds. My question is I'm
12 interested in determining if the elements of this solution and
13 the goal here is really compelling and what I want to know is
14 how do we know how many AU students or Wesley students are
15 eligible for the program?

16 MR. LEATH: This is Eric Leath from Landmark. I'll let
17 Dr. McAllister-Wilson speak to the Wesley students but for
18 American University students we checked American University's
19 publicly available financial aid data and determined that there
20 are at least 1,500 students at American University that currently
21 qualify for Federal Pell grants which implies that their family
22 household income would otherwise meet DC's requirements for
23 inclusionary zoning.

24 COMMISSIONER IMAMURA: Okay. That's helpful to know.

25 MS. GIORDANO: If I can add to that. I think I'm right

1 about this, and maybe Eric can correct me, but the Pell grant
2 program is the most aid. It's non, you don't have to pay it
3 back; right?

4 MR. LEATH: No, you don't.

5 MS. GIORDANO: So there are probably other AU students
6 that meet the income qualifications that are not at the very low
7 income level of the Pell grant applicants.

8 MR. LEATH: Yes. That's accurate.

9 COMMISSIOENR IMAMURA: Okay. Can you tell me a little
10 bit more about how the program will be administered and overseen?

11 MR. LEATH: I think it's also worth noting that
12 according to the seminary, the vast majority of seminary students
13 would qualify for IZ themselves. Many seminary students are
14 graduate students that are already independent and, you know, the
15 seminary students are generally, you know, going to the seminary
16 for obvious reasons and therefore most of them would qualify for
17 inclusionary zoning on their own, in addition to the AU students.

18 In terms of administering the program, we have had
19 conversations with DHCD. Our proposal would be to
20 (indiscernible) use the vernacular incorrectly but we do execute
21 an IZ covenant and work with DHCD so that we would be
22 administering the program with their oversight and support. But
23 we are using a number of tools to qualify applicants including
24 the Federal financial aid forms, you know, they might be able to
25 provide tax records if they're independent. We would work with

1 DHCD to qualify individuals the same way that DHCD does. There
2 are just nuances in the way that DC administers its current IZ
3 programs through the lottery that would make it very challenging
4 to have an IZ program -- to have the current D.C. lottery IZ
5 program operating in a student only dormitory. So that's why
6 we're proposing this alternative appliance where we're offering
7 a measured number of IZ beds for students that would otherwise
8 qualify for IZ but currently struggle to find that through D.C.'s
9 existing lottery program.

10 MS. GIORDANO: IF I could just add to that also. I
11 think that Mr. Bomash (phonetic) who administers the IZ program
12 at DHCD indicated some skepticism initially because they have had
13 a hard time qualifying students for IZ beds, I mean IZ units,
14 and basically, you know, it's a very different situation there
15 because, you know, there's no marketing to students and I don't
16 think that students are generally aware of those opportunities
17 as distinct from this situation where we're directly marketing
18 to students.

19 MR. LEATH: But (indiscernible) D.C.'s existing IZ
20 program, those units don't operate on like an academic calendar
21 year the way student housing and dormitories do, right, so we
22 would be, you know, our leases would align (phonetic) with the
23 academic calendar year, we would be actively marketing to find
24 students that qualify for IZ based on, as I said, a preliminary
25 review of American University's publicly available financial aid

1 data. We think there's ample demand for AU students and then
2 also for Wesley students which we think would qualify at even a
3 higher rate.

4 MS. GIORDANO: Reverend Wilson, do you want to add
5 anything?

6 DR. MCALLISTER-WILSON: (Indiscernible).

7 COMMISSIONER IMAMURA: All right. I have been really
8 curious about the mechanics of all this if it is based on, if
9 the leases are based on the academic year, but if the goal is
10 for 100 percent occupancy how do we know that there will be, are
11 you planning on filling all 569 beds or I guess I'm interested
12 in that, and what kind of -- there has been a number of things
13 in the record about AU's involvement or lack of involvement at
14 this point. Dr. McAllister-Wilson mentioned AU will be engaged
15 at the appropriate time so I'm wondering, I guess this is a two
16 fold question maybe for Dr. McAllister-Wilson. When will they
17 engage and how do we know, I guess Mr. Leath, we've got 569 beds
18 for AU students that we will fully occupy (indiscernible)
19 there'll be parking there in the garage. So it's a two part
20 question.

21 DR. MCALLISTER-WILSON: The statement that AU will
22 engage at the appropriate time is AU's statement. President
23 Burwell has made that statement several times publicly. It's the
24 nature of engagement I think is the question, so that the
25 neighbors have been interested in the discussion about the fence

1 between our properties. That's maybe the most tangible piece
2 and it's also I think a critical one for us because it then helps
3 to promote the use of the campus facilities by the students living
4 in this building. It just opens up the campus. For many decades
5 that there was no fence there, there's a fence now. That's one
6 issue. I think cooperation on questions of security are another
7 area.

8 But I think, and Eric can respond to this, I think from
9 the start the rationale for this building has to do with the
10 market potential.

11 MR. LEATH: Yes.

12 DR. MCALLISTER-WILSON: So it doesn't require American
13 University's active promotion even of the building. It's just
14 the matter of the market in this area.

15 MR. LEATH: Yes. American University recently had a
16 new campus plan approved by the Zoning Commission and as part of
17 that campus plan, consistent with campus plans they had approved
18 recently, they were required to house 67 percent of their
19 undergraduate student population on campus and none of their
20 graduate students. So we know there is a significant number of
21 AU students that are not able to be housed on AU's campus and
22 are independent.

23 Market analysis leads us to the conclusion that many
24 of those students are living in other housing types in this area,
25 whether it's traditional apartments or single family homes and

1 what we are proposing here is a -- we really couldn't look at a
2 better location to house students than, you know, on one campus
3 that it serves and directly adjacent to the other campus it serves
4 and a prototype that is purpose designed for modern student
5 housing, i.e., with built-in study facilities, bed bath pairing
6 (phonetic) in the units, leasing by the bedroom, et cetera. So
7 we're not, I guess to answer your question we never underwrite
8 100 percent occupancy, right, you know, but we are confident that
9 there is more than an adequate demand to fill the number of beds
10 that we are proposing.

11 In student housing we typically work within a capture
12 (phonetic) ratio, i.e., how many unhoused students there are in
13 a particular market and we want to be a relatively small -- we
14 going to have to capture a relatively small percent of those
15 unhoused students and that is the case here where American
16 University currently does not house all of their students and
17 based on their recently approved campus plan, is not planning to
18 be able to house all of their students for the foreseeable future.

19 COMMISSIONER IMAMURA: Great. I noted, I think it
20 might have been Dr. McAllister-Wilson mentioned about moving
21 students out of the neighborhood and on to campus and I think
22 there's tremendous potential here given today's current housing
23 market and housing stock, but this could provide a unique solution
24 for students.

25 I'm curious, just to go back on the pedestrian path and

1 security. It has been a topic, Dr. McAllister-Wilson, for quite
2 some time and I'm curious if there's been any progress on those
3 discussions (indiscernible)?

4 DR. MCALLISTER-WILSON: No. But we have a security
5 plan including lights and contact information in place in this
6 proposal. The question then becomes what degree of integration
7 with American University? We are committed in our conditions,
8 but I'm sorry I'm not quoting them directly though, to be engaged
9 in monitoring of illegal parking in the neighborhood.

10 When it comes to pedestrian, this was an issue that
11 came up -- it's come up over the years and I think especially
12 with the most recent very large dormitory that was constructed
13 on the AU campus, I've lost track of how many years ago, maybe
14 it opened, Cassell, maybe it opened four years ago. What I've
15 noticed is that traffic uses the sidewalk on Massachusetts Avenue
16 and then goes over to Ward Circle. It does not go through the
17 neighbors, and I think the same would be true here.

18 MR. LEATH: In terms -- oh, go ahead. Sorry.

19 COMMISSIONER IMAMURA: That's all right. You can
20 elaborate.

21 MR. LEATH: I was going to say in terms of general
22 security included in the application that's already with the
23 Commission is a comprehensive security plan. The proposed
24 dormitory will have cameras 24/7 access control, on site physical
25 management, et cetera. So we, and that security plan has been

1 expanded to include the remainder of the WTS campus. So we have
2 been thoughtful about WTS campus security.

3 COMMISSIONER IMAMURA: Okay. There was something that
4 Dr. McAllister-Wilson reminded me about. Certainly in the record
5 there's comments about non-residents parking in the
6 neighborhoods. I'm curious about I guess the 363 spaces there.
7 Is this only for residents in the building or, and faculty and
8 staff, or will there be permits be issued for other students that
9 are interested in parking (indiscernible)?

10 DR. MCALLISTER-WILSON: No. It's only residents of the
11 building and faculty and staff.

12 MR. LEATH: And some limited visitor parking --

13 DR. MCALLISTER-WILSON: Oh, visitor parking.

14 MR. LEATH: -- for residents of the building.

15 COMMISSIONER IMAMURA: I appreciate that, the
16 clarification. The only other remark that I would make at this
17 moment in addition to maybe some other comments later, something
18 that Ms. Elliott made a comment about. We take the ground lease
19 away, the building still stays the same. That's an interesting
20 remark, certainly something that I'll process a bit more.

21 I think with that, Mr. Chairman, I yield it back but
22 would like to reserve a little bit of time if I have additional
23 questions and thank you, Dr. McAllister-Wilson and Mr. Leath, for
24 your answers. I'd like to hear questions of my colleagues.

25 CHAIRPERSON HOOD: Thank you, Commissioner Imamura. We

1 will, after everybody is finished we'll go back around if need
2 be.

3 Commissioner Stidham, if you have any questions or
4 comments?

5 COMMISSIONER STIDHAM: Thank you. Several of my
6 questions Commissioner Imamura hit so I won't re-ask those.

7 But along the same lines as those questions a couple
8 of things. One is, maybe I missed it in the materials on the
9 record, but what is driving Wesley's approach to add AU students
10 to the dormitory and not just have the dormitory for your sole
11 use and that way you really have the entire building and less of
12 a footprint?

13 DR. MCALLISTER-WILSON: It is primarily the economic
14 benefit of those students and their payments (phonetic) to rent
15 the space. I would say just as a -- I would not want to overstate
16 this but we want to say that additionally for many years there
17 have been AU students that have become students at Wesley and in
18 fact they had access to the classes and I think there is some
19 great value. You may have caught in the record that both
20 institutions are a part of the United Methodist Church so there's
21 a sisterhood relationship between our institutions that is I
22 think synergistic as are some of the, we have a limited number
23 of joint master's programs with the school's international
24 service going back to our founding actually and AU's founding,
25 so there's some synergy there at the programmatic level and in

1 the kinds of work we both do. But by and large it is the economic
2 benefit of these students in that building. It is an unusual
3 aspect of this proposal.

4 COMMISSIONER STIDHAM: Okay. Thank you. My other
5 question is related to Landmark and equally interested in how the
6 mechanics of qualifying and overseeing the program would be. So
7 does the -- is there examples where Landmark has done this in
8 other areas of the country where they are qualifying students
9 for, based on their income levels or on the other levels that
10 you're looking at and then being overseen by the local
11 jurisdiction to ensure that you're keeping with what you're
12 doing. Can you provide examples of those?

13 MR. LEATH: Yes, absolutely. We have provided a couple
14 of those in the record but, you know, off the top of my head
15 we've done this in Ann Arbor, Michigan, Berkeley, California,
16 Austin, Texas and each one of those programs is administered
17 slightly differently but all in conjunction with the relevant
18 municipality. In Ann Arbor it's actually the county, Washtenaw
19 county, that oversees their affordable program for the city of
20 Ann Arbor. In Austin and Berkeley it's the cities themselves.

21 We are currently working on other projects in
22 California where inclusionary zoning is essentially a requirement
23 for new development in the majority (indiscernible) in
24 California. So, yes, we have actual on the ground operational
25 experience in administering IZ affordable housing programs

1 integrated with student housing and yes, the idea here would be
2 to do that in conjunction with the DHCD, that we are -- I believe
3 there's already a precedent in place here for a covenant that we
4 would execute with DHCD that they run with the PUD and the
5 building for perpetuity where we would certify with our marketing
6 plan to find IZ qualified tenants with DHCD and then they would
7 have the ability to show that we're operating that program
8 effectively and in compliance with their covenant.

9 MS. GIORDANO: Speaking to DHCD's involvement. An
10 affordable housing covenant is something that's completely
11 negotiable with DHCD. They also have something called IZ program
12 which is a non-negotiable covenant, IZ covenant, but affordable
13 housing covenants which are used, as I had indicated in Walter
14 Reed and a number of other instances, are completely negotiable
15 and DHCD can put as much oversight kind of provisions or
16 requirements that they want in that document and if this
17 Commission's interested, I would be happy to submit for the record
18 a sample covenant so you can get a better idea of what's involved
19 with those.

20 COMMISSIONER STIDHAM: What is the other location in
21 the District where this is occurring?

22 MS. GIORDANO: I'm sorry. I didn't quite understand
23 that.

24 COMMISSIONER STIDHAM: Where is the other location
25 within the District that is also doing this?

1 MS. GIORDANO: Okay. There's no dormitory situation
2 but in the large Walter Reed project there is an exemption from
3 IZ because the city has entered into a covenant that provides for
4 a number, a minimum number, of affordable dwelling units and
5 there's a whole breakdown by, you know, multi-family project and
6 different segments of Walter Reed and it is administered through
7 a covenant with DHC.

8 COMMISSIONER STIDHAM: Okay. Thank you. So back to
9 Landmark. You mentioned the Ann Arbor example, and how long
10 has that been going on in Ann Arbor?

11 MR. LEATH: We delivered that project in 2021 so a
12 couple of years now and we have planned another project under
13 construction in Ann Arbor right now that has even a larger number
14 of affordable housing units that is not delivered yet. So we've
15 been administrating the Ann Arbor project for a couple of years
16 and I believe the (indiscernible) Austin delivered in 2020 so it
17 would be on three years in administering an IZ program there.

18 We have a couple of different projects in Berkeley that
19 have this situation, several years for each of those. I think
20 we also have a IZ program in Bloomington, Indiana. That probably
21 actually just delivered so we'd be implementing that right now,
22 so and I can get -- I can provide better, I am happy to enter
23 into the record later specifics on those.

24 COMMISSIONER STIDHAM: Okay. Thank you. I think that's
25 it for me for right now.

1 MR. LEATH: Thank you.

2 CHAIRPERSON HOOD: All right. Thank you. Vice Chair,
3 do you have any questions or comments?

4 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
5 you to the Applicant Wesley Theological Seminary and all of your
6 team, and all of the parties in support and opposition and the
7 Advisory Neighborhood Commissions, and all interested neighbors
8 and others who, and District officials who have devoted so much
9 time and effort to this particular case, including ourselves.

10 It was 11 months ago, it seemed like yesterday, but we
11 had a multi-hour hearing on the original campus plan proposal and
12 just a general comment at this point which I might have made at
13 the previous hearing because all the testimony kind of triggered
14 it. But it's just kind of on my experience in my 11 years as a
15 Zoning Commissioner and 30 years previously in the executive
16 legislative branches of government, but this case kind of just
17 arises another example of where a deciding body, which I happen
18 to be part of in this case, in my opinion should not let perfect
19 be the enemy of the good. I think Commissioner Imamura, as he
20 often does, makes a reference to how our regulations at zoning
21 is not a perfect process. Almost nothing in a governing
22 structure, a democracy or any other form of government I guess
23 is perfect, but which is I guess why we want to be a more perfect
24 union in the end which we always strive for.

25 And so I'm just struck by that kind of mantra plus the

1 mantra that I saw from ANC 3D or a theme, one theme from ANC 3D
2 that alternatives to what's being proposed are not necessarily
3 better. I mean we've been 11 months trying to come up with this
4 alternative and the alternative of not having Wesley there is not
5 acceptable and so I think what's been proposed is a innovative,
6 unique, unprecedeted solution to an unprecedeted situation
7 where you have two campuses immediately adjacent to each other
8 which each have different needs and we can help, we all can help
9 satisfy each of those institution's needs even though one of them
10 isn't before us, only Wesley is before us.

11 But we've sat in the AU cases for many hours and we
12 know that the students in the testimony of the record here, lots
13 of testimony, with their unhoused one campus AU students which
14 otherwise would be housed in either the neighborhood or somewhere
15 else in the District occupying a very limited supply of housing,
16 let alone affordable housing, in the District of Columbia.

17 So with that general comment, let me just ask a couple
18 of questions at this time and I'll have more probably after I
19 hear from all the interested parties and persons who have spent
20 so much time on this which we appreciate.

21 I guess Mr. -- I don't know who this is for, but maybe
22 for Brandice Elliott or Ms. Giordano. Just educate me, I should
23 know this but I just don't know it off the top of my head, why
24 should the relief -- well, why should the relief from IZ set
25 aside all other requirements? I realize you're proposing an IZ-

1 like program which DHCD, the administrator of that program, says
2 it could find a way to implement particularly since they implement
3 other affordable housing programs that aren't strictly IZ with
4 covenants and the like throughout the District where IZ isn't
5 required or hasn't been required.

6 But I guess the first, why should the flexibility and
7 relief from any IZ be evaluated by us under (indiscernible) needed
8 development special exception standards, I realize a PUD is
9 before us, but as opposed to being evaluated under a variance
10 criteria which I believe you probably could meet. But you chose
11 to emphasize the special exception criteria and there may be a
12 legal or other reason for that.

13 Maybe Brandice Elliott or Cynthia Giordano could just
14 explain that to me if there is an explanation, along with
15 confirming that in general IZ would not apply to a student
16 dormitory. If we had just a campus plan before us with a
17 dormitory, a student dormitory proposed for the students who are
18 on that campus, not students on the immediately abutting campus
19 which is being proposed in this case for a majority of the beds.

20 I don't think IZ would normally apply, so can you
21 confirm that and then why, if we're going to apply the IZ I guess
22 why are we applying the IZ and then if we're going to, why should
23 it be the special exception criteria for any relief from District
24 requirements as opposed to variance criteria? I don't want to
25 get into a long legal explanation but there might be a simple

1 explanation in this un-simple case.

2 MS. GIORDANO: Maybe I could start with a legal analysis
3 and Brandice can pick up from there. You know, area variance
4 relief is restricted in the PUD flexibility tool. area-type
5 variances/ and that's not really relevant to what we're doing
6 here with IZ. But there is a very specific provision, special
7 exception provision, to allow for reducing or eliminating all
8 together the IZ set aside requirements in a project pursuant to
9 standards that are laid out in the special exception and obviously
10 the set aside requirement is the whole, you know, crux of IZ.

11 So we believe that we can apply that special exception
12 and the criteria include compliance with IZ, strict IZ would
13 result in basic uneconomic viability of the land and that really
14 goes to the heart of what we're talking about here that if Wesley
15 cannot thrive in place, it's not going to be an economically
16 viable use of their land if they can't. If they have to comply
17 with the IZ unit, IZ it not applicable here.

18 So if that's not too convoluted maybe Brandice can
19 explain further.

20 MS. ELLIOTT: Yes. There's actually a provision in the
21 zoning regulations that allows for a PUD to incorporate any
22 special exception that's required as part of the evaluation. So
23 in this case we have, you know, the campus plan that requires a
24 special exception so that can get ruled. You know, so the PUD
25 regulations specifically allow for that to occur and they do

1 allow for special exceptions where the regulations allow for that
2 to occur and then we have the IZ regulations that say yes, you
3 can have a special exception of this provision so it rolls over
4 into the PUD. It's not necessarily like additional flexibility,
5 it's just the regulations allow for that to occur and I'm trying
6 to find the specific one. It does come up in OP's report as
7 well.

8 MS. GIORDANO: Right.

9 MS. ELLIOTT: So I do apologize (indiscernible).

10 MS. GIORDANO: Right. In the PUD flexibility
11 provisions it specifically says that the Zoning Commission can
12 include a special exception and the special exception that we're
13 talking about is the one that allows for a reduction or complete
14 waiver of the IZ set aside requirements.

15 MS. ELLIOTT: It's Subtitle X 303.1 where it reads, "As
16 part of the PUD process, the Zoning Commission may grant relief
17 from any building development standard or other standard
18 referenced in the zone reference table with the exception of use
19 regulations."

20 There is some additional language about the being able
21 to have the special exception review (phonetic) through the PUD
22 process, so. Does that make sense?

23 MS. GIORDANO: There's a specific provision that
24 mentions a special exception.

25 MS. ELLIOTT: Oh, 303.13. There it is. Thank you. My

1 word search was coming up a little, but 303.13 specifically says
2 that, "An applicant may request approval for any relief for which
3 special exception approval is required" and that "The Zoning
4 Commission shall apply the special exception standard applicable
5 to that relief." So there you go.

6 VICE CHAIR MILLER: There you go. Okay.

7 MS. ELLIOTT: I get there eventually. I just take the
8 scenic route.

9 VICE CHAIR MILLER: Well, we'll get there. We'll all
10 get there. Okay. Thank you for that response. I'll ruminate
11 on that for a while. If I have further questions I'll let you
12 know.

13 So on the set aside amount. I realize you're using
14 beds, not square footage because that makes more sense in this
15 unique situation and that you say that you're providing more
16 percentage than the normal set aside of eight percent would
17 require so I think it's 66 beds out of 659, so you're almost at
18 -- so you're at ten percent or a little more. So I think we have
19 testimony, which we'll hear, in this hearing later and from both
20 I think both parties in qualified support and parties in
21 opposition that a set aside should be a higher percentage, I
22 think 15 was suggested on one case and that has been done in
23 other cases where we there were people looking for the public
24 benefits and amenities to outweigh any potential inconsistencies
25 or inconsistencies with comp plan or other impediments.

1 Do you have a -- have you looked at that issue of
2 increasing the set aside in response to those in the community
3 who have presented comments in support and in opposition, to
4 increase that set aside beyond the ten percent to a greater
5 amount? I realize that you're doing 60 and 50 percent, I think
6 it's -- is it 50, I'll just include another question in this
7 question so you can just give me a fuller response.

8 I realize you're doing 50 percent median income for the
9 three units that are triggered by the penthouse habitable space
10 and I guess the, which is required by IZ normally, and the 60
11 percent median income would normally be triggered for rental
12 under IZ. Is it just the 66 or is it just the three that are
13 going to get the 50 percent and then have you looked -- what is
14 your reaction to the comments from both in support and opposition
15 to increase the set aside generally, amount?

16 MR. BROWN: As a starting point the ten percent exceeds
17 the requirement that would be applicable here which would only
18 be eight percent and in the context of the PUD the IZ being
19 weighed against the limited flexibility being requested, we've
20 got the ten percent again more exceeds the minimum was
21 appropriate, particularly in the context of this case. As far
22 as the income levels, that's something that perhaps there might
23 be some flexibility on but the number of actual beds seems
24 appropriate under the circumstances.

25 (Pause.)

1 CHAIRPERSON HOOD: You're on mute, Vice Chair. I
2 shouldn't say this but see if Archie's (phonetic) around if he
3 can help you.

4 CHAIRPERSON HOOD: You want me to give you --

5 MR. BROWN: Mr. Miller?

6 CHAIRPERSON HOOD: Yes. Okay. Let's just give him a
7 minute.

8 (Pause.)

9 CHAIRPERSON HOOD: See if you can hit your space bar.
10 Just hit your space bar. (Indiscernible) do it. You want to go
11 out and come back? Okay.

12 So, Mr. Brown, if you all could hold those questions
13 that the Vice Chair is asking when he comes back (indiscernible)
14 come back on. I'll ask my question while he's logging off.

15 MR. BROWN: Thank you, Mr. Chairman.

16 CHAIRPERSON HOOD: Okay. Let me make sure he's logging
17 off. Okay. While he's logging off getting that together, let
18 me just start off and I'll stop because I want you to finish with
19 him before I get into what I want to get into, and I may be
20 finished.

21 Again, Ms. Giordano, you all -- he was discussing the
22 IZ and I hate to have you all moving back and forth. I'm going
23 to try to -- hold on one second. Okay. The IZ seems, let me
24 back up. The IZ seems to be a major concern or question and I'm
25 just curious in your conversations with DHCD did they say they

1 can administer a program like this? Were they, and I've read to
2 the point where I got confused, did they say that they can
3 administer a program like this and were they willing to do this?

4 MS. GIORDANO: We are actually administering the
5 program. They're overseeing the program and we've had a number
6 of conversations with them and I think that Ms. Brown-Roberts
7 probably has had the most recent conversations with them and
8 maybe she can, you know, elaborate more on this. But it took a
9 little convincing but I think that they're generally supportive
10 and feeling like this can work.

11 CHAIRPERSON HOOD: So I see here, they're going to be
12 overseeing the program. Did they tell you what all is involved
13 overseeing it? Are they going to have any say so? Are they
14 going to be -- what are they going to be doing?

15 MS. GIORDANO: Okay. So we have not yet, you know,
16 negotiated this covenant which would provide the details as to
17 what they're doing but we have agreed that we would report to
18 them on you know, how the program is working, how many students
19 are, you know, have been qualified, how they've been qualified,
20 the income levels, the rental levels that we're adhering to and
21 those are all things too that typically they look at.

22 Generally with IZ when you file for a building permit
23 we fill out a CIZC form which shows exactly, you know, includes
24 what the plans where the units are going to be. It also includes
25 a proportionality type analysis so that you are providing the

1 same numbers of types of units with market as IZ, so there's a
2 lot of detail there and --

3 CHAIRPERSON HOOD: So let me just, I think I've got the
4 gist of that. I'm more concerned about making sure actually what
5 you are all proposing actually happens and that there's a
6 governing body in the government that's going to oversee it like
7 they say they are and that's going to follow through and also
8 have some input when things might go awry or might not go exactly
9 to the best interests of the residents or the students, that
10 there are corrections that can be made. I probably need a little
11 more from DHCD. Do you think you all can get that? I know that
12 they have a couple of --

13 MS. GIORDANO: And as I indicated, I think Ms. Brown-
14 Roberts has also discussed this with them at length.

15 CHAIRPERSON HOOD: Yes. I get that. I would see, I
16 think there needs to be something here on the record
17 (indiscernible).

18 MS. GIORDANO: Right. And I (indiscernible) supply a
19 typical affordable dwelling unit covenant which outlines some of
20 this. But again, it's negotiable.

21 CHAIRPERSON HOOD: Okay.

22 MS. GIORDANO: DHCD can, you know, provide more
23 oversight in this program and some others, but the covenant is
24 the basic, you know, legal document that restricts the land to,
25 you know, the program.

1 CHAIRPERSON HOOD: Okay. And as far as can go with
2 that covenant, Ms. Giordano, not that I don't think you guys work
3 for it but I think that one of the problems that we've had over
4 the years is when we first did IZ it took years to get implemented
5 because it had to get a schedule, and I think what we need to do
6 is move that on faster because one of the things that I'm going
7 to talk to the parties in opposition, one of the things that
8 really concerns me is, and I've said this before in other cases,
9 Rock Creek West is not doing their fair share of anything
10 affordable and I think that the residents of this city deserve
11 better. I think Rock Creek West needs to do their part. I've
12 said it before and I'll say it again now.

13 So I have concerns when I look at the aggregate, our
14 reports and I see Black and African Americans, Asians and other
15 races the scales are real low and then when I look at White, it's
16 jumping off the top of the roof. I have very big concerns among
17 the City, the City Council members and the Mayor that put racial
18 equity analysis, and I'm not lecturing to you all, I'm just
19 telling you what we have to grapple with. When I see racial
20 equity, which we're supposed to do, and then I see all this
21 opposition that comes from Rock Creek West, I have some concerns
22 and I would not be doing due diligence if I did not bring that
23 up at these types of hearings.

24 MS. GIORDANO: I left out a detail that may help you
25 and that is that within the qualification of eligibility there

1 is a priority for D.C. residents. So in all these cases pretty
2 much of AU students, it's not going to be the student's income,
3 it's going to be the parents and the parents' residency in D.C.
4 as a priority.

5 CHAIRPERSON HOOD: I appreciate that but it still goes
6 back to a disaggregated population. The numbers that I have in
7 front of me, the White parents have much more money than the
8 Black parents, and I get it and I think our goal, unless I'm
9 mistaken, I'm sure the City Council or somebody can correct me,
10 is our goal is to close the gap in disparities and I think that's
11 what we need to be doing.

12 So I appreciate that and I'm glad to hear it's D.C.
13 residents, but we want to make sure, and like the Mayor always
14 says solve the problem, I want to make sure D.C. for all. So
15 that's kind of where I am.

16 Let me also say that, let me ask this. Normally when
17 it's come to these kind of cases the office, and maybe I'll ask
18 the Office of Planning, the Office of Attorney General usually
19 gets involved and now I'm looking for them and I don't see
20 anything. Did they get -- what I'm looking for and I see
21 everything from Attorney General Schwalb and his team but today
22 I don't see anything. So did anybody have a conversation with
23 them? Have they been involved? Because I think they bring a
24 serious legal influence (indiscernible).

25 MS. GIORDANO: Yes. Very limited. They did have a

1 session with ANC 3D to just educate them on the PUD process but
2 specifically on our proposal no, which may be a good sign.
3 Because, you know, very often they comment on things that they
4 don't like.

5 CHAIRPERSON HOOD: Okay. Yes, and that's what I was
6 looking at. That was giving me a sign as well, so thank you,
7 Ms. Giordano.

8 Mr. Leath, you mentioned that, I forget how you had it
9 worded. Students that have it difficult to participate. What
10 did you mean when you said that? Expound on that for me.

11 MR. LEATH: You know, I'm not positive, I don't get it
12 exactly right, but in conversations that we had with DHCD students
13 are -- there are parts of the current D.C. IZ program that
14 preclude a lot of students from being eligible to participate the
15 way the IZ regs are currently written because in the District of
16 Columbia dormitories, university dormitories for those students
17 are exempt from IZ entirely, right, and so the IZ system I think
18 has been set up without really to accommodate students and so
19 that makes it very difficult I think for students that would
20 otherwise qualify or who come from financial challenged
21 backgrounds to get into the IZ program because the IZ program as
22 it was set up didn't really contemplate students, and so we are
23 proposing to administer our own IZ program to specifically try
24 and build these IZ set aside or otherwise set aside beds for
25 students that would otherwise qualify for IZ based on their, you

1 know, family or individual income levels but are not currently
2 participating in D.C.'s IZ program.

3 If I messed any of that up I apologize, but that's my
4 general understanding from the conversations that we've had with
5 DHCD leading up to this.

6 CHAIRPERSON HOOD: Okay. Thank you. Let me see if the
7 Vice Chair's ready to go back to his questioning and then I'll
8 come back.

9 VICE CHAIR MILLER: Thank you, Mr. Chairman, and I
10 apologize to my colleagues and the public for that glitch. Archie
11 woke up from his nap and was able to fix it and has quickly left.
12 He does not want to be my tech advisor anymore.

13 So I appreciate your comments and those of my
14 colleagues, Mr. Chairman. Your comments particularly about the
15 racial equity disparity Rock Creek West which I think this
16 proposal has the potential to address as has been pointed out by
17 the Office of Planning in their testimony and at least one of
18 the ANCs in terms of the whole mission of Wesley Theological
19 Seminary and it's own much more diverse student population and
20 faculty population than other institutions in the area, so I
21 think from a racial equity analysis this proposal has the
22 potential to incrementally, because that's all we do here is
23 increments case by case, improve or have a positive as opposed
24 to a negative effect on the existing racial equity disparities
25 in the city.

1 I think, Mr. Chairman, your, I don't know if it was a
2 request or suggestion, but that covenant, that affordable housing
3 covenant, if it could be not just an example of another covenant
4 but the one for this case a draft at least could be provided
5 since it's kind of the crux of the public benefit for this PUD
6 that's being proffered, that's being offered here, I think it
7 would be important to have. If we could get a draft of the
8 affordable housing covenant between the Applicant and DHCD which
9 has said expected to pull in this to try to do that, to implement
10 this type of affordable housing program for this case. I think
11 it would be helpful as we go forward.

12 The other -- let me just ask a few other questions and
13 then we can get on with, I don't want to delay this hearing any
14 further than I already have. Do we have, to the Applicant's
15 team, do we have a detailed roof plan that shows the green roof
16 and locations for future solar panels yet?

17 MR. LEATH: I actually received it from the architect
18 today so it is not in the record yet but it will be entered into
19 the record. We will be doing both green roof and solar elements
20 in addition to or as part of also the LEED gold. So again, not
21 in the record yet but we got it from the architect today so it
22 will be entered into the record imminently.

23 VICE CHAIR MILLER: Well, we look forward to receiving
24 that and we commend the team for the LEED gold and other
25 sustainable features that are part of this proposal.

1 The dormitory is basically replacing a surface parking
2 lot.

3 MR. LEATH: That's correct.

4 VICE CHAIR MILLER: Is the, and you said that 55 percent
5 of the space on the campus even after the dormitory is built
6 would remain open space. Do we have a percentage of the
7 impervious versus pervious before and after or is it about the
8 same or is it, do you have anything on that? Impervious versus
9 pervious?

10 MR. LEATH: I think it's going to be about the same but
11 the actual, the stormwater mitigation will be significantly
12 better than the plan because, you know, the current surface
13 parking lot has not a lack of stormwater mitigation, so. But I
14 believe the actual percentages would be, for the whole campus
15 would be similar.

16 VICE CHAIR MILLER: (Indiscernible) have to go through
17 stormwater management reviews and permits as this -- if this goes
18 forward, so yes.

19 Do we have any additional details on parking
20 restrictions that would be applied for the new parking garage to
21 those who are not residents or working on the campus?

22 MR. LEATH: So the way the parking is contemplated, 105
23 spaces in the parking garage or direct replacement spaces for
24 Wesley Seminary would be limited to Wesley's faculty, staff and
25 students. The remaining space in the parking garage would be

1 limited to residents of the building, staff of the building and
2 then a limited number for visitors or residents of the building.
3 We are not contemplating any additional individuals to be in the
4 garage.

5 VICE CHAIR MILLER: Okay. Do you have any -- can you
6 comment on the Office of Planning and Department of Energy and
7 Environment strong suggestion and encouragement that the
8 Applicant, in addition to all the other sustainable features that
9 you're proposing including the LEED gold and green area ratio
10 commitments, do you have any reaction to the DOEE and OP comments
11 strongly encouraging that a net zero building should be included
12 as part of the PUD benefits?

13 MR. LEATH: We have had some preliminary conversations
14 with DOEE specifically about that and I think we're still trying
15 to determine exactly what that's going to mean. So we're happy
16 to look at it further. I mean, we have already put forward a
17 very comprehensive sustainability plan including, you know, solar
18 area and green roof in addition to the LEED gold so I'm happy to
19 follow back up on that, but I don't know that we are able to
20 commit to that at this time.

21 MR. BROWN: If I could, the Office of Planning
22 specifically asked for more detail on the roof plan, the solar
23 and green roof, and we're working on preparing that and would
24 like to leave the record open to submit that. But certainly
25 we're trying to respond to that request.

1 VICE CHAIR MILLER: And I understood that to be the
2 case based on the previous comment, response, but I would
3 encourage you also to think about the net zero encouragement from
4 DOEE and OP.

5 The final -- let me just, I'll have more questions
6 later, Mr. Chairman, maybe I'm sure as a result of public
7 testimony but let me just thank the Applicant for the changes,
8 all the changes that have been made on height, setback,
9 transportation improvements, the whole University Avenue
10 exit/entry. I think you've responded -- I'm hearing feedback,
11 my own voice -- but as long as other people aren't I think it's
12 okay but somebody may need to mute.

13 Thank you for the changes that have been made as a
14 result of the community input at the last hearing 11 months ago
15 and in the interim period where you did all of this community
16 engagement. We appreciate the height and setback changes and the
17 transportation improvement commitments that you have made. You
18 are agreeing to all of DDOT's conditions?

19 MR. LEATH: Yes.

20 MR. BROWN: Yes.

21 VICE CHAIR MILLER: Okay. Thank you. Thank you all
22 very much for your assessment and I look forward to talking with
23 you further.

24 MR. LEATH: Thank you.

25 CHAIRPERSON HOOD: Thank you, Vice Chair. I had one

1 or two more questions because I do want to get to the public and
2 have that presentation given to us as soon as possible.

3 Let me ask President McAllister-Wilson to come back up.
4 Let me first say, President McAllister-Wilson, I want to thank
5 you. I think all presidents of universities are the same. When
6 you take time to come in front of this Commission, and I know
7 you all are very busy and I appreciate you participating in this
8 process and that's been my (indiscernible). I've done
9 Georgetown, George Washington, American, Howard, I'm doing the
10 same with you. So thank you for taking the time to come here.

11 DR. MCALLISTER-WILSON: Thank you. Thank you.

12 CHAIRPERSON HOOD: So let me just get to my point. You
13 know, we've been shifting and going back and forth previously
14 with the previous case which I know there's been a few changes
15 and the kind of mirrors exactly what we dealt with previously.

16 The ultimate goal, the memo is written (indiscernible)
17 I'm going to get straight to the point and I need it in layman's
18 terms so the public and everybody can understand it. What are
19 you trying to achieve? Is it a financial issue here that you're
20 having, what are you trying to achieve? In layman's terms, forget
21 all the fancy zoning and stuff, what are you trying to achieve?

22 DR. MCALLISTER-WILSON: Well, clearly the underlying
23 element of this is the financial components. It's allowing Wesley
24 to stay in place. But it's also providing us with modern student
25 housing and both of those things, and our presence in Washington,

1 allow us to take in the students who want to come here. We are
2 -- we have students applying from all over the country and across
3 the world and this process enables us to convert the value of
4 this property to the financial resources to make all that
5 possible.

6 Some of that, I think this doesn't happen very much,
7 but I think some of the opposition and others that wanted to know
8 what would you do otherwise, you know. Well, maybe the otherwise
9 is we have to find some way to make use of the inherent value of
10 this property, I mean the whole property. In this case we're
11 talking about a piece of the property and making some concessions
12 in order to use this piece of this property.

13 But we were blessed by getting this property 65 years
14 ago for \$10. It's worth more than that now and if we're going
15 to use our resources responsibly, we should use those for the
16 mission of the school, either here or elsewhere. I vastly prefer
17 staying here.

18 CHAIRPERSON HOOD: Okay. I think that's all I have.
19 The last thing you said, you prefer to stay here. Say this was
20 not to go through. Then you use those other options; correct?

21 DR. MCALLISTER-WILSON: Yes.

22 CHAIRPERSON HOOD: Okay.

23 DR. MCALLISTER-WILSON: the current situation -- the
24 current configuration, something's going to have to change in
25 this neighborhood. Some may not want any change on our campus.

1 Something is going to change on our campus and this is the
2 preferred option.

3 CHAIRPERSON HOOD: Okay. I'm not sure, Mr. President,
4 if you are the right person but I noticed that, Mr. Brown, ANC
5 3E, the way I read it they're not that far off and 3D has I think
6 conditional support. Did I capture that correctly?

7 MR. BROWN: Well, I think 3D is full support subject
8 to the conditions that we've outlined and they deferred on the
9 legal questions to the Commission. ANC 3E is, they'd like to
10 support and in fact they said that what we're proposing is
11 desirable and not objectionable but they have some questions
12 about the details and we talked to them several times. I guess
13 we will always talk to them further.

14 As to the amenities, we've attempted to craft a package
15 of amenities that are, you know, on balance, outweigh the
16 flexibility but also amenities that apply equally to 3D and 3E.
17 While the boundaries may have changed, you know, but the geography
18 hasn't and the benefits shouldn't be viewed as strictly favoring
19 ANC 3D. They favor the surrounding community and you have to
20 remember the Wesley campus and AU campus are now on, physically
21 on ANC 3E. So every improvement, the open space, the sidewalks,
22 anything that's being added to this site is taking place in ANC
23 3E. Now, it's to the benefit of 3D and 3E, but it's being based
24 in 3E.

25 So we think we've reached a good balance that's

1 developed over time, not overnight. Perhaps there are issues
2 that we could discuss but I think one of the important parts was
3 maintaining the open space and the character of the campus. The
4 two go hand-in-hand and that means protecting Mass Avenue and
5 University Avenue and a good relationship with not just 3D, but
6 3E. So I think that's an important part of this plan.

7 CHAIRPERSON HOOD: Okay. Thank you, Mr. Brown. But I
8 will tell you 3D had it mostly, 3E and when we do redistrict in
9 the city it's not -- I've got 25 years on the Zoning Commission.
10 Even though the boundaries have changed, the situation hasn't.
11 I don't care if it's 3E or 3D, 3D's been there for a while. We're
12 going to incorporate 3E and I'm going to hear from both of them.

13 So but I appreciate it, you know, the comment. But I
14 appreciate you all saying that. I just want the public to know,
15 to save me some time when 3E and 3D come up that we're going to
16 hear from both of them, and I take all of the ANCs very seriously,
17 and I'm sure my colleagues do too.

18 All right. So that's all I have. I did have one other
19 question for you, Mr. President. I'm not sure if it's for you
20 but as far as design I saw some pictures. Was there any issues,
21 anybody say anything about views? I didn't hear a whole lot
22 about that. I heard more about the programmatic and what's going
23 on here but, Mr. Brown are there any issues with the design that
24 you've heard from the community? I can ask them but I just want
25 to know from you.

1 MR. BROWN: Well, and I think some people have raised,
2 they claim that this building is out of character with the Wesley
3 campus as well as the neighborhood. I think this, and again, in
4 one of the filings there's a picture showing the proposed new
5 building on the Wesley campus without the context of the
6 surrounding AU buildings. I think the materials we've provided
7 shows accurately the context of where the building is located in
8 relationship to the American University buildings which are
9 taller and also more importantly, in relationship to the
10 University Avenue and Mass Avenue frontages and just the new
11 dormitory is 300 feet, a football field, from the curb on
12 University Avenue. It's equally distant from the curb on Mass
13 Avenue and it's almost 700 feet from the new dormitory to the
14 closest houses on the opposite side of Mass Avenue.

15 So, and then we showed pictures from the various
16 vantage points and the visibility of the new dormitory is
17 extremely limited to the very top floors and the distance from
18 the residential dormitories and the existing trees that are being
19 preserved and enhanced all create this buffer zone that's
20 visually and noise and other objectionable conditions is a rather
21 formidable barrier to creating objectionable conditions.

22 CHAIRPERSON HOOD: Okay. Thank you. Appreciate your
23 responses. Let's see if we have any follow-up questions or
24 comments? Commissioner Imamura.

25 COMMISSIONER IMAMURA: Thank you. Just a few. I'll

1 be quick because I'm interesting in hearing from other parties,
2 and I'll address a couple of things.

3 One, with Mr. Leath, Ms. Giordano, although you don't
4 have to come up here, Mr. Leath, Ms. Giordano. Chairman Hood
5 mentioned something that came to mind and I think that DHCD maybe,
6 the students need an ombudsman for the maladministration
7 (phonetic) of the program and so that may be something that you
8 may want to consider with DHCD. So Chairman Hood made the comment
9 that, you know, (indiscernible) consistency and I think that an
10 ombudsman might provide students with an avenue should they want
11 an issue resolved.

12 Second, I want to thank Vice Chair Miller for his
13 comment about net zero. Certainly that would create a superior
14 project in this case so it's certainly something to give a bit
15 more consideration to and also thank Commissioner Miller for
16 bringing up the stormwater management and the fact that this is
17 essentially replacing the impervious parking problem. So, and I
18 think that green roofs and hopefully an innovative fire
19 (phonetic) retention ecosystem that I would expect to see from a
20 project like this certainly shouldn't be too far off
21 (indiscernible) LEED platinum (indiscernible). Net zero is not
22 (indiscernible).

23 Lastly, I do have a question for Mr. Leath to build off
24 of Commissioner Stidham's question and that is, Mr. Leath, from
25 your Austin and Ann Arbor projects I'm interested to know what

1 lessons learned that you're bringing to this project and what
2 would you have done differently on those two projects that you're
3 doing differently now?

4 MR. LEATH: As it's specifically related to the IZ
5 issue?

6 COMMISSIONER IMAMURA: Yes.

7 MR. LEATH: Yes. Well, that's actually a really good
8 question. I mean, what we found particularly difficult, for
9 example, in Ann Arbor was in Ann Arbor, Washtenaw county qualifies
10 applicants themselves, right, and so we found the actual
11 implementation of getting qualified individuals physically into
12 units became challenging the first year we did it because of the
13 gap between coordinating with Washtenaw County, the City of Ann
14 Arbor who was helping us administer the oversight of the program
15 and then ourselves and so now that the program is up and running
16 we administer and work through that with the City of Ann Arbor
17 and create a more efficient process for, you know, qualifying
18 individuals do their two part process with the County and the
19 City.

20 What we're trying to do here is work with, and we've
21 already started this conversation with DHCD, but work with DHCD
22 on the front end to try and ensure that we are doing a good job
23 of physically bringing qualified individuals into the units so
24 that the IZ set aside units or the affordable housing set aside
25 units don't remain vacant but are actually utilized by

1 individuals who would be qualified for them. I think that is
2 our primary goal is, you know, both appropriately qualifying
3 individuals with oversight in DHCD and then getting those
4 individuals physically into the units so they can be taking
5 advantage of the set aside units.

6 COMMISSIONER IMAMURA: Thank you, Mr. Leath. I'm glad
7 that you're bringing some lessons learned to this project and
8 thank you to my colleagues for their indulgence and forbearance.
9 That's all that I have.

10 CHAIRPERSON HOOD: Thank you. Any further questions
11 or comments?

12 I just want to say, Commissioner Imamura, I really like
13 the ombudsman and I hope that this Applicant will really press
14 that and I would ask my colleagues and especially you,
15 Commissioner Imamura, to mention that and remember that for other
16 cases because I like that. All these years I've never thought
17 about that. I love that idea in other cases because one of the
18 things that we do, we always leave our young folks out and I
19 think that's very key. So I'll leave it at that for now but I
20 really like that I would ask staff to take a note and not let me
21 forget the ombudsman and I'm sure my colleagues won't let us
22 forget it as well. I really like that.

23 All right. And you all will probably be our first test
24 to make it work. All right. All right. So thank you. All
25 right. Any further questions?

1 Ms. Schellin, let's -- I'm going to try do ANC 3.
2 Cross-examination for ANC 3E?

3 MS. SCHELLIN: 3E?

4 CHAIRPERSON HOOD: 3E, first. Yes.

5 MS. SCHELLIN: 3E?

6 CHAIRPERSON HOOD: Yes.

7 MS. SCHELLIN: And Chairman Hood, if I may I was
8 informed by the ANC 3E but they too asked for a waiver for filing
9 their report late and to participate in the hearing if the
10 Commission would also, by general consensus, agree to approve
11 their waiver also.

12 CHAIRPERSON HOOD: Okay. Any objections? Okay. Not
13 seeing any objections I move to approve their request.

14 MS. SCHELLIN: Thank you. I believe, let's see, Mr.
15 Elkins I believe is going to do the cross for them.

16 CHAIRPERSON HOOD: Okay. Let's bring up Commissioner
17 Elkins.

18 MS. SCHELLIN: Have I got the right ANC? I'm not sure.
19 Let me look at my notes.

20 MR. BROWN: (Indiscernible) ANC 3D.

21 MS. SCHELLIN: Oh, he's with 3D. Sorry. Wrong person.

22 CHAIRPERSON HOOD: Well, if he's already up.

23 MS. SCHELLIN: Yes. He's going to be next. I don't
24 have the name for our -- let me check very quickly because I
25 don't have a name.

1 CHAIRPERSON HOOD: I think there was two people listed.

2 MS. SCHELLIN: Mr. Brown, do you know who the person
3 was at 3E that you dealt with?

4 MR. BROWN: Well, it could be the Chair, Mr. Bender
5 because --

6 MS. SCHELLIN: He's on. Mr. Bender is there. So we
7 could bring him up and see if he's going to do the cross.

8 CHAIRPERSON HOOD: Okay. Let's bring Mr. Bender up,
9 and let's leave Mr. Elkins up as well. Let's bring Mr. Bender
10 up.

11 ANC CHAIRMAN BENDER: Oh, there's my video. Thank you,
12 Mr. Chair. The only question I have is whether or not the
13 Applicant asked DHCD to be here today?

14 MR. BROWN: I'm sorry, Chairman Bender, I had to step
15 away from the mike for a second. Could you repeat your question?

16 ANC CHAIRMAN BENDER: Sure. Did you ask DHCD to send
17 a representative today?

18 MR. BROWN: We did not ask. They submitted a report
19 to OP as part of theirs and they're certainly free to attend. I
20 don't know they're not here to be honest. I don't.

21 ANC CHAIRMAN BENDER: Do you think that they might have
22 information that's helpful to the Zoning Commission?

23 MR. BROWN: I'm sure they do, although they could. But
24 I think they submitted a report to OP which is kind of the normal
25 course of agencies participating so I don't want to speak for

1 DHCD.

2 ANC CHAIRMAN BENDER: Okay. Thank you. That's it. No
3 further questions.

4 CHAIRPERSON HOOD: Thank you, Commissioner Bender.
5 Chairman Bender, I believe; right? Yes. Chairman Bender.

6 Let's go to, well, Commissioner Elkins. I'm not sure
7 if he's still a Chair or not. Commissioner Elkins, any cross?

8 (Pause.)

9 CHAIRPERSON HOOD: Commissioner Elkins?

10 ANC COMMISSIONER ELKINS: Mr. Chairman, Chuck Elkins
11 here. I appreciate being called on but in fact our Chair, Tricia
12 Duncan, will be representing ANC 3D this evening and she is in
13 the audience.

14 CHAIRPERSON HOOD: Okay. Chairperson Duncan, if you
15 can come -- if you can bring Chairperson Duncan up. Okay. Chair
16 Duncan, you may begin when you're ready if you have any cross.
17 You're on mute.

18 CHAIRPERSON DUNCAN: Yes. Thank you for calling me up.
19 I have no cross for the Applicant.

20 CHAIRPERSON HOOD: Okay. Thank you. And Ms. Schellin,
21 if you could help me remember who's going to be speaking, Chair
22 Duncan, Chair?

23 MS. SCHELLIN: I've got it, yes.

24 CHAIRPERSON HOOD: Okay. Good. Thank you. Let's go
25 with support. Mr. Clarkson. Any cross examination? I probably

1 should have started with him first; right?

2 MS. SCHELLIN: William Clarkson. There you go.

3 MR. CLARKSON: Sorry about that. No cross. Thank you.

4 CHAIRPERSON HOOD: Thank you. Either Ms. Gates or --

5 MS. SCHELLIN: Smith maybe. I'm not sure.

6 Chairperson hood: -- Smith. I'm not sure. I saw both
7 names on the --

8 MS. SCHELLIN: Yes.

9 CHAIRPERSON HOOD: -- submission.

10 MS. SCHELLIN: We can find out from Ms. Gates who's
11 going to do their cross.

12 CHAIRPERSON HOOD: Thanks.

13 MS. GATES: I'm going to.

14 MS. SCHELLIN: Okay. So Mr. Smith can get taken down
15 then. Okay. Thank you.

16 MS. GATES: Shall I proceed?

17 CHAIRPERSON HOOD: Yes. You may proceed, Ms. Gates.

18 MS. GATES: Thank you. These are questions for Dr.
19 McAllister-Wilson.

20 MR. BROWN: Hold on one second, Ms. Gates. He's coming
21 to the --

22 MS. GATES: Thank you. A few minutes ago did you say
23 that if you did -- if this project does not get approved you
24 would have to look at other options?

25 DR. MCALLISTER-WILSON: Yes.

1 MS. GATES: And have you in the past?

2 DR. MCALLISTER-WILSON: Yes.

3 MS. GATES: Can you tell us what other considerations
4 you made before you decided to go with the Landmark Group?

5 DR. MCALLISTER-WILSON: Well, I'll go way back. Some
6 years ago as we considered our future we actually looked at other
7 sites in Washington but those proved to be impracticable and the
8 site here that we live on was determined to be where we should
9 stay.

10 Since then, we did actually approach another
11 development partner and the name of that firm has just completely
12 jumped out of my head.

13 MR. BROWN: C3.

14 DR. MCALLISTER-WILSON: C3. But in the lead up to
15 working with them we had a consultant work with us to consider
16 alternative uses for the property ranging from selling the
17 property and moving to developing single family homes to
18 developing, I think he also looked at apartments. But all those
19 options seemed to be less attractive both from the standpoint of
20 the mission of the seminary and from the ultimate return on the
21 property.

22 This was some years ago we did that analysis but as we
23 continue to look at it and we find out what are the options,
24 those kind of options are still the ones we think about. Now -
25 -

1 MS. GATES: Okay.

2 DR. MCALLISTER-WILSON: -- I think it's pretty clear
3 that if we were to proceed with any of those other options one
4 of the things that would suffer is the green space because we
5 are giving up FAR on this development project that is preserving
6 the green space. I don't think the other options would have the
7 same effect.

8 MS. GATES: Thank you. Does Wesley currently give
9 scholarships or financial aid to its students?

10 DR. MCALLISTER-WILSON: Yes.

11 MS. GATES: What percentage of the seminary's budget
12 is devoted to financial aid?

13 DR. MCALLISTER-WILSON: Oh, my CFR is here and he's
14 going to work quickly to try to figure that out. It's going to
15 take a while to get there.

16 MS. GATES: Okay. Let's skip that. In securing the
17 new arrangement with Landmark, what percentage of total proceeds
18 will go to financial aid and scholarships and will they be
19 exclusive to Wesley students?

20 DR. MCALLISTER-WILSON: Well, to go backwards any
21 scholarships would be exclusive to Wesley students for sure. How
22 much of the proceeds will go to scholarships, again it's kind of
23 a complicated calculation but what I can say in general is our
24 goal here is to convert almost all of the value to subsidized
25 seminary students because that's the fundamental challenge of

1 theological education. Starting salary for our students is right
2 around \$40,000 on a good day and so we have to do this heavy
3 subsidy of seminary students.

4 MS. GATES: On page 8 of the Applicant's statement in
5 support, Exhibit 3 of 23-08(1) of the campus plan, the seminary's
6 endowment is referenced along with the fact that currently the
7 seminary is ranked 20th out of 30 seminaries competing
8 nationally. Does the statement go on to say this project would
9 effectively move us to 10th place?

10 DR. MCALLISTER-WILSON: Something like that. It
11 changes with the market and with conditions of other seminaries,
12 but something like that.

13 MS. GATES: Okay. If the projected increase in revenue
14 to enhance the seminary's endowment or broaden programs and
15 provide financial aid to students, can you explain how these
16 balance out?

17 DR. MCALLISTER-WILSON: I'm sorry. I'm not following.

18 MS. GATES: Well, if you enlarge your endowment, is
19 that increase in revenue to broaden programs and provide
20 financial aid to students or how does that break down?

21 DR. MCALLISTER-WILSON: By and large it would provide
22 more financial aid to students because we would convert those
23 extra resources to assist students who are trying to come from
24 many different areas. But I wouldn't have a percentage breakdown
25 at this point.

1 MS. GATES: Okay. Does the statement go on to discuss
2 the fact that some feel a monastery-like community is the ideal
3 way to form people for ministry? Is there a correlation between
4 a declining enrollment and the fact Wesley chose a different
5 approach to formation by expanding the range of programming and
6 making the schedule more flexible?

7 DR. MCALLISTER-WILSON: Well, every seminary is having
8 to determine that. There are a few seminaries that believe that
9 all on-line or sometimes called virtual education is just as good
10 as the interaction in the community. Our faculty in our
11 experience is that's not true and I would say most seminaries
12 have determined that that's not true.

13 So our commitment is to find ways for our students to
14 have the benefit of resident theological education even if a
15 number of them are not living on campus but commuting in or coming
16 in in what is called hybrid models. That is expanding across
17 all of our degree programs and in fact our non-degree programs.
18 But the commitment is to make sure that adding the kind of in-
19 person interaction that we think is critical for preparation for
20 ministry and one aspect of that I think that's most important is
21 we mentioned Wesley is a highly diverse institution. A lot of
22 that diversity is lost if they're on-line or the benefit from
23 that diversity if they're all in their silos, they're not
24 interacting.

25 So as we go through this period of time, we're finding

1 ways to make that possible for all of our degree students.

2 MS. GATES: Well, how do you explain the roles of
3 students when you have sort of bent over backwards to make things
4 easier, or both?

5 DR. MCALLISTER-WILSON: Well, there's a couple of
6 factors. One is the decline now of the mainline Protestant church
7 in America. The next thing is generally progressive institutions
8 serving a range of 26 denominations but we lean towards the
9 mainline Protestant churches and they've been distressed in the
10 United States and so that's one of the biggest factors. Another
11 factor is the increased cost of theological education which is
12 what we're trying to address. Another factor that of course has
13 hit us in the last few years is the pandemic itself and what
14 that's done.

15 Now if I broaden the scope, we're experiencing the same
16 thing a lot of institutions are experiencing in their enrollment
17 and that is the U.S. system for providing visas for international
18 students is broken. There are lines at embassies all over the
19 world trying to get into American educational institutions and
20 that's affecting every higher education institution I know
21 including Wesley. So our international student population has
22 dropped precipitously. I happen to know that's also true next
23 door at American University and many other schools.

24 So there's a number of factors that are contributing
25 to this. Our effort is to find those students who want to come

1 to Wesley because of what I mentioned, because of our location
2 and our distinctive programs and we're trying to find that level
3 of enrollment which we can sustain with the quality of faculty
4 that we have. We don't believe we're going to get back to the
5 high point of Fall of '07. We do think we can go back in our
6 degree programs to about five to seven years ago and that that's
7 a sustainable level if we are able to accomplish this deal.

8 MS. GATES: Can you briefly explain what is meant by
9 thrive?

10 DR. MCALLISTER-WILSON: Sure. To pay faculty and staff
11 livable wages, to enable students to be able to come to Wesley
12 and not go into great debt, to have the kind of beautiful campus
13 we have and what that takes to maintain and one of the most
14 distinctive things about Wesley is the range of our programs.
15 Anywhere from the standard pastoral ministry to chaplaincy in the
16 military to preparing students for going to serve community
17 engagement, non-profits. So where Wesley is different, is
18 distinct and bordering on unique is the range of programs we have
19 to fill all the niches of ministerial preparation.

20 If we -- we can downsize and still survive. That's
21 never been the issue for Wesley. The issue for Wesley is if we
22 can thrive on a strategic path we are currently on.

23 MS. GATES: I think I don't understand. You continue
24 to lose students and still thrive?

25 DR. MCALLISTER-WILSON: No. We aren't going to

1 continue to lose students. In fact, the total numbers went up
2 this Fall since the first time since the start of the pandemic
3 and we think we have stabilized the declining enrollment and that
4 even as we move forward, we're going to be able to see an increase
5 in enrollment especially with this transaction.

6 MS. GATES: How would moving from the D.C. metro area
7 affect your ability to recruit students and to get grants? You've
8 said your location in D.C. is central to securing these grants.

9 DR. MCALLISTER-WILSON: Oh, I think it is. Well, there
10 are actually two things that are central to getting new grants.
11 One set of grants we receive are because we are a diverse and
12 innovative seminary and we keep getting grants to support that.
13 But a number of our grants come because of the programs we have
14 and community engagement in an urban area, public theology in the
15 nation's capital and the preparation of students for the kinds
16 of ministries and public engagement that are really only possible
17 in Washington.

18 Going beyond that, I was down at Fort Jackson in
19 Columbia, South Carolina a couple of days ago, a part of a
20 celebration by the Army Chaplains Command because Wesley's become
21 a place that's the go to place for military chaplains of all the
22 branches. That wouldn't happen if we were not in Washington and
23 committed to serving the institutions of this city. Also we
24 would not have the diversity of our student body if we were
25 somewhere else.

1 Wesley has become a seminary that students come, not
2 just from across the country but in some ways more importantly
3 across the park and if we were to move to one of the suburbs that
4 are further out to West Virginia or the rural areas, that would
5 not happen.

6 MS. GATES: Thank you. How many of your 166 beds are
7 currently occupied for the Fall semester and are they all occupied
8 by Wesley students?

9 DR. MCALLISTER-WILSON: All of them are occupied by
10 Wesley students. It's not 166 beds. I just -- excuse me, could
11 somebody bring me the piece of paper -- go ahead. Okay. We
12 right now have the capacity of right around 90 beds because our
13 Strong Hall is mothballed and the Carroll Hall has a waiting
14 list. The new residence hall is near occupancy and we think
15 we're going to get to about full occupancy as it all shakes out
16 as the semester proceeds.

17 I misspoke. We do have some AU students according to
18 the agreement we're currently operating under and I'm looking to
19 see if anybody in the room knows how many. It's a minimal number,
20 maybe six or seven. Something like that.

21 MS. GATES: Are they the graduate students that were
22 approved under the previous campus plan?

23 DR. MCALLISTER-WILSON: I believe so, yes.

24 MS. GATES: No undergraduates?

25 DR. MCALLISTER-WILSON: I don't believe so.

1 MS. GATES: Okay. What happens if Wesley does not fill
2 all of its 90 beds in the Landmark development? What happens to
3 the beds that are unoccupied?

4 DR. MCALLISTER-WILSON: Well, they would be filled by
5 some students, either AU or Wesley students. The occupancy
6 doesn't affect the ground lease payment, if that's what you're
7 asking.

8 MS. GATES: But aren't you reserving 90 beds for Wesley
9 students?

10 DR. MCALLISTER-WILSON: Yes.

11 MS. GATES: Okay. So what happens if you don't fill
12 them with Wesley beds?

13 DR. MCALLISTER-WILSON: Well, from year to year
14 semester to semester some of the beds might be filled with AU
15 students and it may be that from year to year semester to semester
16 we ask Landmark if we could have more beds out of their
17 allocation. It's a very dynamic thing, student housing.

18 MS. GATES: Of the 66 IZ units, how many will be set
19 aside for Wesley students and/or will Wesley students use all the
20 IZ units?

21 DR. MCALLISTER-WILSON: Let me look around for --

22 MR. BROWN: Perhaps Mr. Leath.

23 MR. LEATH: I mean, we provided a layout of proposed
24 IZ beds and units to ensure they meet the proportionality
25 requirements but we do not intend to have a specific set aside.

1 We intend -- instead intended to have a prioritization for D.C.
2 residents and for students from D.C. residency and that's what
3 we've contemplated so far.

4 MS. GATES: Okay. How will the Wesley students be
5 selected for IZ beds?

6 MR. LEATH: It would be a similar process to how any
7 student would be. There'd be the insurance of qualification,
8 right, through their income if they're not independent or the
9 family's income if they are independent and then, as we mentioned
10 before, we would be providing preference to D.C. residents.

11 DR. MCALLISTER-WILSON: None of our students have
12 family income so they'd be qualified in the process to determine
13 their financial ability.

14 MR. LEATH: And other than that we would essentially
15 you know, run an income and lottery process.

16 MS. GATES: So (indiscernible) --

17 CHAIRPERSON HOOD: Let me interrupt for a second. Let
18 me just ask this question because I'm hearing the kind of
19 questions that are being asked. Did the Applicant, Mr. President
20 and Mr. Leath, have you all met with the party in opposition any,
21 or have you all had these discussions, any? Was there a
22 conversation before we got to this point?

23 MR. LEATH: (Indiscernible).

24 DR. MCALLISTER-WILSON: Yes. We've had these kinds
25 of questions before often from the opposition meaning the CLC or

1 the ANC meetings.

2 MS. GATES: But we haven't gotten the answers.

3 DR. MCALLISTER-WILSON: Well, you've received the
4 answers I've just given you.

5 MS. GATES: I'm sorry.

6 CHAIRPERSON HOOD: Okay. I'm just curious because this
7 is more like an ANC meeting or like a civic association meeting
8 but I'm going to let it continue. I just want to know why that
9 wasn't done before we got to the Zoning Commission meeting. I'm
10 hearing it was, but anyway I'll just leave it alone. You can
11 continue, Ms. Gates.

12 MS. GATES: Chairman Hood, nothing like this was
13 discussed at our ANC meeting, nothing.

14 MR. LEATH: I would say that we provided our draft IZ
15 marketing plan and IZ set aside program to both ANCs and the CLC.
16 Those were provided weeks ago, even months ago. So there has
17 been lots of discussion at both ANC 3D and 3E --

18 DR. MCALLISTER-WILSON: And CLC meetings.

19 MR. LEATH: -- along these lines and (indiscernible)
20 regarding IZ has been entered into the record and provided to
21 those groups well in advance of this meeting.

22 CHAIRPERSON HOOD: So let me just ask. What about the
23 NLC and the Spring Valley Wesley Heights Citizens Association?
24 Was any information provided to them?

25 MR. LEATH: Yes. They've been active participants in

1 the ANC meetings and, et cetera. Now (indiscernible).

2 MR. BROWN: Mr. Chairman, NLC, Spring Valley Wesley
3 Heights Citizens Association has participated, you know, from the
4 very beginning in the CLC process input to ANC 3D. I think some
5 of their members have attended 3D meetings. But also specific
6 questions have been put to Wesley from the NLC and Spring Valley
7 Wesley Heights Citizens Association as a result of meetings and
8 then responded to. So an enormous amount of --

9 CHAIRPERSON HOOD: That's all right. I don't want to
10 belabor that. So let's continue. Thank you.

11 MS. GATES: How many discussions have you had with AU
12 about the Landmark development?

13 DR. MCALLISTER-WILSON: AU has said on a number of
14 occasions that they would engage at the appropriate opportunity
15 and that unfortunately has been the limit of our discussion
16 because they're not ready to engage.

17 MS. GATES: Wasn't there a discussion at the 3E meeting
18 last week regarding the number of meetings that have taken place
19 and I believe that Mr. Brown contradicted the AU representative
20 when he said that only one meeting had taken place? Am I wrong?

21 DR. MCALLISTER-WILSON: I also contradicted him because
22 there have been, this has been going on for quite some time and
23 this process has been in the air for quite some time. On several
24 occasions I've asked the AU president how she wants me to respond
25 and she and I have agreed on what I had said several times tonight

1 and that also happened in the 3D meeting with the previous public
2 affairs person where we engaged in just exactly that back and
3 forth.

4 MS. GATES: So has there only been one meeting or have
5 there been lots of meetings that we don't know about?

6 DR. MCALLISTER-WILSON: Well, there have been lots of
7 interchanges between myself and the president and office.

8 MS. GAGES: And still the party line is we'll discuss
9 that at some future date?

10 DR. MCALLISTER-WILSON: At the appropriate time.

11 MS. GATES: At the appropriate time? And what does
12 that mean?

13 DR. MCALLISTER-WILSON: I don't know. That's not my
14 phrase. That's AU's phrase.

15 MS. GATES: Okay.

16 DR. MCALLISTER-WILSON: I know that I think, I think
17 that means that's it a point at which this project is approved
18 to a point where AU will engage in a way they have with us on a
19 number of other occasions on the questions that we raised a little
20 earlier in this meeting.

21 MS. GATES: Back in 2011 why didn't Wesley build a
22 playground when you first committed to do it as a condition of
23 ZC order 0540A?

24 DR. MCALLISTER-WILSON: I'm not remembering the details
25 now but at that point one of the neighbors, part of the SVNA

1 group, offered to build it at their expense and that was something
2 I was willing to consider but not until we had a context on what
3 campus plan on which to do it and so it was put off until we
4 developed this campus plan PUD process.

5 MS. GATES: Well, it would have been preferable I
6 suppose for the neighbors. Wouldn't you have looked into that?

7 DR. MCALLISTER-WILSON: I did. I know the neighbors
8 that asked about this and we've talked about this quite a bit.

9 MS. GATES: Okay. And my final question is the green
10 space, how much of the green buffer surrounding the campus is
11 public space?

12 DR. MCALLISTER-WILSON: I'm going to ask Pat Brown to
13 answer that. I think you mean public space in some technical
14 sense, don't you?

15 MS. GATES: I --

16 MR. BROWN: The green -- the figures for green space
17 that we're quoting whether it's 55 percent of the land area or
18 210,000 square feet involves only Wesley private property.
19 There's public space on American University but that is not part
20 of the green open space that we're offering and securing.

21 MS. GATES: Okay. Thank you, Mr. Brown. I do have
22 some questions for Mr. Leaf (phonetic). I think he's the lay
23 person and I might have one for Ms. Giordano.

24 DR. MCALLISTER-WILSON: Okay. It's Mr. Leach
25 (phonetic).

1 MR. BROWN: Leath.

2 DR. MCALLISTER-WILSON: Leath, I mean.

3 MR. BROWN: Robin Leach?

4 CHAIRPERSON HOOD: I was going to say I've been
5 pronouncing his name wrong too. I've been saying Leath.

6 MR. LEATH: It is Leath. Yes. You got it right, Mr.
7 Hood.

8 CHAIRPERSON HOOD: Okay.

9 MS. GATES: It's Leath?

10 MR. LEATH: Yes, ma'am.

11 MS. GATES: Thank you. What is the resort-style
12 amenities that Landmark provides as part of its standard brand
13 of apartment buildings?

14 MR. LEATH: You must have pulled that from one of our
15 marketing brochures for a different project. In this case, I
16 mean, this building would be -- so I guess I'll back up a little
17 bit. In some municipalities there is no classification for
18 student housing, they're zoning terms in which case, you know,
19 the zoning would be under a traditional multi-family type
20 classification, right, and so what we call the zoning (phonetic)
21 in a bigger market is dependent on, you know, how that inside
22 the zoning code operates.

23 In this case, I mean, in this building it's being
24 restricted to students so I mean it is student housing regardless
25 of like what vernacular you want to use. But yet, modern student

1 housing amenities typically include expansive study spaces, group
2 study spaces and individual study spaces, club houses that can
3 be used for gathering spaces for resident community activities
4 that also generally double as study spaces, pool area is typical
5 in a lot of modern student housing as well, as well as fitness.

6 So what we find to be the most used amenities in modern
7 student housing are those, you know, (indiscernible) study spaces
8 or smartboard, projection TV or TVs that you can project, you
9 know, computers to, fitness facilities, and then you have typical
10 outdoor ameities that include a pool and so all of those types
11 of amenities would be programmed here. We have been proper in
12 the way we've laid those amenities out there to ensure that
13 they're inward facing to the courtyard of the building. That was
14 done specifically with feedback from the neighborhood earlier in
15 this process to ensure that there weren't going to be any sort
16 of noise issues. So, yes.

17 MS. GATES: AU offers affinity housing for African
18 American students. Will you be offering any affinity housing
19 arrangements?

20 MR. LEATH: Actually I don't know necessarily what that
21 means.

22 MR. BROWN: Yes. I think that's beyond the scope of
23 his testimony. He's also indicated that he doesn't know what
24 affinity housing means.

25 CHAIRPERSON HOOD: Okay. So he's answered that

1 question that he doesn't know.

2 MS. GATES: How much would it cost to live at this
3 standard?

4 MR. LEATH: I mean, we don't have a rate plan set yet
5 but one of the advantages, you know, of what we are providing
6 for students and what we've seen in other places that unlike
7 traditional apartments purposeful student housing offers a
8 variety of uni-types and so this part we are contemplating the
9 majority of the bedrooms and four and five bedroom units and each
10 one of those bedrooms would have its own individual bathroom and
11 the bedrooms will surround a common area and that's very typical
12 of what you find for student housing. But having, you know,
13 additional bedrooms around one common area allows us to bring
14 down the rental price point below what it would typically cost
15 to rent a unit in a traditional apartment building.

16 You know, further, because it's student housing we rent
17 by the bedroom, right, so the tenant is responsible just for
18 their bedroom and not for the entire unit as you would typically
19 be at a traditional apartment building. So it's both having
20 higher bed to unit ratio which is (indiscernible) student housing
21 where the typical student housing, you know, is four beds, four
22 baths. Here we also have five beds, five baths and then also,
23 you know, we rent by the bedroom so that your individual's rent
24 burden is confined to just the bedroom and not to a whole unit
25 as you would see in a traditional apartment.

1 MS. GATES: The cost of AU's housing is from four to
2 \$7,000 per semester. Do you see yourself within that range?

3 MR. LEATH: Going to our calculator. So \$7,000 a
4 semester divided by five months is \$1,400 a month. Yes, I don't
5 know if that sounds in the ballpark. Again, we do not have an
6 approved rate plan at this time but we have obviously looked into
7 it what American University charges for their housing. They do
8 offer several different housing styles, so as will we.

9 MS. GATES: So you're doing your rent by the month, not
10 by the semester?

11 MR. LEATH: Yes. We do academic term leases but the
12 rent is paid typically monthly.

13 MS. GATES: Okay.

14 MR. LEATH: I mean, so it's very similar to the way a
15 university would work whereas, you know, their leases would start
16 depending on when the academic year for the institution starts,
17 usually in August, and then they end, you know, towards the
18 beginning of the summer and then there is a gap in the middle,
19 what we call term and there would be some nuances for D.C.
20 Housing, resident housing protections that we would obviously
21 comply with. But, you know, generally speaking we rely on the
22 academic term and these payments would be made monthly and we
23 find the parents who for the vast majority of these is, you know,
24 the people actually paying for student leases prefer that, so.

25 MS. GATES: How will you handle the IZ units during the

1 summer months?

2 MR. LEATH: That's a good question. So, and again, we
3 still have to negotiate our specific covenant with DHCD but so I
4 guess I'm not entirely positive on that answer. But, you know,
5 if a student is intending to renew and they still qualify, right,
6 so they'd have to requalify, you know, they could and then if
7 they don't qualify we would have to comply with whatever DHCD
8 does now with their current renting program. So I don't know
9 that we've fully vetted that with DHCD but I know that we would
10 have to determine that with DHCD.

11 MS. GATES: Mr. Brown, earlier you showed a slide, I
12 think it was No. 44.

13 MR. BROWN: Hold on. Let me check, Ms. Gates. Is that
14 the one showing the adjoining AU buildings?

15 MS. GATES: Yes.

16 MR. BROWN: Okay. Mr. Young, could you pull up --

17 MS. GATES: Can you just identify those AU buildings,
18 please?

19 MR. BROWN: To the, again to the left coming from Mass
20 Avenue the first one is Cassell. It's relatively new and then
21 beyond that is Leonard Hall and to be honest I don't know the
22 names of the ones behind that. Give me one second, Ms. Gates.

23 MS. GATES: But are these really in context or I mean
24 I'm not aware driving up the university's driveway of those
25 buildings being a row like that.

1 MR. LEALTH: The renderings are contextual as accurate
2 as we could possibly make them. We wouldn't submit inaccurate
3 renderings, so.

4 MR. BROWN: Yes. Hold on, Ms. Gates. Mr. Boarman?

5 MR. BOARMAN: Right. Well, these were taken from a
6 direct photo montage of the site. Is that -- do they have, we
7 don't have this on the screen.

8 MS. GATES: The whole perspective is --

9 MR. BOARMAN: Slide 44.

10 MS. GATES: -- of this slide is misleading because the
11 hill doesn't even, I mean, you don't even realize there's a hill
12 there.

13 MR. BOARMAN: Can we put slide 44 up?

14 MR. BROWN: Mr. Young, can we put up slide 44?

15 (Pause.)

16 MR. BROWN: Well, actually there's 44. Could we go
17 back --

18 MS. GATES: No, that's fine.

19 MR. BROWN: Yes.

20 MS. GATES: See you really -- it's just totally out of
21 perspective and misleading and I think this came in over the
22 weekend, didn't it?

23 MR. BOARMAN: This rendering has been a part of our
24 design process from almost the very beginning.

25 MR. BROWN: Yes. Ms. Gates, one, you're testifying not

1 cross-examining but the drawing --

2 MS. GATES: I understand that.

3 MR. BROWN: -- the drawing is dated November 2nd, 2021
4 and it's been in the record. Just to clarify, Cassell which is
5 the building closer to Mass Avenue, is on a two story higher
6 grade than Wesley Campus and then Leonard Hall, which is the
7 second building on Mass Avenue, is on the same grade as the Wesley
8 Campus. So, and Mr. Boarman testified just a second ago that
9 this was taken from a photo.

10 MR. BOARMAN: It was constructed as a perspective from
11 the site plan and the aerial site plan and then we measured the
12 heights, we had the grade heights as was stated just a minute
13 ago about the fact that American U. buildings are higher than the
14 Wesley site by about two floors because the American U. buildings
15 are about eight to nine stories depending on where you measure
16 and our highest point is 80 feet, but the American U. buildings
17 are about 20 feet higher than our site and the buildings as well,
18 and this -- the only foreshadowing here is the Wesley building
19 because it's in the foreground and is somewhat distorted. But
20 it also illustrates how you go down the hill to Mass Ave.

21 So, I mean the highest promenade on the three
22 properties is American U. and then we have the parking lot of
23 Wesley and then you go down the hill to Mass Ave. So the whole
24 project's on a hill basically.

25 MR. BROWN: Mr. Young, could you go back to the previous

1 slide, slide 43?

2 MS. GATES: Mr. Brown?

3 MR. BROWN: Yes.

4 MS. GATES: Did this slide come in as part of a slide
5 deck that was put in the file this weekend?

6 CHAIRPERSON HOOD: That's a yes or no answer. We don't
7 need a dissertation answer. Yes or no?

8 MR. BROWN: Yes.

9 MS. GATES: Thank you. That was what I was asking.

10 MR. BROWN: It had been in the record previously.

11 MS. GATES: Oh (indiscernible) --

12 MR. BROWN: Can I ask, so that Mr. Boarmen can fully
13 respond not your question or continue? Mr. Young, if you could
14 go back to slide 43?

15 MR. BOARMAN: To answer your question. All of these
16 buildings on this rendering have been constructed off of the
17 geography of the site and by measured heights of the buildings.
18 So I would say that they're within a foot or so of being
19 absolutely accurate because they've been physically measured in
20 relationship to the topography that we have for the site which
21 is the starting point. I think they're very accurate as far as
22 their height and their relationship to each other.

23 MS. GATES: Mr. Brown, I'm satisfied that that doesn't
24 come up.

25 MR. BROWN: That's fine. I think we can move on.

1 MS. GATES: Can -- is Ms. Giordano close?

2 MR. BROWN: Yes. Hold on one second. We're musical
3 chairs here. Go ahead, Ms. Gates.

4 MS. GATES: How does the D.C. Rental Housing Act affect
5 or enter, I don't know, work along with the DHCD proposal?

6 MS. GIORDANO: I don't believe I testified on the D.C.
7 Rental Housing Act.

8 CHAIRPERSON HOOD: Ms. Gates, let me just say this.
9 Ms. Gates, while I appreciate, I've allowed a lot of things that
10 probably weren't -- if this was to go to court and a judge looks
11 at the record, you know what I'm saying? The loss is mine. What
12 I would ask for us to do is to make sure that we, and I've always
13 done this. I've always tried to be courteous, that's why I asked
14 my question earlier, so. What I'm asking, Ms. Gates, is that
15 you stick to the questions that help us and especially to what
16 they testified to I believe what's in the record and I want to
17 make sure I stay, narrow the scope down to where we need to be.
18 So you may continue.

19 MS. GATES: We've been talking about dormitories.

20 MS. GIORDANO: Well, I can just give you a short answer
21 and we'll comply with the D.C. Rental Housing Act.

22 MS. GATES: Well, the D.C. Rental Housing Act defines
23 a dormitory as a building owned by an institution of higher
24 education in which --

25 MR. BROWN: Ms. Gates, you're testifying.

1 MS. GATES: Doesn't the D.C. Rental Housing Act --

2 MR. BROWN: Mr. Hood, I don't --

3 CHAIRPERSON HOOD: Mr. Brown, let me say something,
4 Mr. Brown. I heard you say that Ms. Gates was testifying
5 previously and I didn't think that was testimony and if you want
6 to chair the hearing I'll talk to the Mayor and you can take my
7 position. I do know how to do this and I could call some text
8 (phonetic) on you for some things that you've done in responding
9 to some cross-examining questions.

10 So one of the things I try to do is be balanced and be
11 fair. Okay? So let's be fair to Ms. Gates and, Ms. Gates,
12 I'm going to ask you not to testify but, Mr. Brown, if you're
13 going to call attack (phonetic) on her let's make sure you stay
14 in line too. So I'll just leave it at that. Thank you.

15 MS. GATES: Thank you, Mr. Chairman. Doesn't the D.C.
16 Rental Housing Act define a dormitory as a building owned by an
17 institution of higher education in which at least 95 percent of
18 the units occupied are occupied by presently matriculated
19 students of the institution of higher education?

20 MS. GIODANO: Yes, and that is why the D.C. Rental
21 Housing Act exempts dormitories from the application of the Act.
22 But we are complying because we don't meet that definition.

23 MS. GATES: Okay. So you're -- I'm sorry, I didn't
24 hear. You are complying because you don't?

25 MS. GIORDANO: We don't meet that definition. That

1 definition is for the purpose of exempting dormitories from the
2 Rental Housing Act but we don't meet that definition and we will
3 comply with the Rental Housing Act as a result.

4 MS. GATES: I'm sorry. That just sounds like legal
5 gobbledegook but with that --

6 CHAIRPERSON HOOD: Ms. Gates? Ms. Gates? Ms. Gates?
7 Ms. Gates? You asked a question and then she gave you her answer.
8 You can testify later on why it sounds like legal gobbledegook.
9 Okay? So (indiscernible).

10 MS. GATES: I'm through.

11 CHAIRPERSON HOOD: Thank you.

12 MS. GATES: I'm through.

13 CHAIRPERSON HOOD: You're finished? Okay. All right.
14 Thank you.

15 (Pause.)

16 MS. SCHELLIN: (Indiscernible).

17 CHAIRPERSON HOOD: Yes. I'm sorry. I'm on mute. Just
18 talking on mute.

19 MS. SCHELLIN: Yes, you were.

20 CHAIRPERSON HOOD: The only person who heard me was my
21 wife upstairs probably because I'm talking loud. But anyway, did
22 I call for government agencies already? No, I haven't.

23 MS. SCHELLIN: (Indiscernible).

24 CHAIRPERSON HOOD: We are running behind. Do we have
25 any other government agencies?

1 MS. SCHELLIN: We do not. We had some reports that
2 were attached to OP's report.

3 CHAIRPERSON HOOD: I would ask Ms. Brown-Roberts --

4 MS. SCHELLIN: DOEE, right.

5 CHAIRPERSON HOOD: -- I would ask her to speak to those
6 when we get there. Department of Transportation, do we have
7 anyone representing us?

8 MS. SCHELLIN: Aaron Zimmerman.

9 CHAIRPERSON HOOD: Mr. Zimmerman. Okay. Great. Mr.
10 Zimmerman? Let's bring Mr. Zimmerman up and you may begin when
11 you come up.

12 MR. ZIMMERMAN: Good evening, Chairman Hood and members
13 of the Commission. For the record, I'm Aaron Zimmerman,
14 Development Review Program Manager with the District Department
15 of Transportation.

16 DDOT is support of the Applicant's proposal. In our
17 September 1st, 2023 report, which is Exhibit 27 on the record,
18 we recommended approval on the condition that Wesley Campus
19 implements transportation demand management to form its
20 management plans that include a bikeshare station, constructing
21 missing sidewalk facilities, and conducting a study for need of
22 a traffic signal on Massachusetts Avenue at the driveway after
23 the building opens, and as you heard in the Applicant's
24 presentation, they've agreed to the TDM plan and TMT with the
25 additions requested in the DDOT report.

1 With these revisions, DDOT has no objection to the
2 approval of this campus plan amendment and planned unit
3 development applications. We look forward to continuing to work
4 with the Applicant on the design of the streetscape, sidewalks,
5 bikeshare station as they go through permitting.

6 Thank you, and I'd be happy to answer any questions you
7 have.

8 CHAIRPERSON HOOD: Thank you, Mr. Zimmerman, for
9 getting right to the point. Thank you. Commissioner Imamura,
10 do you have any questions of DDOT?

11 COMMISSIONER IMAMURA: No question. Thank you, Mr.
12 Zimmerman.

13 CHAIRPERSON HOOD: Vice Chair, do you have -- I'm sorry,
14 Commissioner Stidham, do you have any questions of DDOT?

15 (Pause.)

16 COMMISSIONER STIDHAM: Sorry about that. No, no.

17 CHAIRPERSON HOOD: All right. Thank you. Vice Chair,
18 do you have any questions of DDOT?

19 VICE CHAIR MILLER: Thank you, Mr. Chairman. Thank
20 you, Mr. Zimmerman, for your report and for being here tonight.
21 The only question I have is regarding the request for, is the
22 issue of the traffic. You make a left turn out of Mass Avenue,
23 I guess there's going to be a traffic monitoring study I suppose
24 that the Applicant has to do to see if it would be appropriate I
25 guess during non-rush hour or other times when it might not be

1 disruptive to have a left turn signal out on Massachusetts Avenue
2 because I think it's going to be pivoted under your conditions.
3 Is that correct?

4 MR. ZIMMERMAN: Now, it might be prohibited today.
5 I'll just try and double check looking at an aerial here.

6 VICE CHAIR MILLER: Okay. I'm looking at my notes so
7 I might be phrasing that question wrong.

8 MR. ZIMMERMAN: Yes. So with the additional
9 restrictions that the Applicant is proposing on the University
10 Avenue driveway, you know, we noted them. We think that there
11 might be a little bit of a shift, a few more vehicles using the
12 Mass Avenue driveway that maybe would have before and so when
13 they come back and do their first monitoring report which, you
14 know, the trigger for it is after the new building opens, once
15 that building opens for the first semester after monitoring,
16 they're going to do a study of the traffic, do traffic counts
17 and, you know, take a look and see if a signal is warranted there
18 at that particular driveway and if not, you know, if there's some
19 other safe method for, you know, getting vehicles in and out,
20 left turns, you know, how that location or maybe there's a need
21 for a pedestrian signal of some kind.

22 VICE CHAIR MILLER: Right. But under the current plan,
23 I don't know what the current situation is actually, maybe you
24 do. But under the current plan of this proposal only right turns
25 will be allowed at least initially until a future study is done

1 and determination is made, only right turns will be allowed out
2 of that Massachusetts Avenue which seems prudent given what I
3 know about my own experience travelling that Massachusetts Avenue
4 corridor.

5 MR. ZIMMERMAN: Yes, that's correct. I'm looking at
6 the Applicant's traffic study and that is what they are showing
7 on there. So it's a right out only and that was, currently the
8 base assumption for this driveway is that it would be, you know,
9 it would be right out.

10 VICE CHAIR MILLER: All right. So some people might
11 be going right out and then having to go around Ward Circle to
12 go north I guess on Mass Avenue. But I can see how it would be
13 very disruptive during rush hours to have traffic signal there
14 so close to the other traffic signal that is currently there at
15 the AU entrance.

16 MR. ZIMMERMAN: Yes, that's correct and we did note in
17 our report that, you know, our traffic signal team did take a
18 look at, just a preliminary look based on the data that was in
19 the traffic study for this project and it, you know, it did raise
20 that as a potential issue. You know, there are definitely places
21 in the District where we have signals that are a little bit closer
22 together. I think this would be kind of right on that borderline
23 with how close it is to the other one but not unheard of.

24 But, you know, we were thinking that the volumes might
25 not actually be high enough to trigger that but of course we

1 won't know until that data is collected. But just going off of
2 the trip gen assumptions from the study that was done right now
3 which are of course projections, you know, we tend to think it
4 probably won't be warranted but we're going to take a look and
5 see if that's an appropriate solution for getting the left turns
6 out there.

7 VICE CHAIR MILLER: Okay. Well, thank you for that
8 response and thank you for your continuing work on this and all
9 the other projects that you work on. Thank you.

10 CHAIRPERSON HOOD: Thank you. Mr. Zimmerman, hold
11 tight. Let's see if we have any other cross for you. Chair
12 Bender?

13 ANC CHAIRMAN BENDER: Nothing. Thank you.

14 CHAIRPERSON HOOD: Okay. Thank you. Chairperson
15 Duncan? Chair Duncan, any cross?

16 ANC CHAIRPERSON DUNCAN: No cross from 3D.

17 CHAIRPERSON HOOD: Okay. Mr. Clarkson,

18 MR. CLARKSON: No cross from us.

19 CHAIRPERSON HOOD: Okay. Thank you. Ms. Gates?

20 MS. GATES: I have two questions. Mr. Zimmerman, given
21 the history of stormwater impacts at the site and in the
22 neighborhood, why is DDOT not requiring that the sidewalk
23 improvements being mandated not being made of permeable pavers?

24 MR. ZIMMERMAN: Well, so DDOT only has two standard
25 materials that we use for sidewalks, brick and concrete. So

1 those are really the only two options that we can use within the
2 public right-of-way. There are situations where if you have like
3 tree roots from larger trees and, you know, impacting the sidewalk
4 or affecting the sidewalk, we can use flexi-tape in that case
5 which is a little bit different material. But we don't have
6 other types of materials other than the two or three that I just
7 mentioned.

8 And I'll just add and that's from a maintenance
9 standpoint. If somebody -- if we were to like permit somebody
10 to install something different than those three they would have
11 to maintain them and if there's a legal issue with who can
12 maintain things in the right-of-way, so we really should
13 encourage all developers on every project to stick to those ones.

14 MS. GATES: Okay. Thank you. And what is the time
15 frame you'll be using for this study?

16 MR. ZIMMERMAN: So it would be the first -- so if you're
17 referring to the performance monitoring study for the signal it
18 would be the first semester of reporting after the AU student
19 housing building opens. So that could, you know, it's not an
20 exact time frame. It depends on when that building opens and
21 gets a certain occupancy, but it could be anywhere from a couple
22 of months to like six months or somewhere in that vicinity is
23 when that would occur after the building opens.

24 MS. GATES: Thank you. I'm done.

25 CHAIRPERSON HOOD: Okay. Thank you, Ms. Gates and, Mr.

1 Zimmerman, thank you for your report. We appreciate it.

2 Ms. Schellin, let's call up the Office of Planning.

3 Ms. Brown-Roberts.

4 MS. SCHELLIN: It's also Mr. Lawson and Ms.
5 Steingasser.

6 CHAIRPERSON HOOD: Okay. Let's bring all of them up.

7 Good evening, MS. Brown-Roberts.

8 MS. BROWN-ROBERTS: Good evening, Mr. Chair, and
9 members of the Commission. Let's start here.

10 Okay. Again, good evening, Mr. Chairman, and members
11 of the Commission. I'm Maxine Brown-Roberts from the Office of
12 Planning on Zoning Commission case 23-08(1) for the Wesley Campus
13 plan and Zoning Commission 23-08 for the consolidated and first
14 stage PUD for the Wesley Campus.

15 Next slide. Regarding the campus plan, the main change
16 to the existing campus plan would be the demolition of the Strong
17 and Carroll Halls which are two dormitories with family units,
18 the old president's house, a one story maintenance building, and
19 the 105 space surface parking lot.

20 The new campus plan PUD would see the construction of
21 a new dormitory with 569 beds and a play area. The new dorm will
22 accommodate a significant number of non-Wesley students which is
23 not permitted under the campus plan regulations. The
24 accompanying PUD addresses this issue. The new dorm would be on
25 the southwestern portion of, I'm sorry, southeastern portion of

1 the site closer to the American University high rise dorms and
2 playing fields. The majority of the parking would be provided
3 below grade and the majority of the campus would continue to be
4 in open space.

5 Subtitle X 101 outlines the criteria for campus plan
6 review as it relates to noise, traffic and parking, number of
7 students, faculty, staff, student housing and other objective
8 conditions. Regarding noise, the proposal would not tend to have
9 an increase in student enrollment. However, the inclusion of the
10 AU students going to and from Wesley would increase activity on
11 the campus. However, the new dorm would be located on the
12 southeastern portion of the site and away from adjacent
13 residencies. The design of the building with a central courtyard
14 would be behind existing buildings and would assist in mitigating
15 noise from the dormitory.

16 The 363 spaces, parking spaces, it would be more than
17 adequate to serve the campus where traffic to and from the campus
18 would be increased and the Applicant has proposed a number of
19 measures to mitigate any negative impacts and those will be
20 discussed this afternoon and with DDOT also. The current cap on
21 student enrollment would be slightly reduced from 750 to 720 full
22 and part time students.

23 Next slide. However, the new campus plan housing on
24 the site would be significantly increased from today's 166 beds
25 to 736 beds. Currently, 76 beds are permitted to be occupied by

1 graduate students not enrolled at Wesley providing no Wesley
2 students or immediate family members denied a bed to accommodate
3 a non-Wesley student or immediate family member. The same is
4 true for the new campus plan.

5 While the number of beds would increase the activities
6 on the property would be mainly on the southeastern portion and
7 activities would be within a central courtyard buffered by the
8 building itself and other buildings on campus. To mitigate any
9 objectionable conditions and in particular light spills
10 (phonetic) and views, OP encourages the Applicant to work to
11 mitigate these conditions, particularly in the winter months. As
12 outlined in our report, the campus plan would not be inconsistent
13 with the comprehensive plan recommendation for use of the
14 property as an institutional use.

15 Next slide, please. This portion now is in regard to
16 the stage one and the consolidated PUD. The FLUM and general
17 policy map recommends institutional uses on the site. As outlined
18 in our up report, the proposal would not be inconsistent with
19 those recommendations. The plan is also generally not
20 inconsistent with many of the policies and objectives of the
21 citywide and Rock Creek West area element.

22 Next slide. The post-stage one and consolidated PUD
23 is a tool for implementing the campus plan and is contingent on
24 the approval of the campus plan. The PUD allows Wesley to house
25 the number of students and their facilities in their dorm which

1 is needed as a way of making Wesley economically viable. The
2 Applicant has requested the aforementioned demolition and the
3 construction of a new dorm, public playground and public space
4 improvements in the consolidated PUD with the remainder in the
5 campus plan would be in the stage one PUD.

6 The main issue in meeting the PUD standard is the
7 provision of the IZ units. To accommodate non-Wesley students
8 within the proposed dorm is a unique situation for the seminary
9 which they see as necessary to meet their mission of providing
10 education and serving the city residents. To address this
11 situation, they have requested flexibility from some of the
12 requirements of the IZ regs, specifically the proposal is an
13 alternative affordable housing program that would have set asides
14 based on beds instead of square footage. It would only be for
15 Wesley and American University students and the students chosen
16 would not be based on the lottery. The program would be open
17 only to Wesley and AU students and their defined immediate
18 families and would be private and managed by Wesley's partner,
19 Landmark, who would implement the private marketing and
20 qualification process in lieu of public lottery.

21 The implementation of the program would be administered
22 and monitored by DHCD who has agreed with this concept and just
23 to address one of the questions that came up about how DHCD would
24 implement this. From our conversations with them, they have --
25 DHCD has a program for monitoring, which was in place prior to

1 the IZ program, and they do continue to monitor those -- they're
2 called ADU -- and so DHCD has conveyed to us that that is a
3 monitoring system that they would use. They have not supplied
4 us with any detail on how they would do it but I think that is
5 something that either the Applicant or us could continue talking
6 to them and have them submit exactly what, you know, outline of
7 what the program would entail.

8 Okay. Next slide. As part of the PUD, Wesley has also
9 requested variance relief from not providing the 30 foot setback
10 based on the building for a limited portion from the property
11 line. The setback is based on the height of the building. The
12 relief is requested based on an exceptional condition of the
13 property in that there's an unusual configuration of the property
14 line. The location of the existing roads, existing buildings and
15 heritage trees presents a practical difficulty in setting the
16 building back in more from that area. Relief from the requirement
17 would enable the building to be located away from the residential
18 neighborhood and be closer to the taller AU dormitories, thereby
19 minimizing the potential impact on the building on surrounding
20 properties and any particular residences.

21 Next slide. The plan requires balancing the requested
22 relief versus public benefits. Wesley has outlined several items
23 that they see as public benefits that would balance the relief
24 requested and would include increasing on-campus student housing
25 and in particular student family housing providing 66 affordable

1 beds, provision of employment opportunities through the
2 management of the dorm, public park, extensive landscaping,
3 transportation improvements. There's an increase in the number
4 of parking spaces. The Applicant also talked about provision of
5 on-campus meeting rooms to be available to community groups and
6 (indiscernible) on which is that the funds (phonetic) generated
7 through the leasing of the property would allow them to continue
8 to expand in many educational, religious and social programs that
9 they operate outside of the campus to assist many District
10 residents.

11 Given the proposed increase in percentage of non-Wesley
12 students that would be permitted to live on the Wesley campus, a
13 PUD is the appropriate vehicle for establishing conditions to
14 ensure the dormitory would not transform into a type of general
15 residence that is not permitted in the campus plan and whose
16 proposed height be permitted only as an institutional building.

17 Regarding racial equity, the PUD campus will provide
18 housing to Wesley students and AU students and their immediate
19 families as well as employment opportunities for District
20 residents. To the extent the current and projected Wesley and
21 AU students and their immediate families would reside in the
22 District, the proposed expansion of graduate student housing
23 would help to free up some residential units and could marginally
24 relieve demand on the District housing supply.

25 In general, the proposed PUD when viewed through a

1 racial equity lens may not have a significant impact as the
2 proposed PUD campus plan, but would result in -- but would not
3 result in physical displacement of residents. However the most
4 positive impact may be the continuation of the seminary as a
5 viable institution and increased dorm residential use on this
6 site providing an opportunity for affordable housing for Wesley
7 and AU students potentially freeing up rental housing for non-
8 resident populations.

9 Next slide. On balance, the proposed PUD would not be
10 inconsistent with the recommendation of the FLUM and the policy
11 maps. Additionally, neither the stage one PUD nor the
12 consolidated PUD would not be inconsistent with many of the
13 policies and actions of the citywide element and specific
14 recommendations for the Rock Creek West area. The proposal also
15 meets the campus plan requirements and is not likely to become
16 objectionable to neighborhood properties.

17 The Office of Planning therefore recommends approval
18 of the campus plan and to implement the campus plan recommend
19 approval of the stage one PUD and the consolidated PUD for the
20 Wesley Seminary. These are subject to any conditions submitted
21 by the Applicant, or amendments or additions by the Zoning
22 Commission.

23 The Office of Planning also continued to request from
24 the Applicant the detailed roof plan showing the green roof and
25 locations for future solar panels and the Applicant is also

1 encouraged to continue to build a net zero building and consider
2 it as part of the PUD benefits.

3 Thank you, Mr. Chairman, and I'm available for
4 questions.

5 CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts. We
6 appreciate your report and I think it would be good if we could
7 get additional information, either you or the Office of Planning
8 on behalf, additional information about the IZ and how that's
9 being carried out. That would be very helpful.

10 What I'm going to do this time, let me try something
11 different. Do any of my colleagues have any questions of the
12 Office of Planning? Vice Chair Miller.

13 VICE CHAIR MILLER: Thank you, Mr. Chairman. I'll be
14 brief.

15 Thank you, Ms. Brown-Roberts, for your 49 page hearing
16 report which I struggled to get through today because it had a
17 lot of thorough information in it which I had to think about,
18 look at exhibits, and ruminate about. I probably shouldn't have
19 waited until today to do it but if I do it more than the day of
20 or the day before I find I lose what you said. So thank you for
21 all of your work Office of Planning on this case for a long time
22 now.

23 Just a couple, two questions. Yes, as the Chairman
24 alluded to I think it would -- I appreciate you having reached
25 out to DHCD previously and providing us their report as an

1 attachment to your report as to their saying that they can
2 monitor, they think they can monitor this kind of a, administer
3 this kind of a program like other ADU programs that you stated
4 and they've stated.

5 I think it might be useful to reach out to them again
6 to provide more details about how they would anticipate
7 administering this private, essentially private IZ administered
8 private IZ program, I don't know if it's like other programs but
9 similar to other affordable housing covenants they have with non-
10 IZ required or exempt projects throughout the city and encourage
11 them to work with the Applicant and if they possibly can to
12 provide us with maybe a draft, an early draft affordable housing
13 covenant. I realize that's much earlier than would normally be
14 provided before we make a decision on the case but since this is
15 a unique case where affordable housing is being proffered as a
16 public benefit I think it would be useful just to know more
17 details about how that would be administered and monitored by
18 DHCD and so to the extent they can amplify that with more
19 information and if possible a draft covenant working with the
20 Applicant and our OZLD lawyers and others, I think that would be
21 helpful.

22 I had another question and I'm not sure what it was now
23 that I rambled on about that one. So maybe come back to me, Mr.
24 Chairman. Give me a second.

25 CHAIRPERSON HOOD: Okay. Anybody else have any

1 questions, my colleagues? Commissioner Imamura?

2 COMMISSIONER IMAMURA: Sure, thank you, Ms. Brown-
3 Roberts for your thoroughness, as always. I think to build on
4 Vice Chair Miller's comment there, I just want to make sure maybe
5 with your guidance and DHCD that you can articulate those swim
6 lanes a little bit better where what I'm speaking to specifically
7 is that Applicant said that they are going to administer this and
8 DHCD will have either an enforcement role or an ombudsman role.

9 So I just want to make sure that, and I know the report
10 also says administer so I think we're at a point here where maybe
11 all parties should probably articulate those swim lanes in the
12 next submission.

13 The question is I to ask and I might have missed this
14 in your report, if you recommend and forgive me if this is all
15 too pedantic (indiscernible) the Subtitle, but if you recommend
16 granting the requested flexibility from the special exception
17 requirement in Subtitle C-1007.1. Ultimately it just requires
18 the Applicant to show their compliance with IZ would result in
19 no (indiscernible) and I just wanted to see if that's OP's
20 position?

21 MS. BROWN-ROBERTS: Yes, that is our position. The
22 Applicant outlined that to us and we looked at it and we agreed
23 that it was a mechanism that could be used.

24 OCMMISSIONER IMAMURA: All right. Very good. Thank
25 you, Ms. Brown-Roberts. I appreciate it. That's all that I

1 have.

2 CHAIRPERSON HOOD: Thank you. Commissioner Stidham
3 COMMISSIONER STIDHAM: Just one piece, sorry, it's
4 late. Just one question for OP. In your report the Appendix I
5 that was DHCD's comments. It is noted that the IZ implementation
6 regulations prohibit full-time college and university students
7 from the IZ program unless they meet one of two limited exceptions
8 and one of those was if they were dependent on parent or guardian
9 and the second one that they're otherwise part of a qualifying
10 household, and it goes further to note that in their experience
11 that not many students meet the first exception.

12 So actually when you go back to them regarding the
13 covenants if you can get more clarification on how successful
14 they think that program might be based on their experience with
15 the fact that it didn't sound like the students typically meet
16 the exceptions, the requirement of the exception.

17 MS. BROWON-ROBERTS: Okay.

18 COMMISSIONER STIDHAM: And that's it for me, Chair.

19 MS. BROWN-ROBERTS: Okay.

20 CHAIRPERSON HOOD: Do you have any questions Vice
21 Chair? Did you figure out your second questions?

22 VICE CHAIR MILLER: Commissioner Imamura actually on
23 the economic viability question, that was the second question I
24 was going to ask about, so I appreciate him bringing that up.

25 There were two other issues I meant to bring up with

1 the Applicant and I'll use this opportunity with the OP to, so I
2 don't have to go back to the Applicant, just to make the points.
3 The playground, I think, the neighborhood playground I think is
4 a public benefit and I think the Office of Planning agrees that
5 the neighborhood playground that's being proffered is a public
6 benefit. I think there was some allusion in the record that it
7 could have been sold for three different lots of single family
8 houses or some other kind of residential development as an
9 alternative means of making money than what's being proposed in
10 this proposal.

11 But you do agree obviously, as you said in your -- that
12 the playground, neighborhood playground, is a public benefit?

13 MS. BROWN-ROBERTS: Yes. We do think so. You know,
14 they're doing the playground thing. As far as I know they have
15 worked with some persons in the community. They are going to,
16 you know, secure the area. They have come up with, you know,
17 some limits on the use of the playground. You know, for example
18 it will be used outside of daylight time. So I think they're
19 going to maintain it, so I think that's a public benefit as
20 outlined by the Applicant.

21 VICE CHAIR MILLER: Thank you for that response, and
22 their transportation improvements that are part of this proposal,
23 the sidewalk signage. Just refresh my memory, does your report
24 say that they are both mitigations and public benefits? Are they
25 both, they're both mitigations and public benefits or are they

1 just one or the other?

2 MS. BROWN-ROBERTS: I think they come under both
3 categories. You know, they are bringing more persons to the
4 campus and so, you know, they need to upgrade and encourage people
5 to walk and use the public facility. But I also think that it
6 won't be for just their students alone, you know, it could also
7 benefit residents of the area.

8 VICE CHAIR MILLER: And do you have an opinion on the
9 pedestrian connection between Wesley's campus and American
10 University's campus? I think ANC 3D has recommended that there's
11 a -- I think there was a gate, used to be 30 years ago or more a
12 gate that went, that was closed, there was a fence that prevented
13 pedestrian access between the two campuses. Now that a lot of
14 AU students are going to be located on Wesley's campus, do you
15 agree that with ANC 3D it might make sense to look at opening up
16 that connection that previously many years ago, many decades ago,
17 existed between the two campuses since there is now this other
18 real connection between the students on the two immediately
19 abutting campuses?

20 MS. BROWN-ROBERTS: I think on the face of it it seems
21 the right thing to do. You know, just from how you describe it
22 with them having now you have more AU students that are going to
23 be coming to that property, that it seems that that would be
24 something that -- however we did not, I did not study that and
25 look at any details about it so I wouldn't want to give a blanket

1 recommendation on that.

2 VICE CHAIR MILLER: Well, maybe you can look at that
3 issue because I think it's an important connection issue and the
4 alternative would be I guess they'd have to come down one of
5 those exits and go on --

6 MS. BROWN-ROBERTS: Correct.

7 VICE CHAIR MILLER: -- the residential street to get
8 to the campus that's right next door otherwise. So if you could
9 look at it --

10 MS. BROWN-ROBERTS: Okay.

11 VICE CHAIR MILLER: -- a lot of time I know you've spent,
12 as we all have everybody here has spent a lot of time on this
13 case, but if you could just look at that and if you're able to
14 provide any analysis or recommendation based on analysis, that
15 would be great.

16 Thank you.

17 MS. BROWN-ROBERTS: Okay.

18 CHAIRPERSON HOOD: All right. Thank you. Any other
19 questions, colleagues? Let me just take a minute to say if there
20 are any concerns, I know we've been going for a while, just call
21 202-727-0789 and I'm looking at my colleagues. Does anybody need
22 to take a break? I'm looking. Anybody need to take a break?
23 Okay. All right. And I want to make sure the public is fine.
24 We're doing what we can do. I don't want Ms. Schellin and I to
25 get calls like we did previously after the case. People mad. We

1 don't want nobody to be made with us so we're trying our best to
2 get through this hearing.

3 All right. Ms. Schellin, I think I got it. Let's go
4 to Chair Bender. Do you have any cross of the Office of Planning?

5 CHAIRPERSON BENDER: We have no cross.

6 CHAIRPERSON HOOD: Thank you. Chair Duncan, do you
7 have any cross of the Office of Planning?

8 CHAIRPERSON DUNCAN: No cross.

9 CHAIRPERSON HOOD: Thank you. Mr. Clarkson, do you
10 have any cross of the Office of Planning?

11 MR. CLARKSON: No cross, Mr. Chair.

12 CHAIRPERSON HOOD: And Ms. Gates, thank you, Ms. Gates,
13 do you have any cross of the Office of Planning?

14 MS. GATES: Just a few. Ms. Brown-Roberts, what factors
15 led you to conclude that this building is consistent with Subtitle
16 exception 101.4?

17 MS. BROWN-ROBERTS: I have to go back to look and see
18 where we mention that. I'm sorry. It's taking me a while to
19 find it.

20 (Pause.)

21 MS. BROWN-ROBERTS: Can you remind where that is in the
22 report?

23 MS. GATES: No, I don't know. I'd have to go back and
24 look myself.

25 MS. BROWN-ROBERTS: I'll have to get back to you on

1 that one.

2 MS. STEINGASSER: I think it's the section about the
3 commercial use not being related to the educational mission of
4 the university.

5 MS. BROWN-ROBERTS: Oh, I think the Applicant had taken
6 that out. From the plans that I, the latest plans that I saw
7 the commercial use was deleted.

8 MS. GATES: Ms. Brown-Roberts, the commercial use
9 would, no, I'm sorry. That's testifying. Is OP saying that it's
10 not commercial because it's being built on a college campus and
11 that the audience is students?

12 MS. BROWN-ROBERTS: Yes. Yes, we don't -- we're not
13 classifying this as a commercial use. It's a dorm which is a
14 residential use so we're not classifying it as a commercial use.

15 MS. GATES: So does OP consider any activity taking
16 place on a college campus to be meeting the educational mission
17 of the institution?

18 MS. BROWN-ROBERTS: I think --

19 MS. STEINGASSER: I mean, in this case the Applicant
20 has made the case that the income from this relationship with
21 Landmark is critical to the economic and the financial and
22 educational mission of their university.

23 MS. GATES: And isn't the financial structure of this
24 agreement between Landmark and Wesley a commercial undertaking
25 in that students pay rent every month just as they would in an

1 apartment building?

2 MS. STEINGASSER: All dormitories respond that way.

3 MS. GATES: But Landmark considers itself a builder of
4 luxury student apartments.

5 CHAIRPERSON HOOD: Is that a question, Ms. Gates?

6 MS. GATES: Doesn't Landmark consider itself a builder
7 of luxury student apartments?

8 CHAIRPERSON HOOD: And we're asking the Office of
9 Planning that?

10 MS. GATES: Yes.

11 MS. STEINGASSER: I'd refer you back to Landmark.

12 MS. GATES: Sorry?

13 MS. STEINGASSER: You'd have to ask that of Landmark.

14 CHAIRPERSON HOOD: Yes, I think, Ms. Gates, I'm going
15 to rule that inappropriate for the Office of Planning because
16 they really can't speak to what somebody else's business model
17 is and so what they refer themselves to. So let's move to your
18 next questions.

19 MS. GATES: That's my last question.

20 CHAIRPERSON HOOD: Okay. And we can figure that out
21 later. Okay. Thank you.

22 Let's, Ms. Schellin, I need you to help me with the
23 time frame for the party in support I believe is where we're
24 going first.

25 MS. SCHELLIN: It says the ANC.

1 CHAIRPERSON HOOD: Of course. It's getting late so
2 forgive me.

3 MS. SCHELLIN: 3E.

4 CHAIRPERSON HOOD: ANCs first. So let's go to 3E.
5 Chair Bender, you may begin when you're ready.

6 CHAIRPERSON BENDER: Thank you. Thank you, Mr. Chair.
7 Good evening, Mr. Chairman, and fellow Commissioners. I'm
8 Jonathan Bender, ANC 3E 03 and Chair ANC 3E. I'm here with my
9 fellow Commissioner, Tom Quinn, to present the testimony of 3E.

10 At the outset, Mr. Chair, I need to ask you to waive
11 the requirement that written testimony is presented within 24
12 hours. We didn't get ours in until today. We only met on --
13 we only a dinner resolution on Thursday night we worked over the
14 weekend, so.

15 CHAIRPERSON HOO: I believe we did that earlier. Is
16 that right, Ms. Schellin?

17 CHAIRPERSON BENDER: I think what happened --

18 MS. SCHELLIN: We waived the record for their
19 resolution, for their report, not his actual testimony.

20 CHAIRPERSON HOOD: Okay. Any objections for his
21 testimony? No objections, so we'll do that as well.

22 MS. SCHELLIN: Okay. (Indiscernible).

23 CHAIRPERSON HOOD: Okay. All right.

24 CHAIRPERSON BENDER: Thank you very much. Tonight I'm
25 going to speak first to introduce 3E's report and then to focus

1 on Wesley and Landmark's proposal to create a private IZ program.
2 After that, Commissioner Quinn will speak about mitigation and
3 amenities.

4 Mr. Chairman, ANC 3E believes that this is a project
5 with promise but the problems with it outweigh the promise at
6 present and therefore we have to oppose it. Wesley wants
7 permission for a commercial entity to build a multi-story
8 building on Wesley's land to provide housing to students from
9 both Wesley and American University but mostly for AU students.
10 Wesley would give a ground lease to build and operate the housing
11 to Landmark, a publicly traded commercial REIT.

12 D.C. Has a shortage of housing, especially affordable
13 housing and Wesley faces financial challenges as do many
14 students. In principle then, a housing development of the size
15 and scope of the Landmark project would be a good thing. It
16 would provide hundreds of housing units and would help fund
17 Wesley's operations. But there are aspects of this project that
18 are troubling, in particular Wesley wants to exempt Landmark from
19 the need to comply with D.C.'s long established inclusionary
20 zoning program. Wesley claims that the IZ isn't a good fit for
21 what it calls the new dormitory and instead wants to give Landmark
22 "primary responsibility" to administer a private IZ program open
23 only to Wesley and AU students.

24 Wesley also says however that Wesley would play a role
25 in qualifying its students for participation and in general I'm

1 referring to a summary of Wesley's private IZ program which I
2 believe they scaped (phonetic) us and I believe they filed here
3 as Exhibit 28B. Wesley and AU haven't coordinated or collaborated
4 on the Landmark project at all. We had a near shouting match
5 between Wesley and AU representatives at last week's ANC meeting
6 so that situation does not look like it will change any time
7 soon.

8 So Wesley will help qualify its students for housing
9 in the Landmark property while only Landmark, a commercial
10 entity, will qualify AU students. Wesley says that DHCD would
11 oversee the private IZ but the only concrete example it gave in
12 its filings of what it expects an oversight to include is Wesley's
13 promise to provide a yearly report.

14 For its part, DHCD far from endorsing the private IZ
15 proposal, states in its comments to OP that it has "serious
16 concerns with the ability to find qualified tenants for the IZ
17 units in a building designated restricted for college university
18 students." DHCD then appears to say that what Landmark has
19 proposed in the alternative would not even be IZ but instead some
20 kind of generic affordable housing and I do want to mention
21 something that wasn't in my prepared remarks, but a quick, and
22 this is the first time tonight I heard about the Walter Reed
23 example, but a quick Google search suggests that Walter Reed, the
24 only example the Applicant gave for substituting affordable
25 housing for IZ, at least in a larger building, has in the vicinity

1 of 20 percent affordable units, some of them at the 30 percent
2 AMI level.

3 So perhaps that precedent stands for the proposition
4 that exemption from IZ is appropriate if, and only if, the project
5 is providing a genuinely commendable amount of affordable housing
6 and this project does not. Notably DHCD isn't here today and no
7 details of the novel arrangement Wesley wants the Zoning
8 Commission to approve today have been negotiated.

9 The Landmark project is a strange hybrid. It isn't
10 contrary to Wesley's characterization of what most people think
11 of as a dormitory which is housing for students of a particular
12 school where students have recourse to the administration of that
13 school regarding the housing. Here, AU students have no recourse
14 to their school which, as mentioned, has given no indication that
15 it wants anything to do with the Landmark project.

16 Furthermore, as came up before, D.C.'s Rental Housing
17 Act defines a dormitory, a pertinent part of this, as a building
18 owned by an institution of higher education in which at least 95
19 percent of the units are occupied by presently matriculated
20 students at the institution of higher education, and here I should
21 mention that Wesley relies on a 2020 email from the zoning
22 administrator which by its terms is merely advisory and not final
23 in which the zoning administrator concluded that what Wesley is
24 proposing can be considered a dormitory use. The ZA said he
25 based his finding on a definition from Webster's dictionary to

1 wit a residence hall providing rooms for individuals or for
2 groups, usually without private baths. This definition, which
3 doesn't even mention education, proves way too much. It would
4 encompass SRO's and some hostels for instance.

5 But it turns out that this definition didn't work for
6 Wesley or Landmark who he then quoted "asserted that Webster's
7 definition is somewhat outdated today," excuse me, "outdated as
8 today's universities provide dormitory rooms which often include
9 private baths and on occasion kitchens." The ZA then relied on
10 that assertion and some examples apparently given by Wesley and
11 Landmark of things they termed dormitories that had those
12 features define the Landmark project to be a dormitory. So the
13 ZA in what by its terms a mere advisory opinion and subject to
14 change, basically defined dormitory based on the Applicant's
15 claims about what constitutes a dormitory.

16 Moreover, again, this definition essentially a
17 residence hall with rooms for individuals or groups that may have
18 kitchens and private bathrooms doesn't even discriminate
19 dormitories from commercial apartments. There's no indication
20 that the ZA considered or was made aware of the Rental Housing
21 Act. There's similarly no indication that the ZA considered or
22 was made aware of the IZ exemption contained in the zoning
23 regulations at 11 C § 1001.6(c) where "housing developed by or
24 on behalf of a local college or university exclusively for its
25 students, faculty or staff."

1 I argue that most readers of this provision, which is
2 consistent if even stricter than the Rental Housing Act's
3 definition, would conclude the Zoning Commission was defining a
4 dormitory here. Importantly, Landmark's counsel, Ms. Giordano,
5 during her testimony today characterized this provision during
6 her testimony as a definition of dormitory that her client
7 couldn't rely on because it didn't fit their building.

8 In any event, it's unlikely that the Landmark project
9 will ever have 95 occupancy by Wesley, so pursuant to both the
10 RHA definition and the definition the Applicant concedes that
11 this body arrived at for dormitories, this project is not a
12 dormitory and thus it's some form of commercial housing.

13 Returning to the few specifics Wesley has provided for
14 Landmark's private IZ, Wesley proposes that "a limited number of
15 larger apartment units will be set aside for married students and
16 students with families." Wesley says later in its summary that
17 these students will be "likely Wesley." Although ANC 3E has
18 consistently asked would-be developers to include at least some
19 larger units, it's been our understanding that D.C.'s Human
20 Rights Law prohibits discrimination on the basis of family or
21 marital status. It's unclear to us why commercially owned and
22 operated residential properties such as the Landmark project
23 should be able to discriminate in the fashion it proposes.

24 Moreover, it's clear from Wesley's summary of their IZ
25 that the school designed its proposal knowing that many, if not

1 most students who would benefit from these set asides, would be
2 likely Wesley. All of this illustrates one of the dangers of
3 permitting a private actor to design a private IZ scheme. A
4 private actor has incentive to design the scheme to favor its own
5 interests.

6 We aren't aware of any other D.C. educational
7 institution or any D.C. institution at all, and tonight this is
8 the first we've heard of Walter Reed. As an example at our
9 meeting on Thursday night Wesley's counsel conceded that he
10 wasn't aware of any D.C. institution that had received IZ relief
11 of the scope that Wesley proposes. So the relief that Wesley
12 seeks is not minor as what's being touted (phonetic). Rather,
13 it's a substantial and unique deviation from a long established
14 program and its implications extend into numerous other areas of
15 established law.

16 Big changes in policy like this are best accomplished
17 by the quasi legislative process of rulemaking in which the
18 relevant agencies can make policy perspective with input from
19 all interested individuals and institutions and here that would
20 certainly include affording housing advocates and experts and
21 also probably, as someone mentioned, OAG instead of the ad hoc
22 process of a single zoning case in which few interested parties
23 could be expected to know what's at stake.

24 Accordingly, we urge the Zoning Commission to deny
25 Wesley's application and if it believes that private IZ belongs

1 in the District, to institute rulemaking, perhaps in conjunction
2 with DHCD, to accomplish this goal.

3 Thank you again, Commissioners, and I will now yield
4 my time to Commissioner Tom Quinn.

5 CHAIRPERSON HOOD: Commissioner Quinn, I think you're
6 on mute, at least I can't hear you.

7 (Pause.)

8 CHAIRPERSON HOOD: Yes. I think you're off mute now.
9 I still can't hear you though so you're not off mute. Do you
10 want to log off and log back on real quick? There you go. Yes,
11 we can hear you now.

12 ANC COMMISSIONER QUINN: I switched the microphone
13 setting. Sorry about that. Good evening members of the Zoning
14 Commission. My name is Tom Quinn and I'm the Advisory
15 Neighborhood Commissioner presenting single member district 3E
16 04.

17 Following up on Commissioner Bender's testimony, I'm
18 here today to testify on behalf of ANC 3E in order to detail ANC
19 3E's concerns about the amenities and mitigation package
20 associated with the proposal from Wesley Theological Seminary to
21 construct a large residential building to house Wesley and
22 American University students.

23 ANC 3E is concerned about the amenity package proffered
24 by Wesley. As Commissioner Bender has already testified, if this
25 project should be properly treated as a commercial PUD and given

1 the project does not constitute a dormitory, the amenities
2 package proposed is woefully inadequate. Even assuming the
3 amenities package should be consistent with those of a dormitory,
4 we believe the proffered amenities are substandard.

5 Typically PUDs that ANC 3E has supported have included
6 substantial amenities packages including public space
7 improvements, contributions to neighborhood institutions,
8 (indiscernible) to LEED certification, a retail agreement, an IZ
9 that greatly exceeds what is required by the D.C. Zoning code.
10 ANC 3E is only aware of four proffered amenities in this project,
11 publicly accessible playground, continued access to a meeting
12 space, commitment to construct a LEED gold building and a
13 commitment to ten percent of the beds being available in the IZ
14 program to qualified applicants with families (phonetic) earning
15 60 percent of AMI where it's designated alternative structure
16 other than the eight percent the Applicant claims are required
17 in the current zoning. ANC3E believes this proffer is inadequate
18 and not commensurate with the unusual relief the Applicant is
19 seeking and if the proffer doesn't include amenities which would
20 benefit the residents of ANC 3E.

21 ANC 3E believes that prior to acquiring a PUD
22 necessitating such relief should include at least some of the
23 following amenities to merit ANC 3E's support. The increase in
24 the IZ commitment to 15 percent of the total square footage with
25 a mix of 30 percent, 50 percent and 60 percent of AMI units -- I

1 will insert a reference to Commissioner Bender discovered with
2 the greater IZ allowance at Walter Reed so perhaps that should
3 actually be the standard in this case, not what my written
4 testimony suggests -- a retail component on the ground floor
5 which would serve both students and the adjacent community, a
6 recreational component which is not already available in the
7 immediate area which the playground is, there's actually a
8 playground right across the street, such as a community garden,
9 the skate park, pickleball courts or bacchii courts.

10 With regards to mitigation, the Applicant in this case
11 is proposing 391 underground parking spaces. Dormitories in the
12 District don't have any minimum parking requirements and a
13 residential building of this density would only require one
14 parking space per three dwelling units which would necessitate
15 approximately 80 parking spaces. The current Wesley campus plan
16 requires 150 parking spaces. Dormitories are exempt from parking
17 minimums and if this project were treated as a dormitory as Wesley
18 seeks, this project would be proposing 241 more parking spaces
19 than required by zoning.

20 As the Zoning Commission is aware, when a typical
21 residential project provides more parking than required the
22 District Department of Transportation requires a traffic
23 mitigation package, the requirements of which become more robust
24 the greater the project exceeds the parking minimums. ANC 3E
25 believes the proffered mitigation in this proposed project is

1 fairly inadequate given that when it is viewed through the lens
2 Wesley argues should be used, it exceeds the parking requirements
3 by more than 260 percent.

4 Unless the Applicant agrees to dramatically reduce the
5 number of proposed parking spaces ANC 3E believes the mitigation
6 proffered by the Applicant should include more funding for five
7 Capital bikeshare stations, covered bicycle parking at a ratio
8 of one parking space per dwelling unit, full funding for three
9 covered bus shelters and a transit screen in a public location
10 in the new building. ANC 3E also believes this excessive amount
11 of parking will generate vehicular movement that the current
12 driveway on Massachusetts Avenue is not suited to handle.

13 If the Applicant chooses to proceed with this excessive
14 parking, ANC 3E believes that all egress and ingress should
15 utilize University Avenue where there is space for queuing and
16 room for Wesley to add a traffic signal to facilitate on to
17 northbound Massachusetts Avenue. ANC 3E believes there should
18 be a required future assessment of the need for this traffic
19 signal and that if warranted, the Applicant should have to
20 construct such a signal.

21 More generally, ANC 3E further believes this excess
22 parking will generate additional traffic which will add to
23 traffic congestion in our community and create additional hazards
24 to pedestrians. ANC 3E also expects as a mitigation measure that
25 Wesley Theological Seminary work with American University to

1 permanently reopen those pedestrian gates between the campuses
2 for Wesley and American University.

3 It is ANC 3E's view that the height and density and use
4 sought for the project are appropriate if the Applicant provides
5 a more robust amenities package which is commensurate with the
6 project's scope and that the Applicant either dramatically
7 reduces the number of proposed parking spaces, alternately
8 increase the proposed traffic mitigation.

9 ANC 3E voted not to support this project. Six
10 Commissioners voted in support of the resolution, one abstaining
11 at its properly noticed public meeting on September 7th, 2023.

12 Thank you for the opportunity to testify and thank you
13 for accepting our submissions late to the record.

14 CHAIRPERSON HOOD: Okay. I want to thank you both,
15 Chair Bender and Commissioner Quinn. I don't know if you all
16 were on, I'm sure you were, I thought I asked counsel for the
17 Applicant were you all in support or opposition. I thought I
18 asked that question and if not asked, Mr. Brown, I stand to be
19 corrected because, and I'm reading, if I look at the letter, I'm
20 reading here that you all, obviously we know you're in opposition
21 now.

22 One of the questions, and I didn't think you all were
23 that far apart, Chair Bender, let's go to the rulemaking. Let's
24 talk about the rulemaking.

25 CHAIRPERSON BENDER: Okay.

1 CHAIRPERSON HOOD: I do agree with that, I just probably
2 need a little more. I want to talk to our legal counsel. I
3 don't like doing stuff ad hoc. But do you think, and I also like
4 the rulemakings for just one case and one case only. So do you
5 think that's something that, obviously you all think this should
6 be a rulemaking and what do you think that we're going to achieve
7 by that rulemaking without us, other than being ad hoc, is that
8 maybe the gist of it not being ad hoc and I may be rambling, it's
9 late. But I'm just trying to get to where you're trying to get
10 to as far as making sure that we do a rulemaking and then that's
11 going to add more time. So that, I mean I'm not worried about
12 the time, I'm just concerned about making sure we're doing it
13 efficient -- efficiently use the rulemaking tool that's in our
14 toolbox.

15 CHAIRPERSON BENDER: Yes. It is late and we haven't
16 had dinner, unless you've been sneaking some. I don't think so.

17 CHAIRPERSON HOOD: I'm getting ready to though. I'll
18 tell you that, I'm being honest. I'm getting ready to. So if
19 my camera's off you'll know I'll be eating food.

20 CHAIRPERSON BENDER: Well, I'm on the verge of it too.
21 My family's eating upstairs.

22 The thing about it is I think part of this is that this
23 project, that the IZ here is nowhere as close to being ready for
24 primetime. I don't think it's coincidental that DHCD isn't here
25 tonight. I think that DHCD and, I mean (indiscernible) tonight,

1 and the Applicant have a long way to go on negotiating something
2 here and I think the details are important, but I think that the
3 Zoning Commission should in the first instance define what can
4 be part of this process here just as you defined how IZ works.
5 DHCD administers it but the policy questions were answered, I
6 would submit, by the Zoning Commission and should be and so there
7 are some big questions here and so I think you would look at when
8 should it be permissible to part from IZ, especially here where
9 the Applicant -- the Applicant concedes that they would not be
10 denied, as I understood their filings, they would not be denied
11 all economic relief viable use if they don't get what they want.
12 They want a special exception -- they want like a second special
13 exception for you to sort of waive that and use a lesser standard.

14 I think that probably ought to be something that I mean
15 is only done in special cases and has special requirements. This
16 just feels like they're making it up as they're going along and
17 they haven't made up very much, and what they have made up I mean
18 contains like statements that read on their face suggests that
19 they are ready to violate the D.C. Human Rights Law. Now I'm
20 sure, well I'm not sure, but I'm confident that that's maybe not
21 what they intended but it just shows how haphazard this is and
22 rather than try and fix this, it would be better for the Zoning
23 Commission to think about the problem generally. This is what
24 you have to show if you want a deviation from IZ and this is what
25 an alternative affordable housing program should look like,

1 including perhaps additional bonus density. If you're not going
2 to do IZ you need -- you're claiming you need something special
3 and you're not going to be denied all viable use of your property,
4 then maybe you should give more back. It's a policy question
5 that I think could be answered in a rulemaking.

6 Does that help, Mr. Chair?

7 CHAIRPERSON HOOD: Yes. That helps. I'm not sure, you
8 know, as my colleague mentioned (indiscernible) say swim lanes,
9 the same thing that Commissioner Imamura mentioned. When it
10 comes to policy I want to make sure we're not in the D.C.
11 Council's swim lane, we're not DHCD's, we're in our lane.

12 One of the things that I will say though. I do agree
13 with you all on the 30 and 50 and 60 percent MFI units. I will
14 get there. I do agree with that. I'm just not clear on, and
15 I'm not sure of how to proceed. I don't like ad hoc things to
16 just show up for this case and then show up for that case, so
17 I'm not sure if rulemaking may be the answer. So I'd just rather
18 wait and maybe talk to legal counsel and see what my other
19 colleagues think.

20 But the other thing that I was, hold on one second.
21 Let me ask you this. I'm going to ask about the meeting. So
22 the discussion where the voices may have gotten a little loud,
23 was it because of the rulemaking issue, and first of all I think
24 the Walter Reed example probably was not a good example. That's
25 a fly by night, somebody maybe just threw that out there, I

1 understand, because Walter Reed has a lot of different moving
2 parts. What I will ask the Applicant is to come back with
3 something more finite (indiscernible) and then also, one of the
4 things I probably should have asked the Office of Planning. Is
5 this being done in other universities like universities in
6 Georgia, Texas, California? I'm just curious what type of model
7 they have when you come to doing -- if this is even being done,
8 and I know we're unique and I'm not comparing us with other
9 states, it's a whole different gamut. But what I'm just curious,
10 is there anything that we can point to or look at beside anything
11 that somebody just, as you said Chair Bender, just come up and
12 show it and introduce it as we go along.

13 But back to my original point, is there any additional
14 conversations that can be had because I see that 3E, I think most
15 of your comments are very thoughtful and I appreciate the time
16 it's taken you all to put into it and I agree with quite a bit
17 of it. I just need to know how to get there. But do you think
18 more time, are you all just at that point where you don't need
19 to go back in the room because there's going to be a lot of
20 screaming and hollering, or whatever's going on?

21 CHAIRPERSON BENDER: Well, I want to say the screaming
22 and hollering wasn't with us.

23 CHAIRPERSON HOOD: Oh, okay.

24 CHAIRPERSON BENDER: No, no, no, and it wasn't -- there
25 were raised voices. I think that's clear if we go back and look

1 at the tape, if we were to go back and look at the tape. It was
2 between a representative of AU and counsel for Wesley and that
3 was about, if I recall correctly, the representative from AU
4 insisted that Wesley had not even approached AU to ask about
5 collaboration and Mr. Brown said no, no, no, that's not true.
6 It's happened, it's above your pay grade, it all happened at
7 higher levels and the AU representative said no, I've, in sum and
8 substance, I, you know, talked to everybody I need to talk to,
9 I'm sure of my position, and voices got raised and at some point
10 I had to briefly mute one of the or ultimately both of the
11 participants in fairness.

12 And my only, my point in raising it is only there is,
13 I think we can infer from that that cooperation between AU and
14 Wesley on this project is a distant possibility, if at all.
15 There's obviously a great deal of tension between the two
16 institutions regarding this project.

17 CHAIRPERSON HOOD: Okay. All right. Well, I'm not
18 sure about my other colleagues but I think we need to close a
19 lock. I think you all's presentation and testimony and what
20 you've provided to this case is very important and I want to make
21 sure I've got all Is and cross all the Ts before I keep moving
22 forward.

23 So thank you, thank you both and thank your Commission
24 for doing the work you do because I know you all are on the front
25 line. So we appreciate what you do.

1 Let me see if my colleagues have any further questions
2 or comments, and let me just say this. I should not have brought
3 up the issue about raising the voices because sometimes, even
4 I've had moments here in the Commission and with colleagues and
5 with others, so please don't nobody else respond to that. We'll
6 disregard this. If I could strike it from the record, I would.
7 Let me see if my colleagues have questions. Anybody?
8 Commissioner Imamura.

9 COMMISSIONER IMAMURA: Thank you. Just thank you,
10 Chair Bender and Chair Quinn, for a well written and well
11 rehearsed testimony. I really appreciate the time you put into
12 preparing for tonight.

13 I'm hoping the two of you can set me straight here.
14 But, Chair Bender, your testimony sounds a bit different than
15 Commissioner Quinn's testimony in that Commissioner Quinn sounds
16 like he's supportive on principle if there's some additional
17 benefits or amenities added to this effort whereas, Chair Bender,
18 it sounds as if you're a little different on this, having a little
19 different take and maybe (indiscernible).

20 CHAIRPERSON BENDER: Well, I think I can harmonize
21 those positions and, again, I think it comes down to just a sort
22 of difference of writing style.

23 Our Commission unanimously believes that the private
24 IZ program as proposed isn't ready for primetime and we
25 unanimously believe that probably the way to get there is to do

1 a rulemaking rather than trying to do this on an ad hoc basis.
2 We're not against private IZ in principle though. We just want
3 to have the confidence that such a significant change on something
4 so important is well implemented.

5 So assuming we get there, I think then we turn to
6 everything Commissioner Quinn said which is then potentially we
7 could work with the Applicant to get to yes. I don't know if
8 they would do it or not and I think it's important what
9 Commissioner Quinn said is in the past we've seen better IZ
10 proffers than this and, again, especially where they're asking
11 for the significant flexibility and maybe doesn't if this, the
12 way the regulations are currently written, but the regulations
13 could be amended thoughtfully and carefully that we ought to see
14 something like at least 15 percent here. I mean if they pointed
15 to Walter Reed and, again, just based on something I pulled up
16 in Google, it looks like Walter Reed has approximately 20 percent
17 affordable housing at a mix from 30 percent on up.

18 So, does that help in terms of putting these
19 (indiscernible).

20 COMMISSIONER IMAMURA: It does. I appreciate that,
21 Chair Bender. Yes, it helps some and I think, I'm glad that
22 you're supportive of the concept of it. I think what I hear is
23 that it needs to put a little more time to ripen and I think I
24 should have -- also I think there's some more work to be done.
25 I know that there's been a lot of time and resources, as Dr.

1 McAllister-Wilson has said, but I'm not convinced that this is
2 just the beginning of what's going to become even more complicated
3 if we move forward with this, if it's approved.

4 I guess the last question I have for both of you is can
5 you envision a community without Wesley or what that would look
6 like for the moment?

7 CHAIRPERSON BENDER: It's a hard question.

8 COMMISSIONER IMAMURA: That's why I asked it.

9 CHAIRPERSON BENDER: I mean, yes, I can envision it
10 and, you know, we do lose institutions. I'm not saying that it
11 would be a good thing. I mean, things happen. They're slightly
12 outside of our ANC but there was I think maybe, Tom or you can
13 remind me, it was, but next to Sidwell like a hospital or perhaps
14 some sort of charitable organization that did important work and
15 they sold out to Sibley Friends School, a very wealthy
16 institution, and, you know, there was a lot of hammering
17 (phonetic) about that as I think on its face they should, but
18 the institution's position was that with that money they could
19 move elsewhere and do even better work. So, sorry to lose them,
20 especially the way they were lost but I take it on face value
21 that would be doing important work.

22 Wesley certainly does do important work though, I
23 think. They're training seminarians who are going to go out and
24 try to do good things in the community for very little money.
25 It's a diverse institution in a neighborhood that isn't that

1 diverse and our ANC has consistently pushed for more affordable
2 housing in every PUD project that comes before us to in part to
3 address a lack of diversity. So it would be a significant loss.
4 Although, again, in terms of saying maybe we should think more
5 about this, ideally through a rulemaking process, but certainly
6 where we're bringing in, you know, everybody who's interested.

7 I'm reminded of an old song that I think I heard my
8 first year of law school that hard pieces make that law and part
9 of that is this is a hard case because we don't want to lose
10 Wesley. But, you know, it's also hard because it's kind of hard
11 to shoehorn this project into an existing legal framework, so I
12 guess I continue to think that we need to amend the framework
13 rather than just, you know, shove a square peg, to mix my
14 metaphors slightly, into a round hole.

15 Tom, Did you want to address that?

16 COMMISSIONER QUINN: Yes. I mean, I will say that we
17 had major movement of institutions. American University has
18 moved around some of their campuses. The Roswell campus used be
19 a private Catholic school, now it's the Roswell campus. It's
20 happened but we would not like to lose Wesley. They've been I
21 think a valuable member of this community for quite some time.

22 I'll also add that there are two previous zoning cases
23 that we've had where we have supported institutions leveraging
24 the value of their real estate to generate funds for the
25 institutions to hopefully continue. One was a church and the

1 other was the Lisner Home, neither of which have been built
2 (phonetic) but in both cases they were institution with land to
3 value and we supported some need of a creative zoning approach
4 in each case to leverage the value of that land to benefit those
5 institutions so they hopefully can remain in our community.

6 So we've got examples of supporting this exact case but
7 they were unusual and I think we have to get the details right
8 in this case as well.

9 COMMISSIONER IMAMURA: Thank you both. Just to follow
10 up, if my colleagues will indulge me here. Chair Bender, you
11 mentioned a comment about, you know, this might good for a
12 special case but I'm not sure what you mean by a special case
13 because that's why we're here. It hasn't happened before. This
14 is a unique set of circumstances and so I just wanted to see if
15 you could be succinct please, in your response. It is getting
16 late.

17 CHAIRPERSON BENDER: Yes, and none of us have had
18 dinner. I mean, other situations will come up certainly where
19 people want a deviation from IZ and it may not be exactly this
20 situation, although universities and private schools are always
21 thinking about how they can, consistent with what Tom said, how
22 they can monetize their land to help support their missions and
23 so I think it would be good to think perspectively about what it
24 means -- when should we deviate from IZ because it's really
25 important, and what should be involved and how much should be

1 involved given that request for flexibility.

2 COMMISSIONER IMAMURA: I appreciate that and I'll just
3 end with this. Certainly I haven't quite made up my mind entirely
4 yet but I do want to add one other, and my comment here is not
5 to make any suggestions here, but I do want to add one more
6 benefit I think to Commissioner Quinn's list and that is, and
7 this is about what happens if Wesley does leave and what happens
8 to that piece of land, right, and I'm not certain if either of
9 you are design professionals but what I will say is that open
10 space is, the view of an open space is also of public benefit
11 and really important and so there is research behind that
12 evidence, evidence-based research, that says and it's irrefutable
13 that it does benefit public health and wellbeing.

14 So I note the effort by the Applicant in the way they've
15 designed the site, the way they've designed the building,
16 preserved the open space and I do have a level of appreciation
17 for that, they've done a good job with that. But for both of
18 you and those that are watching, even this late, to really be
19 mindful about that too and I'm wrestling with the same questions
20 you have and if Wesley does leave, what does that do to the
21 neighborhood and what does that do to that piece of land and what
22 happens to that open space and that view that people do enjoy,
23 because they do, so.

24 All right. Mr. Chairman, that's all that I have. Thank
25 you both, Chair Bender and Commissioner Quinn.

1 CHAIRPERSON BENDER: Thank you.

2 CHAIRPERSON HOOD: So what I want to do now before we
3 continue, because I know I have some more -- we need to cross-
4 examine 3E, I'd like to finish with 3D and do the same thing,
5 cross-examine and I think that's going to push us up probably,
6 depending on how many questions are being asked, but this is --
7 we 're going on five hours and I'm going to ask Ms. Schellin,
8 I'm just putting this out there now for evaluation and I want to
9 hear from my colleagues. I think five hours is five, six hours
10 it will be shortly, is enough.

11 So what I'd like to do, unless someone disagrees, you
12 can always let Ms. Schellin know, is like we're going to ask for
13 -- look at another date and for those who have been waiting all
14 this time, it's probably been very informational, intentionally
15 informational, for you to be here anyway if you're going to be
16 responding, and I know we have parties and I know we have the
17 public. So it's 9 o'clock. We've been going since 4 and I want
18 to make sure that we, first of all our attention is focused and
19 fresh, especially to hear others as well. So what I would like
20 to do is to, and I'm probably rambling on what I'd like to do,
21 the long and the short is to get ready to stop this and pick up
22 at a point where, after I hear from all the ANCs and cross-
23 examine all the ANCs who are here, and then we'll start with the
24 party in support at our next date.

25 So I'm going to try to ask Ms. Schellin, ask you to set

1 a date and as we continue to cross-examine, after we finish with
2 3E let's talk about a date and let's not let that whole process
3 last longer than this hearing. Sometimes that can happen. So
4 let's first now, okay, my colleagues, anything else. Oh, I'm
5 sorry. I didn't finish with my colleagues. Who'd like to go
6 next? You can tell I'm getting tired. Who'd like to go next?
7 Vice Chair, you or who other? Commissioner Stidham? You'd like
8 to go next?

9 COMMISSIONER STIDHAM: I don't have anything. Thank
10 you.

11 CHAIRPERSON HOOD: Bless your heart. Thank you. Vice
12 Chair Miller?

13 VICE CHAIR MILLER: No. I do have a lot of thoughts
14 and comments but I will reserve them for later. Thank you.

15 CHAIRPERSON HOOD: Okay. Let's see.

16 VICE CHAIR MILLER: I will say that I appreciate
17 Commissioner Imamura's questions and comments. They covered a
18 lot of what I would have covered, so thank you Commissioner
19 Imamura for asking and commenting.

20 CHAIRPERSON HOOD: Okay. Chair Duncan, do you have any
21 cross? Chair Duncan?

22 CHAIRPERSON DUNCAN: No cross.

23 CHAIRPERSON HOOD: Okay. Thank you. Mr. Clarkson, do
24 you have any cross?

25 MR. CLARKSON: No cross, Mr. Chairman.

1 CHAIRPERSON HOOD: Thank you. Ms. Gates, do you have
2 any cross?

3 MS. GATES: I have one question for Mr. Bender. Would
4 you favor removing the tax exempt status for all institutions so
5 they can monetize their land?

6 CHAIRPERSON BENDER: Is that within the scope of my
7 testimony? I mean it's a very complex, I mean, I'll try. It's
8 a very complex question. I don't -- are you asking that should
9 instead of having a tax exempt status, they would be able to
10 freely monetize their land in some fashion, or I'm not --

11 MS. GATES: Yes.

12 CHAIRPERSON BENDER: I don't know. I would have to
13 give more thought to that. I do sometimes wonder at the, and
14 certain institutions which are actually quite wealthy as
15 distinguished from what I presume Wesley's finances are,
16 sometimes seem to be able to double dip between getting that tax
17 exemption and, you know, engaging in other commercial activities.
18 But that's not an issue here that I'm aware of.

19 CHAIRPERSON HOOD: Chair Bender, I want to thank you
20 for answering that. You didn't have to because that definitely
21 was not in the scope of your testimony. So thank you.

22 CHAIRPERSON BENDER: You're welcome.

23 CHAIRPERSON HOOD: Ms. Gates, do you have any other
24 questions that's in the scope?

25 MS. GATES: No.

1 CHAIRPERSON HOOD: Okay. Thank you. All right. Let
2 me take a one minute break while ANC 3D is coming up. Oh, did I
3 miss anybody? Ms. Schellin? I can't remember now.

4 MS. SCHELLIN: No, sir.

5 CHAIRPERSON HOOD: Okay.

6 CHAIRPERSON BENDER: So we're done with 3E, then?

7 CHAIRPERSON HOOD: We don't want you to go, we want you
8 to stay with us. Yes, we're done with 3E.

9 CHAIRPERSON BENDER: Well, we ewant to, yes, we'll try
10 to stay with us but maybe with dinner in front of us.

11 CHAIRPERSON HOOD: Okay.

12 MS. SCHELLIN: No, and to hear the next date you'll
13 want to be with us.

14 CHAIRPERSON HOOD: Yes. Actually we're looking at
15 October the 2nd.

16 MS. SCHELLIN: Yes.

17 CHAIRPERSON HOOD: But that may take another 30 minutes
18 to figure October the 2nd out, so I don't want to go there. So
19 everybody start looking at October the 2nd. As soon as ANC 3D
20 finishes, and all those who are on the phone if you have any
21 problems with what we're looking at and what we're talking about,
22 please call 202-727-0789 so we can cut it off after the ANC 3D
23 finishes their cross.

24 Okay. Chair Duncan, go right ahead. Chair Duncan,
25 you're on mute I think.

1 CHAIRPERSON DUNCAN: Thank you for that. Sorry about
2 that. For the record my name is Tricia Duncan. I am the Chair
3 of ANC 3D. I am the SMD Commissioner in 3D 02 which includes
4 the surrounding neighborhood to the Wesley campus.

5 My testimony is regarding the PUD. I do not intend to
6 read verbatim the entire written submission filed today by ANC
7 3D but I ask this Commission today to take that submission and
8 this oral testimony with great weight. I'm going to use my time
9 to highlight issues.

10 3D has found the biggest elephant in the room in all
11 of our meetings is the PUD itself and whether it is a legal
12 pathway for Wesley to build this project, specifically Wesley
13 leasing property on their campus so a private company can
14 construct and operate student housing for their students as well
15 as students of the neighboring institution.

16 ANC 3D studied this question in depth thanks to the
17 thorough work of the NLC and the Spring Valley Wesley Heights
18 Association and discussed the merits of these arguments during
19 many public meetings including the CLC meetings, ANC 3D's regular
20 meetings, and an ANC special meeting held August 14th. ANC 3D
21 was unanimous in its conclusion on this question and that is we
22 are not zoning experts and we are not going to weigh in one way
23 or another on this issue. We trust the Zoning Commission to make
24 a legally sound judgment on this question. It is in the interest
25 of common good. After all, it seems to me that everyone, even

1 parties in opposition, would like to see Wesley remain.

2 If the Zoning Commission finds the PUD campus plan to
3 be an appropriate path for Wesley to proceed, then ANC 3D after
4 a multi-year in-depth review of this case with a lot of neighbor
5 involvement finds that the proposed PUD and associated campus
6 plan provides an appropriate balance between the flexibility
7 requested and the amenities provided. In addition, the building
8 is not likely to impose impacts on the neighborhood that would
9 be so objectionable as to merit our opposition to this project.

10 While it may be the opinion of some that as far as PUDs
11 go that this proposal doesn't have a lot of amenities, we looked
12 at the issue a different way deciding that the flexibility
13 requested by Wesley to be minor, setback relief with the adjacent
14 campus, no density or zoning changes and a private management of
15 student IZ housing, thus making the balance of amenities offered
16 commensurate in our view.

17 After listening to all of our constituents' feedback
18 both in public meetings and in private, we find the following
19 amenities to be the most beneficial. The taking of the remaining
20 open green space on this campus off the table as far as further
21 development. This open space is important for our neighborhood
22 and the open space is used by the neighborhood. Second, a major
23 increase in on-campus housing for students is a benefit. The
24 sidewalks and public space improvements on University Avenue is
25 a benefit. The very restricted use of the University Avenue

1 driveway, thereby protecting the immediate neighbors from the
2 additional traffic. The guarantee of free neighborhood use of
3 campus meeting rooms. The playground for the neighborhood
4 children, and low campus development density.

5 Regarding concerns raised about the size of the
6 building, in response to community feedback Wesley reduced the
7 building in size and oriented the rooms in a direction that will
8 minimize light reaching the surrounding neighbors. Wesley's
9 decision to place the dormitory on the border with AU directly
10 across from the property line from AU's Leonard Hall minimizes
11 the visual impact on neighboring properties and blends it in with
12 similar student residential buildings.

13 I do have an aerial view of the AU campus if the
14 Commission would like to see it during cross, and regarding the
15 gate, AU students want this gate open. There will be a large
16 number of students in this new building and I believe AU will
17 accommodate its students by allowing access back and forth. The
18 fence and gate are on AU property I believe so they control it,
19 but I do not see this being an issue after this building is built.

20 Wesley also proposes to locate the building on top of
21 an existing parking lot which should minimize additional
22 stormwater runoff. While I acknowledge that some impacts such
23 as increased foot traffic may arise, the proposed mitigation
24 measures and the commitment to maintaining green space should
25 mitigate these effectively.

1 Neighbors for a Livable Community and the Spring
2 Valley Wesley Heights Citizens Association are critical of the
3 fact that ANC 3D did not accept their proposed changes to the
4 draft letter considered at our September meeting. However, ANC
5 3D felt obligated to review these comments on their merits and
6 not just use sentiment. We read the comments from NLC, taken as
7 a whole as an effort to parse the zoning regulations and previous
8 PUD cases to find reasons why Wesley's effort to change the status
9 quo should not be approved, a status quo that NLC has described
10 as a campus that is pastoral in nature. It is a beautiful campus
11 that represents a park-like atmosphere to its University Avenue
12 neighbors and there is nothing wrong with wanting that to stay
13 the same. In fact, many residents in Spring Valley have told us
14 they love the green space of this property.

15 However, zoning regulations are not about preserving
16 status quo. They are instead designed to manage change. Zoning
17 regulations exist in order to allow a land owner to make
18 reasonable improvements to his property despite objections from
19 neighbors while at the same time preventing him from doing
20 something that would harm his neighbors' properties.

21 As property owners it is natural to want to maintain
22 the status quo around our properties. After all, we bought our
23 property with the knowledge of how our neighbors were using their
24 property and it is human nature for some to be skeptical of
25 change. But we live in a city. People naturally want to improve

1 their properties and it is not the role of the zoning regulations
2 to block that change but, in fact, to facilitate reasonable
3 changes within a system that protects the nearby neighbors at the
4 same time.

5 So ANC 3D looked at how Wesley wants to improve their
6 property and we asked what harm, if any, would this do to our
7 neighborhood and we looked at the neighbors' comments to help us
8 make this determination, especially the comments from the NLC and
9 Spring Valley Wesley Heights Citizens Association because they
10 have been the most vocal. They summarized their objectionable
11 impacts they foresee in Attachment B of their prehearing
12 submission, in this case Exhibit 25.

13 We urge the Zoning Commission to take a close look at
14 these two pages of text. We have a hard time finding any actual
15 statement of harm to the neighborhood. We read that there would
16 be more students, that the campus would be fundamentally altered,
17 that the FAR doubles, that the building would represent 73 percent
18 of developed space, that the penthouse could be seen from
19 University Avenue barely, and there was no stormwater management
20 plan in place which of course will be addressed and required
21 under any building permit, and that the increase of students
22 meant more noise and traffic and safety issues. But it also
23 doesn't address any of the mitigating steps Wesley proposes.

24 Of course more students on campus, the neighborhood
25 will notice them. But after examining all of the potential

1 objectionable impacts that this proposed PUD would have, we have
2 to conclude to be fair that none of those impacts rises serious
3 enough to rise to the level of being objectionable under the
4 zoning regulations that should prevent this project from being
5 undertaken.

6 In short, while one can make lots of technical and
7 legal arguments for why Wesley's application doesn't fit nicely
8 within one's reading of the regulations or previous cases, if we
9 take the purpose of the zoning regulations to heart, that is to
10 allow property owners to improve their properties just so they
11 do not adversely impact their neighbors, this proposal by Wesley
12 should be allowed to go forward.

13 ANC 3D also recognizes some differences with ANC 3E.
14 They have expressed concerns about the number of parking spaces.
15 3D didn't specifically weigh in one way or another on the total
16 number of parking spaces. We would like to point out that the
17 existing lot has over 100 spaces and the parking lot is often
18 quite full but we would not object if the parking were to be
19 reduced, but not so much as to drive students to heavily park on
20 neighborhood streets. Fewer cars after all means less traffic

21 ANC 3E also expressed concerns over IZ implementation.
22 ANC 3D did not receive much feedback from constituents about the
23 IZ housing except to express to us that this building is most
24 appropriate for students only instead of being open to a wider
25 scope of possible IZ applicants. I would like to note that ANC

1 3D is in support of affordable housing in our boundaries and
2 acknowledge the lack of new units in Rock Creek West.

3 This concludes my oral testimony and I will be happy
4 to respond to questions.

5 CHAIRPERSON HOOD: Thank you very much, Chair Duncan.
6 I really appreciate any time ANCs put the time and attention and
7 the thoughtful comments, even though they may be different from
8 3D to 3E, I do appreciate the comments that you have and it seems
9 like you tried to encompass the community in your comments and
10 that came across to me loud and clear. So I appreciate that. I
11 don't necessarily have any questions right now of 3D but I
12 probably will at a later date.

13 So let me see what my colleagues have. Any of my
14 colleagues have any questions of 3D right now?

15 CHAIRPERSON DUNCAN: I promise I will be brief in my
16 responses.

17 CHAIRPERSON HOOD: Commissioner Imamura, yes.

18 COMMISSIONER IMAMURA: Thank you. Just a quick
19 comment. Chair Duncan, thank you for your well written testimony.
20 Like ANC 3E, both of you very well written statements and I
21 appreciate that. As a former professor what I really appreciate
22 about your oral testimony tonight, as well as what you put into
23 the record, is the fact that you took a complex issue and
24 distilled it into a very simple form to understand. So for
25 anybody in the public and for students that are interested in

1 zoning, I think this is a really complicated case but I would
2 refer to your submission because I think it captures the arc of
3 our challenge here tonight, and so I just want to say thank you
4 very much for your submission and for the work that you do.

5 CHAIRPERSON DUNCAN: Thank you.

6 CHAIRPERSON HOOD: Okay. And I'm sure you'll, hoping
7 you'll be coming back because I'm sure, you know, we may ask
8 questions later of you and ANC 3E as we continue to do our
9 discovery and continue to move forward in this case.

10 Let me see if, Chair Bender, do you have any questions
11 of ANC 3D?

12 VICE CHAIR MILLER: Mr. Chairman, I --

13 MS. SCHELLIN: Chairman Hood?

14 CHAIRPERSON HOOD: You know, when I said that I
15 realized, I looked at Ms. Schellin and I realized I missed Mr.
16 Brown but I'm going to keep going. Chair Bender, do you have
17 any cross of the ANC 3D? That's what happens when it gets late.
18 You get to the point that you get stuck in your ways and I'm
19 stuck right now. Chair Bender? Okay. Mr. Brown, do you have
20 any cross of Chair Duncan? You see that's why I didn't go to
21 the Applicant. He's on mute. You're on mute.

22 MR. BROWN: Apologies. No cross. Just thanks to
23 Commissioner Duncan and all of the ANC 3D and 3E for your time.

24 CHAIRPERSON HOOD: Okay . Oh, that's right. I didn't
25 call you for 3E either, did I? I'm sorry.

1 MR. BROWN: (Indiscernible).

2 CHAIRPERSON HOOD: I appreciate it. Thank you. Chair
3 Bender?

4 CHAIRPERSON BENDER: Yes. No, I'm here and we don't
5 have any questions although I did note Vice Chair Miller with his
6 hand up, so maybe he's got some questions.

7 CHAIRPERSON HOOD: Oh, okay. Thank you, Chair Bender.
8 Vice Chair Miller, you had your hand up. I'm sorry.

9 VICE CHAIR MILLER: Thank you, Chair Bender, for
10 recognizing my hand which the Chair very often sees even before
11 I raise it.

12 Anyway, thank you, Jonathan Bender, and Tricia Duncan
13 for all of your work on this case for a while. Each of the ANCs
14 has put a lot of work and time and effort into this case in
15 private over years and we appreciate all of that effort and I
16 appreciate just personally 3D's efforts to try and get to a yes.
17 You know, it's hard to get to a yes. It's easy to say no and we
18 said no 11 months ago and we can say no tonight or whenever we
19 make a decision on this.

20 But I do appreciate constructive suggestions of how we
21 can improve a project and the benefits, not just the Applicant
22 and the communities directly adjacent, but the District as a
23 whole and I think the ANC 3D really has tried to do that and I
24 applaud you for that effort, and I think a lot of the conditions
25 that both you and ANC 3E recommended throughout the process have

1 been incorporated into this case and I think if we get to a yes
2 at our level they will incorporate those conditions and maybe
3 even more after tonight's hearing because we've asked for more,
4 as we always should. We should always ask for more.

5 So I just wanted to thank you, Chair Duncan, for all
6 of your work and for working with the community on this issue.

7 CHAIRPERSON DUNCAN: Thank you. I would be remiss if
8 I didn't say this was a team effort. Commissioner Elkins was
9 particularly helpful, but all of the Commissioners read every
10 piece of paper that was sent to us so it was a team effort.

11 VICE CHAIR MILLER: I understand it was a lot of paper
12 because I was looking at all those papers today and yesterday and
13 it's immense.

14 CHAIRPERSON HOOD: Okay. All right. Any other
15 questions from my colleagues? I would echo my colleagues, as I
16 had mentioned previously. All right. Let's see. Mr. Clarkson?

17 MR. CLARKSON: No cross. Thank you, Mr. Chair.

18 CHAIRPERSON HOOD: Okay. And, Ms. Gates.

19 MS. GATES: Thank you. Ms. Duncan, do you actually
20 feel this proposal improves the Wesley campus?

21 CHAIRPERSON DUNCAN: I believe that I trust that this
22 improves Wesley's thrive in place mission.

23 MS. GATES: But does it improve the campus?

24 CHAIRPERSON DUNCAN: If it improves their thrive in
25 place mission, my answer is yes.

1 MS. GATES: Given the ANC since it does not have
2 expertise in zoning regulations applicable to this case, what
3 information did 3D rely on to assess whether a PUD is the correct
4 means for residents to achieve its goal and what basis did you
5 use to balance public benefits and objectionable impacts?

6 CHAIRPERSON DUNCAN: So we did not weigh in on whether
7 this PUD was allowable under zoning regs or not. We are leaving
8 that up to the Zoning Commission. However, it is the job of the
9 ANC and we are best suited as elected representatives of neighbors
10 here to assess what are objectionable impacts. That is something
11 that is very concrete that you can ascertain from talking to
12 people. So that's what we did.

13 MS. GATES: Does the ANC find it acceptable for Wesley
14 to syphon off students enrolled in AU and is there any concern
15 about the effect of a significant number of undergraduates
16 occupying the contemplative Wesley campus?

17 CHAIRPERSON DUNCAN: My feeling as regards to American
18 University, they are a big university and they have a lot of
19 smart people working there and if they thought that this project
20 was going to harm their institution or their mission, they would
21 have applied for party status and we would be hearing their
22 testimony tonight.

23 Absent of that, ANC 3D is thinking that AU is going to,
24 you know, operate themselves and in terms of Wesley's mission,
25 it is not the job of the ANC to run their program. Objectionable

1 impacts for Wesley itself is not our job. It would be like a
2 neighbor saying, hey, I'm going to go build a swimming pool in
3 my backyard and I say, hey, you shouldn't do that because it's
4 going to eliminate all of your green space in your backyard.
5 That may be true but it's up to the owner to decide if that's
6 objectionable or not. So that is outside of the ANC's purview
7 in my view.

8 MS. GATES: Does this have a negative effect on AU?

9 CHAIRPERSON DUNCAN: That -- AU could have gotten party
10 status. They did not. AU is not the ANC 3D constituency. We
11 did not weigh in on that.

12 MS. GATES: Okay.

13 CHAIRPERSON HOOD: Ms. Gates? Are you finished, Ms.
14 Gates?

15 MS. GATES: Yes.

16 CHAIRPERSON HOOD: Okay. All right. Okay. So that's
17 where we can end it for tonight, and I appreciate everyone's
18 patience and for those, especially the parties and the public who
19 have not responded we want to come back and talk about this on
20 October the 2nd, Fresh.

21 Ms. Schellin, let me let you -- if it works for
22 everybody.

23 MR. BROWN: It works for the Applicant, Chairman Hood
24 and Sharon.

25 CHAIRPERSON HOOD: Well, thank you. I'll do it. Okay.

1 So the Applicant. Let's look at ANC 3E. Does it work for you?

2 CHAIRPERSON BENDER: I think we can make it.

3 CHAIRPERSON HOOD: Great. ANC 3D?

4 CHAIRPERSON DUNCAN: Yes.

5 CHAIRPERSON HOOD: Thank you. Mr. Clarkson?

6 MR. CLARKSON: Yes. SVNA can make it.

7 CHAIRPERSON HOOD: Okay. Ms. Gates?

8 MS. GATES: I can make it. I don't know about my

9 colleagues.

10 CHAIRPERSON HOOD: Did you have a chance to reach out

11 to them, your colleagues?

12 MS. GATE: Do I have --

13 MS. SCHELLIN: They did call and say that they would

14 like to, they were in support of the hearing being continued.

15 CHAIRPERSON HOOD: Okay. Okay. Good. So we've already

16 gotten that taken care of. Okay. Good. And I appreciate

17 everyone for letting us be fresh when we're here again. We may

18 not be talking abstract like I'm doing now.

19 All right. Anything else, anybody? So we're going to

20 reconvene this hearing October the 2nd at 4 p.m., on these same

21 platforms. Any questions? Anything else, Ms. Schellin?

22 MS. SCHELLIN: Just so that everybody knows they do not

23 have to re-sign up. I've already got their email addresses so

24 they don't have to sign up again.

25 CHAIRPERSON HOOD: And Mr. Clarkson --

1 MS. SCHELLIN: If he signed up once, you don't have to
2 sign up again and the record is open since the hearing is
3 continued. So, Mr. Quinn and Mr. Bender and whoever else didn't
4 get their testimony in can go ahead and submit that.

5 CHAIRPERSON HOOD: And Mr. Clarkson, we're going to
6 start with you at 4:05, or 4 o'clock.

7 MS. SCHELLIN: 4 o'clock.

8 Mr. Clarkson: I'll be there. I'll be there.

9 MR. BROWN: Chairman Hood, Ms. Schellin, do we -- do
10 you want us to maintain the posting on the property?

11 MS. SCHELLIN: No, you don't have to.

12 MR. BROWN: All right. Thank you very much.

13 CHAIRPERSON HOOD: We've already announced it. So,
14 okay. So we're promptly going to start with Mr. Clarkson, and I
15 with that I want to thank everyone for their participation, and
16 we will reconvene this hearing October the 2nd at 4 p.m., on the
17 same platforms.

18 Thank you, and goodnight everyone.

19 (Whereupon, the above-entitled hearing, at 9:39 p.m.,
20 was adjourned.)

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C E R T I F I C A T I O N

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In the matter of: Public Meeting

Before: ZC

Date: 09-11-2023

Place: Teleconference

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