

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING
CASE NO. 23-08

+ + + + +

MONDAY

MAY 12, 2025

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT E. MILLER, Vice Chair
JOSEPH IMAMURA, Commissioner
GWEN WRIGHT, Commissioner
TAMMY STIDHAM, Commissioner

OFFICE OF ZONING STAFF PRESENT:

PAUL YOUNG, Zoning Data Specialist
SHARON S. SCHELLIN, Secretary

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

DENNIS LIU, Esquire

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ALSO PRESENT:

MAXINE BROWN-ROBERTS, D.C. Office of Planning
PAT BROWN, ESQUIRE, Counsel for Applicant
DAVID MC-ALLISTER-WILSON, Wesley Theological Seminary
ANTONI SINKFIELD, Wesley Theological Seminary
SARA LINK, Bohler Engineering
ERIC LEATH, Landmark Properties, Inc.
JACK BOARMAN, Architect, BKV Group
BRANDICE ELLIOTT, Holland and Knight
STEPHEN KARCHA, Advanced Project Management, Inc.
ERWIN ANDRES, Gorove Slade
TRICIA DUNCAN, Commissioner, ANC 3D
JONATHAN BENDER, Commissioner, ANC 3E
WILLIAM CLARKSON, Spring Valley Neighborhood Association
THOMAS SMITH, NLC
ALMA GATES
BLAINE CARTER
SHELLY REPP, Chairman, Committee of 100
JOSIE SCHOLZ
ROBERT SCHOLZ

The transcript constitutes the minutes from the
Regular Public Meeting held on May 12, 2025.

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(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller and Commissioner Wright. We will be joined shortly by Commissioner Imamura and also Commissioner Stidham. Also joined by the Office of Zoning staff, Ms. Sharon Schellin, as well as our Office of Zoning staff as well, Mr. Paul Young, and our Office of Zoning Legal Division, Mr. Dennis Liu. I will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to testify will be unmuted at the appropriate time. When called, please state your name before providing your testimony. When you are finished speaking, please mute your audio.

If you experience difficulty accessing Webex or with your telephone call-in, then please call our OZ Hotline number at 202-727-0789 to receive Webex log-in or call-in instructions or if you have not signed up to testify. All persons planning

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1 to testify must sign up in advance and will be called by name at
2 the appropriate time. At the time of sign-up, all participants
3 will complete the oath or affirmation required by Subtitle Z-
4 408.7. If you wish to file written testimony or additional
5 supporting documents during the hearing, then please be prepared
6 to describe and discuss it at the time of your request when
7 submitting.

8 Let me just deviate a little bit and read this. I
9 think this is very important. This is, technically, a continued
10 hearing on the Wesley Campus Plan. It's not further processing.
11 The parties to this application include Neighbors for a Livable
12 Community, Spring Valley Wesley Heights Citizens Association, and
13 Spring Valley Neighborhood Association. They were granted party
14 status in previous proceedings. However, since the original
15 hearing application has been revised, specifically, a separate
16 PUD application that was part of the original Campus Plan
17 application has been withdrawn, and text amendments are pending
18 in a separate Zoning Commission 24-09 case that relates the
19 overall Campus Plan.

20 For these reasons, the procedural order of this hearing
21 will be as follows. And now I'm going to go back to my -- finish
22 my regular statement, but I think that's important. And I have
23 another statement after that, so we can stay on track. Let's
24 not get all up in further processing and everything else. Let's
25 stay on track. Okay. So the hearing will be conducted in

1 accordance with the provisions of 11-Z DCMR, Chapter 4, as
2 follows. We have preliminary matters; the applicant's case --
3 the applicant has up to 60 minutes -- report of the Office of
4 Planning and the District Department of Transportation; report
5 of other government agencies, not necessarily in that order.
6 We'll take it in the order -- this is the way we're going to take
7 it: report of other government agencies; report of the Department
8 of Transportation; and the report of the Office of Planning;
9 report of the ANC -- I believe we have three -- I mean, two --
10 testimony of organizations and individuals -- organizations,
11 five minutes; individuals, three minutes, respectively -- and
12 we'll hear in order from those who are in support, opposition,
13 or undeclared. Then we'll have rebuttal and closing probably
14 after.

15 Now, the next statement that I want us -- so I don't
16 want to -- hopefully, I don't have to read it again. The
17 Commission is aware that the revised Campus Plan application
18 includes a proposal to create a Ward 3 inclusionary zoning fund.
19 However, any final conditions related to the off-site
20 inclusionary zoning or alternate financial contribution are to
21 be considered in a further processing case for the planned student
22 housing building. Let me make it clear. We're not hearing any
23 further processing this evening. I'm just going to say it again.
24 However, any final conditions related to off-site inclusionary
25 zoning and an alternate financial -- alternative financial

1 contribution are to be considered in a further processing case
2 for the planned student housing building. The Commission will
3 not adopt any conditions related to those requirements in this
4 Campus Plan case.

5 At the time of the further processing case, the
6 Commission will have the discretion to determine how the off-
7 site inclusionary zoning requirement is satisfied. Therefore,
8 the Commission believes that any detailed discussion of the
9 applicant's proposed Ward 3 fund or the off-site inclusionary
10 zoning requirement is not appropriate in this Campus Plan
11 proceeding, because it's both premature and potentially
12 misleading to the public. Accordingly, the applicant and the
13 parties should limit their discussion of those proposals in their
14 testimony.

15 The case plan is a prerequisite to the further
16 processing case, and the details and final conditions related to
17 the off-site IZ requirement will be addressed in the further
18 processing case for the planned student housing building. And
19 I'm going to ask the applicant to refrain from the PowerPoint
20 presentation which refers to that. So that muddies the waters
21 for not just the public, but for everyone, so I'm going to ask
22 the applicant to take the lead, and let's keep what we have in
23 front of us in front of us tonight, which is the Campus Plan.
24 So, at this time, the Commission will consider any preliminary
25 matters. Does the staff have any preliminary matters?

1 MS. SCHELLIN: Very briefly. So, as you stated,
2 there -- the parties were already established. If you want me
3 to go through them, I will very quickly: NLC, which is the
4 Neighbors for a Livable Community; the South -- I mean -- I'm
5 sorry -- SVWHCA, Spring Valley Wesley Heights Citizens
6 Association -- they were a joint group, and they're both in
7 opposition -- a proponent, the Spring Valley Neighborhood
8 Association. And those are the three parties. And, of course,
9 then there are two ANCs also, 3D and 3E. Let me make sure it's
10 only two of them. Yes. And then Pat Brown is representing Wesley
11 Theological Seminary of the United Methodist Church. I did not
12 get a time from him, so we need to get that.

13 And, other than that, you've got some reports. 3D
14 provided their report at Exhibit 90, voted five to one to zero
15 to support with -- in the record. Exhibit 92 is 3E's report with
16 seven to zero to zero to pass the resolution, expressing some
17 concerns that they have. And then OP's reports at Exhibit 85,
18 recommending approval with some recommendations. And DDOT's
19 report at Exhibit 86 recommended approval with some conditions.
20 And DOEE provided their report through OP on pages 36 through 38
21 of OP's report. So, with that, I'm going to turn it over to the
22 Commission.

23 Let me see about expert witnesses. I don't know if I
24 passed that. Sorry. My pages are printing kind of crazy here.
25 Yes. Jack Foreman; he was previously approved. Since this is a

1 continued case, I imagine they were all accepted before, but
2 we'll go over them. Steve Karcha, he was -- is the project and
3 construction management expert; Brandice Elliott in land use
4 planning, previously approved; and William Zeid with Gorove Slade
5 in transportation, previously approved. So if the Commission
6 would accept those experts in this case, that's the only other
7 preliminary matter that I have I believe. And if I've missed
8 any, I'm sure that Ms. Liu will let us know.

9 CHAIRPERSON HOOD: Okay. I'm not sure -- thank you,
10 Ms. Schellin. I believe, unless I hear some objections, we can
11 keep the status of experts with all those named, with the
12 exception of Stephen Karcha. I don't believe we had accepted
13 Stephen Karcha as an expert. I don't even know if it was
14 proffered, but, typically, project and construction management,
15 but we will be here to --

16 MS. SCHELLIN: Right.

17 CHAIRPERSON HOOD: -- we will be here to hear that
18 testimony.

19 MS. SCHELLIN: You're correct. You're correct.

20 CHAIRPERSON HOOD: Right. So what I would like to do
21 is to -- unless I hear any difference, that's the way we're going
22 to move forward. And, again, I just want my colleagues to --
23 let's see who breaks the rule first. That's where I'm going to
24 go. Let's see -- let's see who does not follow those instructions
25 first tonight, because we're going to -- we're mixing it up and

1 I want to make sure that it's plain for the residents and for
2 us, make sure that we don't mix it all together, because we do
3 have another proceeding in further processing that we're going
4 to have to grapple with. Okay. So can we bring everyone up,
5 Ms. Schellin?

6 MS. SCHELLIN: Sure. Mr. Young, will you bring up Pat
7 Brown and team please?

8 CHAIRPERSON HOOD: And I'm putting a lot of emphasis
9 on that, because today I had a session with our Legal -- I'll be
10 frankly honest -- by legal counsel, asking me to run the hearing
11 correctly, so the record does not get flooded and muddy. So I
12 need everyone's help on that. I had a tutorial.

13 MR. YOUNG: So if Mr. Brown can let me know who he
14 needs up.

15 COMMISSIONER WRIGHT: You may be having computer
16 problems. I had a lot of trouble getting on.

17 MS. SCHELLIN: Try the GDL Pat Brown. Bring that one
18 up; see if that works. Unmute that one. There we go.

19 MR. BROWN: Mr. Hood, can you hear me?

20 CHAIRPERSON HOOD: Yeah, we can hear you.

21 MR. BROWN: Can you see us? I'm Patrick Brown, counsel
22 for Wesley. In our group -- and we're a hybrid of here in person
23 and those virtually. Reverend McAllister-Wilson and Reverend
24 Antoni Sinkfield are virtual. They're actually -- if you could
25 bring them up, they should be here. They're just finishing

1 commencement at Wesley. David's there.

2 MS. SCHELLIN: Antoni Sinkfield, Mr. Young, second
3 witness. There you go.

4 MR. BROWN: And, additionally, Sara Link from Bohler
5 Engineering is joining us virtually.

6 MS. SCHELLIN: Got it.

7 MR. BROWN: And before we get going, two updates on
8 witnesses and experts. First, Erwin Andres from Gorove Slade is
9 here. Mr. Zeid is no longer involved in the project. Erwin's
10 been an expert witness many times before the BZA and Zoning
11 Commission and ask him to be included in the expert list. And
12 then Sara Link, a professional engineer from Bohler Engineering,
13 she, likewise, has been an expert witness before the Zoning
14 Commission, and we've asked for her to still be recognized.

15 MS. SCHELLIN: Are their resumes in the record? Did
16 you supplement the --

17 MR. BROWN: Erwin's record I suspect is in the record
18 from earlier on; not for Sara Link. She's been a witness -- an
19 expert witness in Civil Engineering previously for the Zoning
20 Commission.

21 MS. SCHELLIN: Every record has to --

22 CHAIRPERSON HOOD: Hold on a second.

23 MS. SCHELLIN: But every record stands, so we need it.

24 CHAIRPERSON HOOD: Hold on a second, Ms. Schellin.
25 Hold on a second. Mr. Brown, we don't have a whole lot of -- we

1 have a lot cases in front of us, and we don't take other materials
2 from other cases and put it in other records. Now, we are very
3 familiar with Mr. Andres. Now, you knew you were coming to us
4 today, and I see Archie's looking for the fire engines and so
5 was I, but, Mr. Brown, come on now, you know. And I know it's
6 commencement for Wesley. Congratulations to those students, but,
7 Mr. Brown, come on, you have to represent your client better than
8 that. To come and tell us to look at another record for Mr.
9 Andres -- I'm going to go ahead and accept it. I think my
10 colleagues -- unless I hear some objections. We do know Mr.
11 Andres very well. Now, I'm not sure who the other person is,
12 because we don't have that in front of us. We study and we work
13 on this stuff. We don't just show up and do this, so help us to
14 help you. Who's the next person, Ms. Schellin?

15 MS. SCHELLIN: Sara Link, Bohler. If you give me one
16 second, I'll look on our expert list to see if she has been
17 accepted, so give me one moment.

18 (Brief pause.)

19 CHAIRPERSON HOOD: I do remember the name, but I just
20 don't have that exactly in front of us.

21 MS. LINK: I have the previous zoning case that I was
22 the expert witness on, the most recent one, would that help?

23 MS. SCHELLIN: Yes.

24 CHAIRPERSON HOOD: Could you tell us the case please?

25 MS. LINK: Yeah. It was 22-35.

1 CHAIRPERSON HOOD: Was that a rulemaking, Ms. Schellin?

2 MS. SCHELLIN: No.

3 CHAIRPERSON HOOD: It wasn't. Okay. Mr. Brown, could
4 you supplement the record with all the materials, especially with
5 the expert witnesses, so this record will be complete please?

6 MR. BROWN: Certainly. Are you -- and I think we have
7 everybody in place, if you're ready for us to proceed.

8 CHAIRPERSON HOOD: No, because we have to -- we have
9 to do something that should have been done. I'm waiting for Ms.
10 Schellin, so we can sound on Ms. Bohler (sic). If she's already
11 been there, we'll do that. We're doing something that should
12 have been done before today. Most boards would have -- you would
13 have to recontinue. I know some of my colleagues around the
14 city, you would have -- this would -- this hearing would stop
15 here and we would recontinue until the record is complete, so
16 let's not do that again.

17 MS. SCHELLIN: And what are you proffering her in?

18 MR. BROWN: Civil Engineering and, particularly, the
19 Green Area Ratio and landscaping.

20 MS. SCHELLIN: All right. Somebody's whispering and
21 so I -- it's hard to -- somebody's mic is still on I think is
22 why. Civil Engineering is what I have.

23 MR. BROWN: Yeah, Civil Engineering and focusing in on
24 Green Area Ratio and the topics that fall within that.

25 MS. SCHELLIN: Yeah. Okay. Yeah.

1 CHAIRPERSON HOOD: Did we proffer her previously?

2 MS. SCHELLIN: Yes, sir, 22-35.

3 CHAIRPERSON HOOD: We did proffer her? Colleagues, I
4 know we're proffering in the blind and we don't have it in front
5 of us, and I know that's not very well liked. Do you want to
6 hold that in abeyance and we will consider -- we will rule on
7 proffering her as an expert, even though we've done it previously,
8 or do y'all want to just go ahead and go to another case and
9 carry it over to this case? I'm looking at my colleagues now.
10 Commissioner Wright, let me hear from you.

11 COMMISSIONER WRIGHT: Well, again, I wasn't here I
12 think for the case where she had been approved as an expert
13 witness, so I've never seen her resume, and I can't really comment
14 on her as an expert witness, but I also don't know whether she'll
15 actually be testifying, you know, if we're going to get into
16 questions that she will specifically be addressing. So I don't
17 know that I want to, you know, continue the case or cancel this
18 case for today, but I also don't know that I would consider her
19 testimony, in my own mind, as expert, because I've never seen her
20 resume and I know nothing about her.

21 CHAIRPERSON HOOD: Okay. Vice Chair Miller -- I know
22 what I'm going to do, but Vice Chair Miller, let me see what your
23 comments are.

24 VICE CHAIR MILLER: I certainly don't want to continue
25 the case. There are people here who are here to testify, and I

1 do recall seeing Ms. Bohler (sic), but I was just trying to look
2 up 22-35, and I was having trouble getting into that -- those
3 exhibits, so I don't -- I also don't have the resume in front of
4 me. I have no problem with us proceeding today, and we can --
5 if the resume can be sent to me just to refresh my memory, but
6 if we've already proffered her as an expert in Civil Engineering,
7 I have no problem continuing to do that.

8 CHAIRPERSON HOOD: Okay. What we're going to do, we'll
9 go ahead and move forward. We're going to hold that in abeyance,
10 even though we've done it previously, we do have a --

11 MS. SCHELLIN: I'm sorry. I need to correct that. It
12 appears that she was available for questions; she was not given
13 expert status. Is that correct, Ms. Bohler (sic)? It appears
14 that you were available for questions. I'm looking at the
15 transcript now.

16 MS. LINK: I thought I was approved as an expert witness
17 for that case.

18 MS. SCHELLIN: Yeah, I looked -- actually, when I
19 pulled up the transcript to read it, it said, "Finally, we also
20 have available for questions, Sara Link, Bohler, who will be the
21 Civil Engineer for the project, and Hailee Griesmar with Lorax,
22 who is the sustainability consultant. And --

23 CHAIRPERSON HOOD: Ms. Schellin -- Ms. Schellin -- Ms.
24 Schellin, hold up. We're going to move forward.

25 MS. SCHELLIN: Yeah.

1 CHAIRPERSON HOOD: We're not going to proffer her as
2 an expert. We're going to move forward. Mr. Brown, we're going
3 to put it back on you and let you do your job, so if she needs
4 to be proffered, we'll pick it up at a later date. Anything
5 else, Ms. Schellin?

6 MS. SCHELLIN: Yeah. I'm sorry about that. That's why
7 we didn't have her -- have her down, sorry, because we didn't get
8 an updated resume. Sorry.

9 CHAIRPERSON HOOD: And We don't go to other cases to
10 get materials, so I'm going to leave that alone. I'm very
11 irritated to a point, because I think we should have come better
12 prepared, Mr. Brown, than this, because we have a lot of valued
13 time, we have a lot of cases in front of us, and this case is
14 already muddy and we're trying to put things back together, and
15 all this does is muddy it even more. So, with that, Ms. Schellin,
16 do we have anything else?

17 MS. SCHELLIN: I think that was it, other than to find
18 out from Mr. Brown how much time he thought he needed for his
19 presentation, because the parties in opposition get an equal
20 amount to share, so we need to figure out, so they can know ahead
21 of time how much time they -- and you share your time with the
22 party in opposition -- I mean, party in support. So keep -- we
23 have one party in support.

24 MR. BROWN: Based on the Commission's guidance and
25 limitations, say -- I think we -- Wesley can make our

1 presentation in 30 minutes.

2 MS. SCHELLIN: Okay. All right. And then we'll find
3 out from the party in support, when he -- it's his turn, how much
4 time he needs, and then the parties in opposition will have that
5 time to share. Thank you. Sorry, Mr. Chairman. I just wanted
6 to be able to give the parties in opposition some type of guidance
7 ahead of time for preparing their presentation. Thank you.

8 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. Mr.
9 Brown, you may begin.

10 MR. BROWN: Yes. Mr. Young, can you put up slide number
11 four, and I'll turn it over to Reverend McAllister-Wilson. David.

12 (PowerPoint presentation shared on screen.)

13 MR. BROWN: It's muted.

14 DR. MCALLISTER-WILSON: Can people hear me now?

15 CHAIRPERSON HOOD: Yeah, we can hear you now. If you
16 could just speak up a little bit, we can hear you.

17 DR. MCALLISTER-WILSON: I will. I've just concluded
18 the commencement service here at the Washington National
19 Cathedral, and I'm grateful for the opportunity to return to the
20 Zoning Commission with this revised version of the Campus Plan.
21 It's gone through significant changes for almost six years to do
22 an unusual property. We've responded to questions from this
23 Commission, two ANCs, the Office of Planning, our Community
24 Liaison Committee, DDOT, and DHCD. The title of our plan is
25 "Thrive in Place", and it means even more now. Wesley needs this

1 plan to thrive in this place, because we believe it is critical
2 for us to be in this city, not only for our own institutional
3 need, but also because institutions devoted to alleviating human
4 suffering and educational institutions are both being threatened
5 now. We need to be able to continue to serve this city through
6 our outreach programs and our graduates, many of who stay in this
7 city as church and nonprofit leaders. We have stepped into this
8 moment offering special scholarships for those in the federal
9 workforce who have been summarily dismissed and may be looking
10 for a different way to fulfill their call to serve.

11 This piece of property, along with American University,
12 has been an academic hilltop for 130 years, since it was bare
13 ground. This plan will insure this use for generations to come
14 with increased green space, more resources for Spring Valley
15 neighbors, and substantial other -- and sustainable benefits for
16 housing in Ward 3. We think this plan is not only the highest
17 best use of this property for our purposes, but also for our
18 neighbors, Ward 3, and the District of Columbia. Timing is
19 crucial. I urge your approval and thank you for your
20 consideration. Let me call on my Associate Dean for Community
21 Life, the Reverend Dr. Antoni Sinkfield.

22 DR. SINKFIELD: Thank you so much, Commission, for the
23 opportunity to share just a few quick words about the reality and
24 the life -- communal life at Wesley. Since returning to full
25 operations after COVID 19, we have been witnessing a truly

1 remarkable resurgence in the life and environment of our
2 Seminary. In fact, our students are coming back to campus with
3 a renewed zeal and a hunger for the embrace of community. They're
4 not just coming back and returning to classrooms, but they're
5 coming seeking connection and support and a place to truly belong.
6 A part of what drives us here at Wesley is that community has
7 always been a part of how we form impactful, world-changing
8 leaders. And so now it's clear to us that this space where our
9 students live and gather and grow is essential to their formation.

10 Beyond this, we've also seen encouraging and steady
11 growth in our enrollment post-pandemic. It's been a sign of hope
12 and stability for the future of our institution, but with that
13 growth also comes some real and rather urgent needs that I've
14 seen in my interaction with the students. The cost of living in
15 Northwest DC is simply too high for many of our students, both
16 our domestic students and our international, and so they are
17 asking and seeking and pressing upon us to give them a place that
18 they can afford and a place that feels like home.

19 So our vision and our hope is to have these new, modern,
20 affordable residence halls, not just for single students, but
21 also for our families, which we have many on campus, as well as
22 for our short-term guests, for our hybrid learners, and for our
23 commuters who are seeking a spiritual and tangible home away from
24 home during their time on campus. It is our hope that this
25 project will be approved, because, for us, it's more than just

1 buildings; it's also creating a living, breathing community where
2 people can answer their calling, they can serve their world, and
3 they can build lasting relationships.

4 So I just wanted to bring you up to date on where we
5 are on the campus. We are seeing the growth, the development,
6 and the excitement of our students, and it is our great hope that
7 you will help us to continue in the shaping and the supporting
8 of these persons who will be formed for ministry to make an impact
9 in our world. Thank you all for these moments to share.

10 MR. BROWN: And if I could briefly let Eric Leath from
11 Landmark Properties reintroduce himself to the Commission.

12 MR. LEATH: Eric Leath, Landmark Properties. We are a
13 national housing company specializing in student housing. We are
14 vertically integrated, meaning that we are both a developer, a
15 contractor, and an owner and property manager. We currently
16 manage approximately 70,000 student housing beds across the
17 country. We have been involved with Wesley Seminary on this
18 project for six years now, and are thankful for being here today.
19 I'm happy to answer questions.

20 MR. BROWN: Moving forward, I'd like to just briefly
21 kind of bring us to where we are right now, as far as the Campus
22 Plan. Since our last hearing, a number of things have occurred.
23 One, the top or penthouse level of the building has been
24 eliminated, reducing the GFA of the building. Parking has been
25 reduced down to -- by 99 spaces in the underground garage. There

1 have been some refinements of particularly landscaping, revolving
2 around the elimination of the proposed administrative and
3 maintenance building at the top of the University Avenue
4 driveway; also, demolition of the President's house and
5 replacement with landscaping and playground.

6 We've also been able to update the GAR calculations,
7 and that's reference in the OP report and DOEE, so I think that
8 should be discussed at this Campus Plan stage. We are not going
9 to talk about any of the issues, notwithstanding the PowerPoint
10 presentation, involving IZ or Lisk (phonetic) and defer that to
11 the further processing. One point, and this is a technical point,
12 but I need to make, if we could pull up slide 12 and 13, Mr.
13 Young. And, historically, the student cap at Wesley was based
14 on a full-time equivalent model at 715. That dates back prior
15 to the 2016 regulations. Now that we're here in the present, we
16 need to adopt a headcount, and we've imposed a new cap at a
17 thousand headcount, which really doesn't represent any increase
18 in the student impact on campus. In that chart, which I don't
19 want to spend a lot of time on, but it's in the record, it shows
20 that there are a substantial number of part-time programs that
21 meet for a couple of days or a weekend and aren't really full-
22 time students. Across the entire enrollment -- certainly,
23 Reverend Sinkfield will talk about this need -- is an increasing
24 number of part-time students, whether they're a full-time program
25 but part-time attendance, and there are quite a few students who

1 never step foot on campus, so we think the thousand headcount is
2 appropriate and should be referenced under the current
3 methodology.

4 In addition to the -- if we go to the next slide, slide
5 14. In addition to the Campus Plan requirements, I want to
6 reference the limited area variance requested for the Notch.
7 We've detailed that discussion in our prehearing submissions and
8 it's handled in detail in the OP report, so I don't think I need
9 to spend a lot of time, subject to questions from the Commission,
10 but it meets the three-point variance test. And, with that, if
11 we could go to slide 15.

12 CHAIRPERSON HOOD: Hold on one second. Vice Chair
13 Miller and my colleagues, are you all having a problem hearing?
14 It's coming through some. Are you all having a problem with
15 hearing?

16 VICE CHAIR MILLER: Yes. While Mr. Brown was talking,
17 it was going in and out. I don't know if he just needs to talk
18 further into the mic or what, but it did go in and out a little
19 bit, but I think I got the gist of all of it.

20 MR. BROWN: If you give us a second (indiscernible).

21 (Mr. Brown adjusting microphone in their conference
22 room.)

23 MR. BROWN: Is that better, Mr. Hood -- Chairman Hood?

24 CHAIRPERSON HOOD: So far so good. I'll let you know
25 if it's not. My colleagues let me know if it's not as well. Go

1 right ahead.

2 MR. BROWN: My apologies. This slide 15 is just an
3 aerial view of the current campus. In the center is the surface
4 parking lot. Just below the surface parking lot is a dorm, and
5 the other axis of the surface parking lot is the other dorm,
6 Carroll Hall and Straughn Hall. Both will be demolished. And
7 the new dormitory -- student housing building will go where the
8 current parking lot is. Down along University Avenue, the old
9 President's house will be demolished and the playground and
10 additional landscaping (indiscernible) also along the driveway
11 on University Avenue. Again, the admin building has been
12 eliminated. If I could, I'd like to turn it over to Jack Boarman
13 to walk you through the proposed new dormitory.

14 MR. BOARMAN: Okay. Thank you. This is Jack Boarman,
15 BKV Group Architects. If you could go to slide 16 please.

16 MR. BROWN: Can you hear Mr. Boarman?

17 CHAIRPERSON HOOD: Yes, we can hear Mr. Boarman, yeah.

18 MR. BOARMAN: Okay. Great. So a colored site plan of
19 what was Pat was talking about earlier, and I think that it's
20 just really the context within which we've designed the new
21 student facility. So if you -- you know, it's the same building.

22 And if you go to the next slide, I'd just like to
23 highlight some of the aspects of the design, and especially those
24 aspects of the design that have evolved as we've gone through the
25 various neighborhood meetings and Commission meetings. And, you

1 know, most of -- significantly, this is a student residence
2 facility for Wesley and AU students and faculty and staff only.
3 It started out as a -- as a seven-story building, and then
4 throughout the design, the part that's next to University Avenue
5 was lowered to five stories. So, again, we're stepping the
6 building down to relate to the adjoining -- the existing Wesley
7 building and then on down the hill to establish a building, which
8 I'll show later, to screen the new construction from University.
9 And so the tallest point on the building is 74 feet, 8 inches,
10 and that's down to roughly around 60 feet for the lower portion
11 of the five-story stepped area.

12 We've eliminated the top penthouse level to, again,
13 further reduce the visibility from University Avenue. We have a
14 total of 659 beds, but a net add in the -- of new campus beds of
15 only 569 beds. The -- I've already mentioned about the effort
16 to reduce the visibility from University Avenue by lowering --
17 by increasing the amount of setbacks and rotating part --
18 portions of the building to, again, reduce the window visibility
19 from University Avenue. It's 215 units configured in a range of
20 units between studios, ones, twos, threes, fours, and five-
21 bedroom units. It's an overall high quality building design and
22 materiality to reflect the overall quality of the materials and
23 design and architecture of the existing Wesley campus. The --
24 as mentioned earlier, we have two levels of parking with 264
25 spaces. 77 of those will be Wesley replacement spaces for the

1 existing parking lot.

2 The project has a complete component of sustainability
3 strategies between LEED to give us a mid-rise residential Gold,
4 green roof, solar panels, a full sustainable package for the
5 project design. We've gone through several design refinements
6 and enhancements to reflect and to embrace the neighborhood
7 comments and overview of our design through a series of numerous
8 meetings and reviews. We feel that the design very compatible
9 with not only the Wesley campus, but the surrounding
10 neighborhood, and its adjacency to American University.

11 If you go to the next slide, number 18 please, you see
12 the site plan, which, as Pat had mentioned earlier, the building
13 sort of is placed on top of the existing parking lot; I think
14 definitely a sustainable value you add to getting rid of a parking
15 lot and replacing it with a courtyard residential student
16 building.

17 So if you go to the next slide, this next slide really
18 I think graphically illustrates our ongoing effort to respect the
19 views and the context of our neighbors opposite of University
20 Avenue. And so the top section illustrates the residents to the
21 right, University Avenue in between, the existing four-and-a-
22 half story existing dorm facility, and then, again, behind that,
23 the five-story stepped bar of the new building, and then as it
24 heads over towards the AU building, which is significantly
25 taller, we have our seven-story building piece, and then those

1 surround the courtyard area for the students.

2 The section below is more of a lateral front to back
3 section that shows the Wesley campus to the left, and then the
4 entrance to the lobby area, the courtyard, and then the portion
5 of the building opposite of that, that is illustrated in the
6 overall building massing. Most importantly, as we walk around
7 the neighborhood -- and I think this has been the true test of
8 how we've been able to adapt the building, step the building, and
9 massage the overall design to reflect the character and scale of
10 the campus and the neighborhood and can maintain visibility that
11 supports that -- so as you're on Mass Avenue looking at the main
12 Wesley campus area and the Chapel building, and then as you
13 progress, again -- if you go to the next slide please, which is
14 20. Okay. So that's the -- along Mass Avenue. Obviously, the
15 campus is up on the rise -- on the knoll.

16 If you go to the next slide, you see further down Mass
17 Avenue where we have the main entrance, and here you can begin
18 to see in the background, behind the Chapel building, the overall
19 building for the student facility. You can see the pallet of
20 materials and colors that reflect with the terracotta color of
21 the masonry and the lighter color of the stone of the Wesley
22 existing buildings as you look into the campus and see the student
23 housing project. Then as we continue past Mass Avenue over to
24 University Avenue, this slide -- next slide please, 22 -- this
25 slide is at the entrance off of University Avenue, and this is

1 the summer tree leafed version of the view, which you can, again,
2 see the building at the end of the driveway. Just barely at the
3 top of the hill can you see visibility from University.

4 If you go to the next slide, which is the fall or
5 winter view of this, you then can see the building, but it's at
6 the end of the drive, but it's also to the right, screened behind
7 the existing residence hall. And you also see here the step down
8 and the rotating of the penthouse area to, again, step the
9 building and move it back, as it proceeds away from University
10 Avenue. You continue further down University, during the summer
11 months you literally -- the tree canopies, you see barely -- you
12 can barely see the existing dorm -- the existing residential
13 building there, and then you can just see over the top of it one
14 floor of the new residence structure.

15 If you go to the next slide, in the winter, you're
16 seeing the full side of the existing building, but, here again,
17 you can barely see, over the top roof of the existing residence
18 hall, the new structure. As you continue further down University,
19 it's kind of the same profile where you're barely seeing -- I'm
20 on slide 26 -- you're barely seeing the existing -- yes, right
21 there -- you're barely seeing the new structure behind the
22 existing building. And then the fall view of that --

23 MR. YOUNG: Next slide?

24 MR. BOARMAN: -- next slide, 27 -- you're seeing --
25 again, you just barely see the white facade material of that

1 fifth floor, which illustrates how stepping that down has totally
2 screened that facade with the white existing building and from
3 University Avenue.

4 If you go further down University Avenue to 28 -- slide
5 28, here you can see the existing residence hall -- and I think
6 this is a very important issue -- is almost the exact same length
7 as the new building, so all along University Avenue you barely
8 are seeing one partial -- the upper portion of the fifth floor.
9 Behind that forked tree, you can barely see the setback area of
10 the rear upper two floors. Then at Wesley Circle --

11 MR. YOUNG: Next slide?

12 MR. BOARMAN: -- yeah, slide 29 -- you're seeing a
13 lovely treed area and that's about it. And when the trees are
14 not in foliage, you can barely see the building again. I am
15 being somewhat redundant here, because all of University Avenue
16 we've continuously worked to screen the building so it's
17 virtually not visible or, if at all, in a small degree. So that's
18 part of the evolution of the design to relate it to the -- to
19 the scale and the visibility along University Avenue.

20 There are more plans here. You might go to slide 33,
21 just to move this along. Slide 33 is our floorplan that shows
22 the roof of the five-story building mass, and then the U-shaped
23 upper residential floor, the sixth floor, that illustrates how
24 we stepped the building, and you can see how that relates to the
25 building design. So I think, with that, I'll turn it back to

1 Pat.

2 MR. BROWN: Chairman Hood, just a note that the sirens
3 in the background, it's Police Week and they're going by our
4 building regularly. If that happens, do you want us to stop or
5 were you able to soldier through?

6 CHAIRPERSON HOOD: We're doing our best. My colleagues
7 will let me know. I was wondering what was going on. I know
8 it's Police Week, but you must be right there with them, so we'll
9 do our best to try to continue the hear what's going on, unless
10 I hear from my colleagues. Let me know if we need to stop. Okay?
11 All right. Let's continue, Mr. Brown. Thank you.

12 MR. BROWN: Okay. If we could go to Mr. Karcha, slide
13 35 and beyond.

14 MR. KARCHA: So the campus, itself, we're maintaining
15 the Hilltop Campus. As Pat has alluded to previously, with the
16 deletion of the proposed administration building, we're able to
17 add additional greenery that would screen the new dorm along the
18 service drive up from University Avenue. The old President's
19 house, long since not been used, it would be demolished, along
20 with its driveway, parking area, the curb cut, et cetera, and
21 that's all replaced with new landscaping in that area, and then
22 a community playground as well that would have access from the
23 new sidewalks that DDOT has requested to be installed alongside
24 of University Avenue from Rodman all the way down to University
25 Circle, with crosswalks and ADA ramps to cross over to the other

1 streets along there.

2 In addition, DDOT has requested that we install some
3 bike racks -- U-shaped bike racks at the playground as well. The
4 new dormitory, itself, is roughly a football-length field away
5 from the west side of University Avenue. So, not only as Jack
6 noted with the views from the -- across University Avenue and
7 barely being able to see the building over the 2014 dorm, it's
8 an extensive distance away. Lastly, the Green Area Ratio has now
9 been increased to point six.

10 MR. BROWN: And, with that, I'll transition to Sara
11 Link's testimony, starting with the next slide.

12 MS. LINK: So to speak on that further, the -- this is
13 showing the Open Space exhibit, which we've talked about with all
14 of the green area, the trees, et cetera. If you actually go to
15 the next slide, I think that's going to -- yes. So exactly what
16 Stephen was saying, based on removal of the administrative
17 building, additional landscape plantings, and all of the tree
18 preservation we have onsite, the GAR requirement for this site
19 is point four, but we were able to show point six on the document,
20 so we are committing to that point six GAR score for the record
21 lot.

22 The next couple of slides, if you want to go through
23 those -- and I'm happy to talk further if there's questions --
24 this just shows the existing trees to remain, as well as a few
25 of the trees that we'd need to remove, based on the improvements

1 and the health of the trees.

2 The next slide shows the playground area and
3 significant landscaping and trees that are being planted for
4 screening. And then the next slide, that shows an overall -- the
5 overall campus, the various Green Area Ratio items, such as soil
6 planting, bioretention facility, green roof on the actual
7 proposed building, as well as solar panels. And the green roof
8 and the bioretention facility contribute also to the stormwater
9 management requirements that we have.

10 The next two slides are the renderings. This, again,
11 just shows the pretty picture of what we're installing. And then
12 the last slide is a zoomed-in -- yep, zoom-in for the playground
13 area.

14 MR. BROWN: Oh, not a question.

15 MS. LINK: Okay.

16 MR. BROWN: Chairman Hood, and then in the next several
17 slides, which I don't want to spend a whole lot of time on,
18 because the record -- both our record and the OP report are full,
19 but reference the Campus Plan requirements and process and the
20 review standards and breaking down the various categories. But
21 the bottom line is that the Campus Plan creates no objectionable
22 conditions. We spent a great deal of effort and time insuring
23 that the Campus Plan, as a whole, will not have objectionable
24 conditions on these surrounding properties.

25 And then the property meets -- is well below the FAR

1 targets. There will be no change in the boundaries. The campus
2 is actually being pulled back -- kept back from the surrounding
3 residential areas, and there are no alleys or streets involved.
4 And then we've gone through the various other issues showing the
5 steps that have been taken and success. There's no inter-use of
6 land. We've included in our record, as well as the record that
7 Brandice has submitted, a wholesome, Comprehensive Plan analysis
8 that's also in the OP report, and I don't want to go into that,
9 unless you have questions. And OP, DDOT, DOEE have all been
10 active participants in this process and the Campus Plan criteria.
11 With that, Brandice Elliott will testify, particularly focused
12 in on the Comp Plan and relationship to racial equity.

13 MS. ELLIOTT: Hi there. Good evening Chair Hood,
14 members of the Commission. I'm Brandice Elliott, and I will be
15 providing the analyses for the Comprehensive Plan and racial
16 equity. I have provided different versions of this in previous
17 hearings, and so I'm going to try and breeze through this a little
18 bit, but you're welcome to, you know, stop me at any time or
19 let -- I can answer questions at the end here.

20 If we could move forward to slide 52 please, I'll start
21 there. And that is actually the Zoning Commission's racial equity
22 tool, so we're going to go ahead and go through all four parts
23 of that. Next slide please. We have the Future Land Use Map
24 designation, and then, on the following slide, the
25 Generalized -- the Generalized Policy Map designation, both of

1 | which are institutional. This is a university, so it is
2 | consistent with both of those designations.

3 | If we could skip forward to slide 54, we can continue --
4 | I'm sorry -- 55, we can continue the Comp Plan evaluation. We've
5 | identified several policies that would be advanced by the
6 | proposed Campus Plan, and several of those are highlighted in
7 | OP's racial equity crosswalk as advancing racial equity, in
8 | particular, so those are highlighted in pink, and they have to
9 | do with transportation access and some of the environmental
10 | benefits of the Campus Plan.

11 | Next slide please. In addition, we provided a
12 | community background. The Spring Valley neighborhood is a very
13 | civically-minded neighborhood that has access to institutions,
14 | retail, good transportation. It has a -- it has a racially
15 | restrictive history of covenants that have kept Black families
16 | out of the neighborhood and that has actually resulted in it
17 | currently being the District's least diverse and most expensive
18 | area, with homes being over 1.1 million dollars. I'm sorry. I'm
19 | just pausing because the sirens are going by again.

20 | CHAIRPERSON HOOD: That's fine. We can give it a minute
21 | to pass.

22 | MS. ELLIOTT: All right. Do you think I'm good to go?

23 | MR. BROWN: They're fading now, yes. Unfortunately,
24 | they run back and forth on the street, Chairman Hood.

25 | MS. ELLIOTT: It's been a fun day. So, at the end of

1 the day, the proposed Campus Plan would add much needed student
2 housing, it relieves pressure on local rentals, and it supports
3 affordable housing elsewhere -- that would be located elsewhere
4 in the Ward. And that actually takes a step towards racial equity
5 and economic equity in an area where it's long overdue.

6 Next slide please. Okay. We've already covered some
7 of this information, so I don't want to belabor it, other than,
8 you know, the history of the Spring Valley neighborhood has been
9 shaped -- or has shaped its current demographics, including the
10 fact that it's 80 percent white, and there is a history of
11 displacement in the neighborhood that has resulted in the area
12 not being particularly affordable.

13 Next slide please. Mr. Brown has already sort of
14 addressed community engagement, so we'll skip to the next slide
15 please. And the third part of the racial equity tool addresses
16 disaggregated data, which is provided by OP, so this all comes
17 from OP's report. And, again, I don't want to belabor the point.
18 I'll let them present it. I would just highlight that there is
19 an income difference of \$100,000 between white households versus
20 black households, so there is a lot of disparity there. And,
21 again, the Campus Plan frees up rental units and would increase
22 affordable housing in the Ward 3 area.

23 Next slide please. And the Housing Equity Report,
24 which came out in 2019, actually shows -- set goals for the Rock
25 Creek West neighborhood, which have not been met. So, to date,

1 the planning area has produced 230 affordable units, which is
2 only 11.6 of the target. So, again, it's important that this --
3 that the student housing would actually advance equity, as well
4 as other affordable housing to come.

5 Next slide please. And the important part here is how,
6 overall, this Campus Plan advances racial equity, and there are
7 a few things to point out here. You know, as far as direct and
8 indirect displacement, we didn't find that that would occur,
9 because there are no residents currently in the buildings that
10 would be demolished. Housing goals would be advanced with the
11 eventual construction of affordable housing. Physically, there
12 are a lot of improvements to the property that would improve the
13 environment, that also improve links, like sidewalks links and
14 bicycle accessibility in the neighborhood. And, also, it -- the
15 University trains students to provide services to the community,
16 so that's also another opportunity that would benefit the
17 community through the Campus Plan.

18 Next slide please. So we've identified several
19 inconsistencies, but I would like to point out that there are
20 even more outweighing policies that we kind of breezed through
21 on the previous slide that would be advanced by the Campus Plan
22 and there are several policies specific to the Rock Creek West
23 area, as well as the land use, transportation, educational
24 facilities, and several other citywide elements.

25 Next slide please. And, in conclusion, the proposed

1 Campus Plan does advance racial equity in several ways. It
2 expands on-campus housing significantly, and there would be no
3 displacement in doing that. It supports housing affordability,
4 access to opportunities through its proximity to transit, jobs,
5 services, and amenities. It promotes an inclusive workforce
6 development. And, importantly, it responds to community feedback
7 concerning the design. So I will leave that there. That
8 concludes my presentation, and, again, I'm happy to answer any
9 questions that you have (indiscernible). Thank you.

10 MR. BROWN: And could we jump ahead to slide 68?

11 MR. ANDRES: Good afternoon, Chairman Hood, members of
12 the Commission. For the record, Erwin Andres with Gorove Slade
13 Associates. As customary -- as is customary in our participation
14 in Zoning Commission applications, we've coordinated with DDOT,
15 and this outlines our coordination. Based on their review of our
16 submissions, and our submission was dated March 25th, 2025, they
17 have identified certain TDM elements, given that we are reducing
18 parking as part of this application, that are identified on the
19 next page. If you look at page 69, we are committed to implement
20 all of the TDM elements and the Performance Monitoring Plan
21 elements that were agreed to in the previous zoning application.

22 Next slide. And in addition to that, we are committed
23 to implement the two recommended measures that DDOT has
24 recommended in their letter dated May 1st. The two include the
25 installation of three U bike racks near the entrance to the

1 | playground and the revised location of the scooter coral, which
2 | is consistent with the site plans that have been submitted. So,
3 | with that, I'm available for questions. Thank you.

4 | MR. BROWN: Subject to questions from the Commission,
5 | our presentation-in-chief is finished.

6 | CHAIRPERSON HOOD: Thank you to the team. And, again,
7 | it's always good when we have our President of any university or
8 | college here with us. Mr. McAllister-Wilson, we always thank you
9 | for taking the time out, and especially today. And, again,
10 | congratulations on another class of graduation -- of students.
11 | Let me -- let me first just -- I'm going to come to my colleagues.
12 | I'm not sure when they both came in; that's Commissioner Stidham
13 | and Commissioner Imamura. There's a lot of design things. I'm
14 | not sure -- Commissioner Imamura, can I come to you first or you
15 | want me to go to somebody else first?

16 | COMMISSIONER IMAMURA: You can come to me first, Mr.
17 | Chairman. That's fine.

18 | CHAIRPERSON HOOD: Okay. I'm going to come to you,
19 | because I know there's a lot of design, but here's the thing --
20 | here's what I would like to do though, Mr. Brown. And I'm trying
21 | to remember everything from, I guess, 23. Sometimes I can't
22 | remember what happened yesterday, but I want to ask -- help me --
23 | help me get to -- and I've looked through your package, but help
24 | me get to -- I know there's been some changes and I know some
25 | other things are coming, which we're not going to talk about, so

1 I'm not going to break that rule myself. What did we do? Where
2 were we at? Why are we right here at this stage right now? I'm
3 trying to figure out why are we right here right now, if that
4 makes -- if you understand my question?

5 MR. BROWN: I think I do.

6 CHAIRPERSON HOOD: What have we done -- and here's the
7 thing. Some of the stuff that I've seen today, I remember, like
8 the views and everything. So I'm trying to figure out why --
9 where we left off and why we stopped and we're here now.

10 MR. BROWN: And the most recent iteration of this was
11 a PUD/Campus Plan, and, for a variety of reasons, that didn't
12 seem the appropriate path to continue on. We dropped the PUD
13 and went back to a straight Campus Plan. That Campus Plan, and
14 we're not going to talk about it today, but it was running
15 parallel or facilitated, in part, by the text amendments, so the
16 two facilitate each other or the text amendment is value added
17 to the Campus Plan, and we'll take it shortly. But the Campus
18 Plan is one -- it's entirely a Campus Plan now; no PUD. The
19 boundaries are the same as they've been in the beginning. The
20 buildings have gotten smaller, greener; and the parking has been
21 reduced; and more attention has been given to landscaping and
22 providing the maximum buffer with the adjoining neighborhood,
23 particularly University Avenue. And we spent a lot of time
24 working with the two ANCs and the CLC.

25 CHAIRPERSON HOOD: Okay. I think -- I think that

1 helps -- at least helps me get caught up, because I know I'm
2 looking at some of the same pictures I know we -- as I was
3 reviewing, I was looking at this and I was wondering why I was
4 seeing it again. I just couldn't remember exactly why we did
5 what we did, and now I think -- I think I got it. I just wanted
6 to put that out there.

7 Again, we're talking about the Campus Plan only today,
8 and that's what I said in my initial statement to anyone who --
9 especially my colleagues. We're just talking about the Campus
10 Plan, colleagues. So, with that, I want to turn it over and ask
11 Commissioner Imamura, and then I'm going to come to Commissioner
12 Wright, then Commissioner Stidham, and then Vice Chair Miller,
13 and then myself. Thank you.

14 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
15 (indiscernible) --

16 MR. BROWN: Commissioner Imamura, we can't hear you.

17 CHAIRPERSON HOOD: We got -- we got -- yeah. He told
18 us -- he told us, Mr. Brown, that he has -- he has connectivity
19 issues, so thank you. We'll come back to you, Commissioner
20 Imamura. Okay. Commissioner Wright.

21 COMMISSIONER WRIGHT: Thank you. I hope I can be heard.
22 There has been a lot of connectivity issues for me today as well,
23 but I think I'm -- I think I'm safely all taken care of. I think
24 that some of the changes that you have made have improved the
25 building, and I had a couple of just quick questions. First,

1 the playground that is along University between the road and the
2 new building, is that playground, again, open to everyone in the
3 community or is it only for the Wesley community?

4 MR. BROWN: The playground will be -- is intended to
5 be open to the public and is being built really at the request
6 of the Spring Valley neighbors want, you know, an immediate
7 playground, so it'll be open to everyone.

8 COMMISSIONER WRIGHT: Yeah. So that's a nice amenity
9 that's being added for the community. I think having the
10 additional playground is a positive, and it also looked like you
11 were definitely landscaping the area around that new playground
12 pretty extensively, which will help both with screening and with
13 creating a shaded area for the playground, which will make it a
14 more comfortable playground. In terms of sustainability, could
15 you talk a little more in detail about what sustainability
16 measures you're taking with the new building? I know you've
17 mentioned green roofs, and I also understand that you'll --
18 you've been asked by the Department of Transportation to do a TDM
19 plan, which I'm assuming you agreed to, and I consider that really
20 part of your sustainability effort as well. Just what are the
21 specific elements of sustainability? Are you aiming towards LEED
22 certification, LEED Silver, LEED Gold, what -- you know, what is
23 the plan for that building?

24 MR. BOARMAN: This is Jack Boarman. I want to reiterate
25 what I had said earlier, that our sustainability program is

1 intended to provide Mid-rise Residential Gold, extensive green
2 roofs, and solar panels as the sort of major elements in our
3 sustainability program, plus there will be additional -- more
4 micrograin kind of sustainability aspects in regards to the
5 building construction and the overall design, so --

6 COMMISSIONER WRIGHT: Okay. So just so I understand,
7 you are aiming towards a LEED certification?

8 MR. BOARMAN: Mid-rise Residential Gold certification.

9 COMMISSIONER WRIGHT: Okay. Fantastic. That's great.
10 The renderings are very helpful, and I think the way you've
11 stepped the building is going to help with the overall
12 compatibility. What are the materials that the building will be
13 constructed of? I know it looked like it was a white precast
14 or -- but tell us just a little bit more about what the materials
15 are that the building will be constructed of.

16 MR. BOARMAN: Sure. Well, the building will have a
17 significant balance between brick, which will be mostly at the
18 grade level, so it can be relative to the scale of the Wesley
19 building. And then there will be a combination of solid metal
20 panels and solid cement fiber panels that, in combination with
21 the window patterns, will create a balance between windowed,
22 metal, cement panels, which will look the clear lime -- the off-
23 white-colored limestone, and then the brick at the strategic
24 parts of the grade level near the pedestrian aspects to the
25 building.

1 COMMISSIONER WRIGHT: Great. I don't think I have any
2 other additional questions. I do think that the design is
3 improving the compatibility of the campus with the surrounding
4 community, and I think you've made some positive changes. So I
5 think that's it for me, in terms of questions.

6 CHAIRPERSON HOOD: Thank you, Commissioner Wright.
7 Let's go back to Commissioner Imamura.

8 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Thank
9 you, Commissioner Wright, for helping tee up some of the questions
10 about design. And I echo Commissioner Wright's comments, and
11 noted in the record, DOEE, in their support for the Mid-rise LEED
12 Gold, certainly is laudable. Appreciate Commissioner Wright's
13 comments about sustainability and want to start there. Noting
14 there has been some -- you know, I know it's actually -- let me
15 back up here. I know it's been painful to get to this point. We
16 know that design is an iterative process, and I think you all
17 have reached a much better design solution today than where this
18 was some time ago.

19 For sustainability, it is noted that you have made some
20 landscape improvements, the additional playground certainly, but
21 also just adding more landscape planting, and also noting the
22 tree preservation efforts that you're striving for. So I have
23 two questions. I think it's for Ms. Sara Link, as the civil
24 engineer here, and this revolves around, while we're achieving
25 Mid-rise LEED Gold here in sustainability for the building, I'm

1 | curious to hear more about what this project is doing in terms
2 | of what are you doing that's innovative about stormwater
3 | management and ecosystem services --

4 | MS. LINK: So in terms of --

5 | COMMISSIONER IMAMURA: -- that goes above and beyond
6 | what's required?

7 | MS. LINK: So, in terms of the stormwater management,
8 | it's the -- like was mentioned, the bioretention facility, the
9 | green roof, and then the solar panels on the actual building. In
10 | terms of above and beyond, I think that really takes into
11 | consideration the greener campus with the point four to point six
12 | Green Area Ratio. And, as we know, Green Area Ratio and
13 | stormwater are tied together, but the above and beyond is really
14 | focused on that Green Area Ratio of point six that we're
15 | committing to. And we will -- we are still planning to meet the
16 | stormwater requirements. Sorry if that was not clear.

17 | COMMISSIONER IMAMURA: Yes. Thank you very much. I
18 | think the illustrations -- the renderings you showed with the
19 | tree canopy and just the porosity of the foliage there I think
20 | was very helpful; also discussing the different -- the
21 | seasonality of it is important to. So there's nothing that I
22 | find offensive, in terms of the design solution or, in general,
23 | your landscape plan. I am curious though, either Ms. Link or
24 | Mr. Boarman, if you could respond to the number of trees, either
25 | heritage trees that may be lost versus those -- the volume that

1 | you plan to plant. Is it a one to one or is it a greater ratio?

2 | MS. LINK: It's a greater ratio.

3 | COMMISSIONER IMAMURA: Can you elaborate a bit more for
4 | me please?

5 | MS. LINK: Yes.

6 | COMMISSIONER IMAMURA: Is it a one to two, one to three?
7 | By what volume are you all replacing the plants -- the trees that
8 | you'll -- you plan to remove versus the volume of trees that you
9 | plan to --

10 | MS. LINK: I do not know the exact count. We can
11 | definitely follow up with you on that for what we're keeping,
12 | have to remove, and then what we're replacing. We'll follow up
13 | with that information on the exact numbers.

14 | COMMISSIONER IMAMURA: All right. Thank you, Ms. Link.
15 | I think that's just important for the general public to know that
16 | there's this significant improvement and effort, right, to green
17 | the campus even more than it is already, and so I think that's
18 | an important element here. And then building on Commissioner
19 | Wright's comments just about materiality, what we didn't discuss,
20 | although we have in the past, but if you could just -- this is
21 | for the architect, Mr. Boarman -- if you could just describe at
22 | least the color hues and such, to describe in general terms at
23 | least. We can see it from the renderings here, but I'm more
24 | interested in its compatibility with the campuses that exist in
25 | the surrounding context. Thank you.

1 MR. BOARMAN: Well, I think you've keyed on the main
2 characteristic of the -- of the color materials for the new
3 design, and that is that it will be a part of the Wesley spectrum
4 of color and materials. You know, our cues for the brick color,
5 the cues for the terracotta, metal panel colors, and the lighter
6 cement fiberboard panels are really to reflect the brick,
7 limestone, and metal materiality of the existing campus. I mean,
8 the palette of the campus is clearly the driver of the new
9 materials for the new building.

10 COMMISSIONER IMAMURA: All right. Very good. I think
11 the -- the thing that I'd also like to focus on is just the
12 reduction in height -- a significant reduction in height here,
13 based off of the feedback that you all received. And I see --
14 I'm supportive of the area variance that you're seeking, because
15 of the configuration of the site and the location of the
16 buildings, so that seems reasonable to me. With that, Mr.
17 Chairman, I yield back.

18 CHAIRPERSON HOOD: Thank you, Commissioner Imamura.
19 Commissioner Stidham, any questions or comments?

20 COMMISSIONER STIDHAM: I definitely agree with my
21 colleagues that the changes are great improvements, so thank you
22 for that. I did -- and I probably missed this, because I came
23 in late. The variance that you're looking for, in terms of not
24 being able to meet the building setback on all sides of the
25 property, could you walk me through the -- what you believe are

1 the unusual circumstances that then that variance request comes
2 from?

3 MR. BROWN: Slide 14. Mr. Young, could we pull up
4 slide 14?

5 COMMISSIONER STIDHAM: Apologies to make you go back.

6 MR. BROWN: No. It's an important point worth making
7 again. There we go. And just to orient you, Massachusetts at
8 the top, University on the left-hand side, and down the southern
9 portion of the site you see the Notch with the circle there. And
10 that Notch, being -- kind of breaking the normal boundary line,
11 brings the building rear-yard dimension -- kind of artificially
12 limits it. The problem that the site presents is, one, the
13 unusual shape of that notch, but also then the inability of --
14 to move the building in a way to create a larger separation
15 because of the existing buildings, and there's also a heritage
16 tree that needs to be protected, so that there isn't a whole lot
17 of flexibility about where to put the footprint of the new
18 building. And the Notch is an anomaly, and it otherwise -- and
19 it backs up to American University, not a residential element,
20 so that it's a relatively minor area variance that's really a
21 factor of unique conditions and doesn't cause a problem and
22 doesn't undermine the regulations in any way, given the minor
23 nature of it and the specific circumstances

24 COMMISSIONER STIDHAM: Okay. Thank you. I appreciate
25 that. So shifting the building is not a solution. Did you look

1 at all at changing the configuration to be able to accommodate
2 the proper setback? What is -- what is your -- what would that
3 limit, if you changed that area of the building to meet the
4 requirements of the setback?

5 MR. BOARMAN: Well, I would say that the issue here
6 really is a hardship to creating an efficient building, because
7 if you set back the building to parallel the property line, I
8 just think that starts to impact the overall kind of building
9 efficiency and ability to erect a building that's fairly, you
10 know, orthogonal. And so the other issue is that we have a
11 greater -- you know, if you look at the amount of setback we have
12 on this side of the building, it varies pretty extensively from
13 what's required. So we're already setting back I believe greater
14 distances for most of the site, but at this hinge point, because
15 of the odd shape of the parcel property lines, there is this
16 request for a variance, because otherwise it's a hardship on the
17 overall building design and layout. We would have to reduce the
18 number of units and reduce the amount of residential opportunity,
19 because of this unique, oddly-shaped property line -- property
20 configuration.

21 COMMISSIONER STIDHAM: Okay. I can understand that.
22 And you probably do notice that there are a lot of very oddly-
23 shaped buildings throughout the District that are oddly shaped
24 because of these requirements and setbacks, so not unusual for
25 weird-shaped parcels and the buildings have to accommodate those.

1 Thank you. I appreciate your responses to my questions.

2 CHAIRPERSON HOOD: Okay. Thank you, Commissioner
3 Stidham. Vice Chair Miller, any questions or comments?

4 VICE CHAIR MILLER: Thank you, Mr. Chairman. Can you
5 hear me?

6 CHAIRPERSON HOOD: (Nods affirmatively.)

7 VICE CHAIR MILLER: Yeah? Okay. Well, thank you to
8 the -- to President McAllister-Wilson and the Wesley team for
9 your continued diligence in trying to pursue another method of
10 thriving in place at the site that you've been at for many
11 decades. We've all been at this effort for I think three years,
12 at least. You probably have been at for more with the community.
13 And I appreciate the community engagement that you've done,
14 especially with ANC 3D, which I think originally your campus
15 was -- or AU's or both were in 3D when maybe you originally
16 started, and now they're adjacent, and 3D is adjacent, and 3E is
17 the ANC within which you're located, so I appreciate the community
18 engagement and the effort to try to -- the dialogue you've had
19 with those neighbors to accommodate their concerns.

20 Let me just ask, just so -- you may have -- I think
21 you've already covered -- you may have already covered this,
22 but -- and we can get into it after -- I mean, the Office of
23 Planning and others are going to -- are going to be making their
24 presentations, but we read their prehearing report, so I have
25 some questions about their recommendations and just want to make

1 | sure that you're covering them. You probably would get into them
2 | in rebuttal, but -- and you may have already covered them today
3 | or in your prehearing, but regarding the Office of Planning
4 | recommendations, one of the first ones was, in their report, that
5 | you -- they clarify if persons residing or working on the Wesley
6 | campus would have access to the American University shuttle bus
7 | to and from the Tenleytown Metro Station. That university housing
8 | that you're proposing to build on your campus will serve primarily
9 | AU staff -- AU students, faculty, and staff, and maybe some Wesley
10 | students, faculty, and staff, but will -- is there any more
11 | information that you have at this stage on whether the -- those
12 | who are in the -- will be in this proposed building on your campus
13 | will have access to that AU shuttle bus that helps provide access
14 | to and from the Tenleytown Metro Station?

15 | MR. BROWN: The easy part of the answer is the AU
16 | students, faculty, staff will continue to have access to the
17 | shuttle. They have access virtue -- by virtue of their
18 | enrollment, employment, association with AU. The other question
19 | that I can't give you an answer to is formalizing the longstanding
20 | practice of Wesley students using AU's shuttle, and that's
21 | something that we've talked to American University about, and
22 | they've expressed a willingness to talk about that and other
23 | issues in the context of further processing, but that's certainly
24 | on our -- among some of the issues; the fence and others are on
25 | our radar for further processing with the cooperation of AU.

1 VICE CHAIR MILLER: Yeah. Well, I appreciate your
2 response, and I think that we will need more -- we would want
3 more specifics on that at further processing, but you said it's
4 been a longstanding practice that Wesley students and others on
5 the Wesley campus have been able to use the -- that shuttlebus,
6 even though they're not part of the AU community, but you're
7 immediately adjacent?

8 MR. BROWN: Yes, that's -- yes, that's correct. And,
9 in fact, a lot of nonstudents -- quite frankly, I have neighbors
10 who use the AU shuttlebus, but we're not looking to deal with
11 that.

12 VICE CHAIR MILLER: Okay. Well, I think that is an
13 important practice --

14 MR. BROWN: Understood.

15 VICE CHAIR MILLER: -- that mitigates concerns about
16 traffic and access to and from the campus -- both campuses, so I
17 think more details at the -- on that and others issues that you've
18 said on that, which would require the cooperation of American
19 University, we would certainly want that -- those details at
20 further processing. Do you have any sense of when further
21 processing would be, if we -- if we proceeded with an approval
22 process of the Campus -- once we -- if and when we proceeded with
23 a Campus Plan approval process?

24 MR. BROWN: We would proceed with further processing
25 just as quickly as possible, and we would -- we would like to

1 see further processing occur this year, sooner rather than later.
2 We've been working on many of the issues, but we need to get
3 through this threshold Campus Plan approval, and then we would
4 prepare to give notice of intent, and then we'll file and process
5 the further processing.

6 VICE CHAIR MILLER: Yeah. I would think you -- the
7 applicant would be just as anxious as everyone to move this case
8 forward and to its conclusion. The -- just going through the
9 other OP recommendations in their report, the applicant worked
10 with the Department -- I think you've covered this -- the
11 Department of Energy and Environment on their recommendations and
12 options to provide measures that can move the campus closer toward
13 operational carbon neutrality. Did you say something about that
14 already?

15 MR. BROWN: Well, we've -- that would be an extension
16 of the discussions that have already gone on with DOEE. The GAR
17 increase was a product of discussions, and those discussion are
18 ongoing. As you move toward further processing, your designs
19 improve and you get more specific and are able to hopefully
20 improve the sustainability elements.

21 VICE CHAIR MILLER: And one of the sustainability
22 elements that OP specifically recommend, and I think it's --
23 you've now agreed to do it, is the solar panels to be incorporated
24 into the building; is that correct?

25 MR. BROWN: That's correct. And Jack Boarman talked

1 about it, but we can go into more detail, as needed.

2 VICE CHAIR MILLER: No, I just wanted to -- I just
3 wanted to have you reiterate that and just have it clear in my
4 mind that you have agreed to that recommendation by OP and DOEE,
5 which you have, right? Yes?

6 MR. BROWN: Absolutely.

7 VICE CHAIR MILLER: Yeah. So the next one from the
8 Office of Planning was that you have a whole bunch of draft
9 proposed conditions as part of your prehearing statement, and
10 they had asked that you delete certain items that they thought
11 should be addressed at further processing. I think you were
12 asking for flexibility for certain items, and they thought that
13 that not be given at this stage. Did you see that recommendation?
14 I think it dealt with exterior -- the flexibility, you were asking
15 for exterior materials and color, exterior details, sustainable
16 features, and signage. Did you see those OP recommendations, and
17 do you have a problem with deleting them from your proposed
18 conditions in the Campus Plan approval?

19 MR. BROWN: We saw the recommendations. We have no
20 objections to them. And to take it a step further, we've gotten
21 suggestions on language revisions from ANC 3E that came in within
22 the last few days. As a general matter, their revisions I think
23 are acceptable to us, whether they're now or at further
24 processing, so the conditions discussion is ongoing, but I
25 don't -- we're agreeing more than we're disagreeing. We're

1 | agreeing and not disagreeing.

2 | VICE CHAIR MILLER: Right. And I was going to get to
3 | that. So, yeah, the ANC has suggested a number of revisions to
4 | the proposed conditions, and I think we need a written statement
5 | or response from the applicant in our record as to which of --
6 | which of each of them that you are agreeing with or not agreeing
7 | with, and including -- and that goes for OP's recommendations as
8 | well. And if you're going to do it at further processing, then
9 | that can be part of your statement in response to their suggested
10 | revisions, but I think we need a response in the record detailed
11 | as to each of the revisions that are suggested by ANC 3E and the
12 | Office of Planning as to whether you agree with them or not or
13 | whether you're going to put off the issue until further
14 | processing, so --

15 | MR. BROWN: We can provide written confirmation. The
16 | issues that they want put to further processing, we'll put off,
17 | but we can confirm that almost immediately in writing.

18 | VICE CHAIR MILLER: And although the Chairman --

19 | CHAIRPERSON HOOD: Vice Chair -- Vice Chair, let me
20 | just interrupt. Mr. Brown, what I would suggest is that you work
21 | with our counsel as well to find out what things should be
22 | submitted with further processing and what we need here for
23 | Campus -- for the Campus Plan, because there seems to be -- not
24 | just from the public's standpoint, but even on your side, there
25 | seems to be a disconnect there. So I need you to make sure that

1 | when we get to this point, you can provide everything -- not a
2 | what if -- let's not leave it up in the air; let's nail down
3 | what's needed for further processing versus Campus Plan. Okay?
4 | Thank you. Excuse me, Vice Chair. Go right ahead.

5 | VICE CHAIR MILLER: No, I appreciate that interjection,
6 | Mr. Chairman, and we've -- you said at the outset, Mr. Chairman,
7 | that the inclusionary zoning Ward 3 affordable housing program
8 | should be addressed at further processing, and I just -- I want
9 | to respect what you and our counsel have said. And I know the
10 | applicant's agreed to do that, and I know that ANC 3E wants us
11 | to do -- deal with that at further processing, but I just want
12 | to get a general commitment from the applicant that at further
13 | processing you will provide a much more detailed and documented
14 | information, which is part of OP's recommendation as well -- more
15 | detailed and documented information on your investigation of
16 | alternative means of meeting the inclusionary zoning set-aside
17 | requirements and the mechanism or mechanisms by which the
18 | government agency can monitor compliance with those IZ units
19 | production in Ward 3. So I just wanted to hear a statement from
20 | you, a general statement, if that's okay, Mr. Chairman, of their
21 | commitment at further processing, at this point in this -- in our
22 | consideration of the Campus Plan, and recognize -- acknowledging
23 | that we have taken text amendment action that addresses this
24 | issue recently, that you will make -- that you commit to providing
25 | much more detailed information on the whole Ward 3 inclusionary

1 zoning affordable housing program at further processing.

2 MR. BROWN: Absolutely confirm that and it's going to
3 be incumbent upon us to provide that, so you have our assurances.

4 VICE CHAIR MILLER: Okay. Well, thank you. I think --
5 I think that's most of what I had questions at this point. If I
6 might have missed some, I'll come back later, if we need to, Mr.
7 Chairman. So thank you for your responses, and thank you, Mr.
8 Chairman. I'm finished.

9 CHAIRPERSON HOOD: Okay. Thank you. Thank you, Vice
10 Chair. And I believe that we're ready to do that tonight, but
11 due to my tutorial and instructions from counsel, we're going to
12 proceed to do that at a later time. I just want -- my response
13 to what you were saying, Vice Chair, is I just wanted him to nail
14 down exactly what needs to be done whenever we get there, after
15 we finish the Campus Plan.

16 I do have a question. And I would agree with everything
17 that my colleagues have said. And looking back at the Campus
18 Plan, one of the things I was thinking -- and this may go to
19 President McAllister-Wilson. I'll tell you that I know in some
20 educational arenas now after COVID -- now, I notice in your
21 submissions, I think it was mentioned a couple of times, after
22 COVID trying to ramp back up. I get that. But has education
23 changed -- and I'm not saying you don't need what you need,
24 because I know when you do your sermons and your presentations
25 or whatever, a lot of times you have to do it in class, and I've

1 never been to theological seminary school, but I believe, from
2 what I hear, that's what they do. But let me just ask, has the --
3 has it been a pivotal shift in how education is being done now?
4 I know some places -- like on here, we're doing it virtually. Is
5 there a shift where some of this that we're using on the campus
6 may be done in individual residences or other locations or off-
7 site? And I may be asking the wrong question. I'm just curious
8 of where is education going with the Seminary like I see it going
9 on with just other education processes. You're on mute, Mr.
10 President. You're still on mute. Okay. That's --

11 MR. BROWN: I don't think we can change it. David, I
12 don't think we can change it.

13 CHAIRPERSON HOOD: If you hit your space bar -- if you
14 hit your space bar -- oh, you are? Okay. All right. Well --

15 MR. BROWN: You know what -- it's an important answer.
16 I think I'd like to -- still can't hear you, David.

17 CHAIRPERSON HOOD: That's all right. Here's what I'll
18 do. I'll give him a chance another time to answer that question.
19 I think that was going to tail to some of my other questions,
20 but I'll just leave it there for now. I will say that what has
21 been done, as my colleagues have already mentioned --

22 MS. SCHELLIN: I just unmuted him. He should be

23 DR. MCALLISTER-WILSON: Okay. Can you hear me now,
24 sir?

25 CHAIRPERSON HOOD: Yeah, now we can hear you okay.

1 DR. MCALLISTER-WILSON: It's a great question, and you
2 can imagine, everybody in higher education is asking this
3 question. Here's my sense of it. And I'll give you an example
4 from our own experience here with our CLC meetings. Our CLC
5 meetings have been much better since we started meeting in person
6 again, much better, better spirits, deeper conversations. And I
7 think, across education, they're finding that COVID accelerated
8 the move to a lot of online or sometimes what's called hybrid
9 education. And there were some people who thought the whole
10 future is going to be online. That is not what people are
11 discovering. It may not be surprising that humans want to be
12 together and students want to be together. So across higher
13 education, they're sort of trying to find the new set point for
14 how much of that needs to be in person on a campus, how much of
15 that needs to be in intensive sessions and hybrid.

16 In the case of seminaries -- first of all, as graduate
17 schools, we're different. But if you just think about some of
18 the things we do to prepare people for ministry, it's highly
19 personal, highly intensive. And so we're moving towards I think
20 our newest set point, where we've figured -- we're figuring out
21 what material can be delivered online and then what needs to
22 happen in person. My sense is that the future across our industry
23 is going to be to realize that content can be delivered online,
24 but the interaction with students has to be personal, and so I
25 think that's why our dorms are full up again. I think that's

1 true across theological education, but some of our courses, they
2 come in for intensive weekends several times a semester, and so
3 the need for housing changes. It's maybe not ever going to
4 come -- go back where it was like, say, ten years ago, when the
5 ideal norm was everybody live on campus for the 14 weeks of the
6 semester. Instead, it's a very vibrant, changing thing. I gave
7 diplomas today to students from the Caribbean who are here for a
8 few days and then back out again. Because of Visa issues, they've
9 had to be online. It would be far better if we could have had
10 them for intensive weekends. Does that help?

11 CHAIRPERSON HOOD: Yes, it does, and I appreciate that
12 insight, because I was going somewhere else with that, but I
13 think what you said -- and I know when you're dealing with certain
14 situations, I think you're right, you have to strike that
15 balance, and I think that's what I heard loud and clear from you,
16 so I appreciate you expanding on that for me. I don't necessarily
17 have any other Campus Plan questions. I think that we have a
18 better solution, as I think a couple of my Commissioners -- a
19 couple of my colleagues have already said, and I think that,
20 hopefully, we can move into that direction. We'll see. All
21 right.

22 VICE CHAIR MILLER: Mr. Chairman.

23 CHAIRPERSON HOOD: Yes.

24 VICE CHAIR MILLER: Thank you. I agree with your last
25 statement and my other colleague's statement that there have been

1 improvements, and I appreciate those improvements that are made,
2 whether it's the reduction in height -- the various reductions
3 in height that have been made over the various iterations of this
4 project, the playground that was added from the original -- maybe
5 original proposal presented to the community, the variance
6 setback relief that you're requesting from AU, as I understand
7 it, that -- and maybe I understand it wrong -- that that allowed
8 for additional setback to be from the -- that that relief from
9 the setback is on the AU side, which has even higher buildings --
10 dormitories or buildings, and it allowed for even more increased
11 setback from the already generous setback of the building from
12 the University Avenue side, so that the residents are even less
13 affected by visual and other possible impacts, so I appreciate
14 that. But I found, Mr. Chairman, the note that I wanted to ask,
15 that the applicant, maybe not at this time, but either on rebuttal
16 today, if we get to that point, from the applicant or from -- or
17 in a post-hearing submission -- we've all read all the prehearing
18 submissions, and the neighbors -- the opposition party, Neighbors
19 for a Livable Community, Spring Valley Wesley Heights Citizens
20 Association, spends a lot of their argument, at Exhibit 88 I
21 think it is, on pages 8 to 12, about how the inconsistency of
22 this Campus Plan proposal with the Future Land Use Map and other
23 elements of the Comprehensive Plan, and particularly the Durant
24 D.C. Court of Appeals decision, and we're going to need -- they're
25 going to make their arguments I'm sure tonight, if they're here,

1 | if we get to that point, which I hope we do, but we're going to
2 | need a rebuttal, either as part of this proceeding or in a post-
3 | hearing submission, of each of those Comprehensive Plan
4 | inconsistency arguments, so that our record is complete. So I
5 | just wanted to note that for the record and with the applicant.
6 | I'm sure the applicant is aware of that as well. Thank you, Mr.
7 | Chairman. Thank you.

8 | CHAIRPERSON HOOD: And I know that when we heard -- and
9 | I know people are using that piece of caselaw, Vice Chair, the
10 | Durant case. And if you all remember, for those of us who were
11 | here -- and I'm sure Ms. Schellin will correct me if I'm
12 | incorrect -- it was going on so long, the neighborhood was
13 | fighting Durant and the neighborhood over in Brooklyn so much
14 | that what they decided to do was wait and make the change in the
15 | Comp Plan, which is being done now, and I understand -- I don't
16 | know where it is, but I think we'll be seeing that again shortly.
17 | So, anyway, I just wanted to say a lot of people are using that
18 | Durant case, and it got to that point -- the Court issued that,
19 | but they did -- the applicant decided not to fight it and they
20 | dropped it. All the hard work we put into it, they just dropped
21 | it. So that's -- I'll leave it at that. All right. Let me see.
22 | Anybody else have anything else?

23 | (No response.)

24 | CHAIRPERSON HOOD: Okay. All right. Ms. Schellin, do
25 | we have anybody here from either one of the ANCs?

1 MS. SCHELLIN: Yes, sir, from both of them, if you want
2 both ANCs to come up. I believe Jonathan Bender, who --

3 CHAIRPERSON HOOD: Yes, let's bring them up. Let's
4 bring Mr. Bender up and --

5 MS. SCHELLIN: He is going to be the ANC 3E rep I
6 believe. We'll clarify that, because they had three people listed
7 that could testify. And then Tricia Duncan for ANC 3D.

8 CHAIRPERSON HOOD: Okay.

9 MS. SCHELLIN: She will be the rep for 3D.

10 CHAIRPERSON HOOD: So what we're doing now,
11 Commissioners, is we're just having any cross-examination of the
12 applicant in their case -- not your presentation yet, but the
13 cross-examination. And Chair Duncan -- I think you're still a
14 Chair -- we'll start with you.

15 COMMISSIONER DUNCAN: We have term limits, so I am not
16 the Chair, but thank you.

17 CHAIRPERSON HOOD: Term limits. Okay. Go right ahead.

18 COMMISSIONER DUNCAN: I have no cross.

19 CHAIRPERSON HOOD: No cross. All right. Is Mr.
20 Bender here? I don't see him. Yeah, he's here. Chair Bender --
21 I think you're the Chair. I don't know. I get confused.
22 Commissioner Bender, Chair Bender, either one. Once you're the
23 Chair, always the Chair, I guess. Ms. Schellin, can you help me
24 get Mr. Bender, or Mr. Young?

25 MS. SCHELLIN: He's unmuted, so I'm not sure why we're

1 not hearing him. Mr. Bender?

2 MR. YOUNG: You may need to go into his microphone
3 settings and change his microphone.

4 MS. SCHELLIN: I know he's pretty computer savvy. There
5 we go. I was going to say, I know he --

6 COMMISSIONER BENDER: You can see me, but you can't
7 hear me?

8 MS. SCHELLIN: We do now.

9 COMMISSIONER BENDER: That's real -- that's odd,
10 because I had to turn my video on. No, we have no cross, so --

11 CHAIRPERSON HOOD: Okay. All right. Well, hold
12 tight -- hold tight and we'll come back to you. All right. Let's
13 go -- Ms. Schellin, do we have any reports of any other government
14 agencies that have not already been mentioned?

15 MS. SCHELLIN: No, sir, that haven't been mentioned.

16 CHAIRPERSON HOOD: What about DDOT; do we have DDOT
17 here?

18 MS. SCHELLIN: I did not see them. Let me see who
19 our -- Mr. Brown, who were you working with at DDOT? That will
20 save me looking through -- we've got a long list here, since it
21 doesn't have "DDOT" next to a name.

22 MR. BROWN: It escapes me right now. (Indiscernible
23 cross-talk at conference table.)

24 MS. SCHELLIN: Hold on. Give me one second. Let me
25 look in one other place. I'll look in one other place to see.

1 MR. BROWN: Oh, Erkin Ozberk.

2 MS. SCHELLIN: Thank you. Okay. So, Mr. Young --

3 MR. YOUNG: I do not see them on.

4 MS. SCHELLIN: I didn't either. So, no, sir, Chairman
5 Hood, no.

6 CHAIRPERSON HOOD: Okay. All right. Let's go to Ms.
7 Brown-Roberts, I believe, from the Office of Planning.

8 MR. BROWN: Chairman Hood, may I interject? Are -- the
9 party opponents, are they going to be allowed to cross-examine?

10 MS. SCHELLIN: I'm sorry. Yes, the parties. I was
11 just going to say we need to get the parties to cross too.

12 CHAIRPERSON HOOD: So, Mr. Brown, since you helped me
13 with that, I won't be so upset with you about not having that
14 resume. All right. Let's hold tight and go to cross-exam.

15 MS. SCHELLIN: Yeah. Sorry about that.

16 MR. BROWN: Chairman Hood, redemption.

17 CHAIRPERSON HOOD: Yeah, you definitely got that one,
18 so I'm have to cancel what I said earlier. Well, no, I'm not
19 going to cancel it; let's just correct it, and then I'm going to
20 correct mine. All right. Let's go to -- Ms. Schellin, help me
21 with the parties please.

22 MS. SCHELLIN: Yes, NLC/SVWHCA, and they were being
23 represented -- let's see, NLC/Spring Valley was represented by
24 Dennis Paul, Alma Gates, William Krebs, Blaine Carter, and Tom
25 Smith, so I'm not sure which one is going to cross. I believe

1 before it was Dennis Paul. We could bring Mr. Paul up and see
2 if that's correct. If not, we'll swap them out.

3 CHAIRPERSON HOOD: Okay.

4 MS. SCHELLIN: Is Dennis Paul up there? If not, we'll
5 try Tom Smith.

6 MR. YOUNG: I do not see Mr. Paul.

7 MS. SCHELLIN: Okay. Let's go with Tom Smith.

8 MR. SMITH: Yes, it's -- yeah, I'm doing the --

9 MS. SCHELLIN: That's what I thought. Okay. I wasn't
10 sure if you were still on vacation, so okay.

11 MR. SMITH: But, again, not to be impertinent here, but
12 aren't the parties in support usually cross-examined before the
13 parties in opposition, Mr. Chairman?

14 MS. SCHELLIN: Yes, you are correct, and I did not --
15 we skipped over their name. Mr. Clarkson, is he available?

16 CHAIRPERSON HOOD: Yeah, Mr. Clarkson; I saw their
17 submission. Ms. Schellin, if we could do like we usually do.
18 It's been a while. Maybe this goes back to President
19 McAllister's-Wilson's --

20 MS. SCHELLIN: Yeah. I'm sorry. I was just looking
21 and they were on my list --

22 CHAIRPERSON HOOD: Well, let me finish, let me finish
23 and then we'll go back to --

24 MS. SCHELLIN: -- maybe get them to rearrange that.

25 CHAIRPERSON HOOD: -- maybe we'll go back to -- hold

1 on. Let me -- let me make this point, because I want to make
2 this point even though it's irrelevant. Maybe we'll go back --
3 it's important. Maybe we'll go back to what Mr. McAllister-
4 Wilson said and start meeting in person, because then you would
5 have me who was doing what, and that made it a lot easier. That
6 was a side note. All right. Ms. Schellin, so if we can do that
7 and you could e-mail that to me, and that way I'll have it.

8 MS. SCHELLIN: Yes I will

9 CHAIRPERSON HOOD: Thank you. All right. Let's got
10 to the person -- and thank you, Mr. Smith. Let's go to the person
11 in support, Mr. Clarkson.

12 MR. CLARKSON: Yes. Spring Valley Neighborhood
13 Association doesn't have any cross.

14 CHAIRPERSON HOOD: Okay. We went through all that, but
15 that was good. We had to find out.

16 MR. CLARKSON: (Nods head affirmatively.)

17 CHAIRPERSON HOOD: Ms. Schellin, do we have any other
18 parties in support?

19 MS. SCHELLIN: No.

20 CHAIRPERSON HOOD: Okay. All right. Let's go to the
21 party in opposition. Let's go to NLC, Mr. -- who was it?

22 MS. SCHELLIN: Tom Smith.

23 CHAIRPERSON HOOD: Mr. Smith. Okay.

24 MR. SMITH: All right. Can you all hear me? Am I
25 okay?

1 CHAIRPERSON HOOD: Yes.

2 CROSS-EXAMINATION OF APPLICANT BY OPPOSITION

3 MR. SMITH: My first questions really are for Mr. Leath,
4 I believe, with the -- with Landmark.

5 MR. LEATH: Yes.

6 MR. SMITH: Okay. I'm -- okay. Have you determined
7 the monthly rental rates yet for the units in the Landmark
8 building?

9 MR. LEATH: No, we have not.

10 MR. SMITH: Do you know -- do you have a sense as to
11 whether -- you had said previously, and tell me if this is still
12 accurate, is it still accurate that the -- that the monthly rents
13 would be comparable to the market rates in the area?

14 MR. LEATH: To a degree, yes. I mean, I think that's
15 an oversimplification though, because, by its nature, student
16 housing unit configurations are different than traditional market
17 rate apartments, so it's not that simple of a comparison.

18 MR. SMITH: Okay.

19 MR. BROWN: Chairman Hood, also, I'm not so sure that
20 Mr. Leath testified in the first instance on any of this, which
21 would preclude cross-examination, and I think efficiency tonight
22 at a premium.

23 MR. SMITH: Yeah. I think it's in the record, Pat, but
24 that's okay. I'll drop that question. My -- the -- my question
25 though, Mr. Leath, is how can you -- how can you make a

1 determination or how can a determination be made that these units
2 are going to be more affordable, if you have no idea how much
3 they're going to be -- you're going to be asking for them?

4 MR. BROWN: I renew my objection. It's going beyond
5 his direct testimony.

6 MR. SMITH: Okay. Well, then maybe I'll direct that
7 question to Ms. Elliott, since she's the one who brought it up.

8 CHAIRPERSON HOOD: ask the question - further
9 processing - dissect that - follow that guidance

10 MR. SMITH: specific comment - Ms. Elliott - happy to
11 defer that to further processing - design issues get discussed -
12 happy to delay

13 CHAIRPERSON HOOD: Mr. Smith, hold off. I don't want
14 to get too far into that, because, again, I keep talking about
15 my tutorial; while you all were relaxing or whatever you all were
16 doing, I was being instructed from my legal counsel on certain
17 things not to go, so let's not -- let's ask the question. If
18 you don't get it, when we move further into further processing,
19 we will really dissect that, and that's what my opening statement
20 was. I would ask you to -- let's follow that guidance that's
21 been given and let's move forward. Thank you.

22 MR. SMITH: Okay. All right. My question actually was
23 in reference to a specific comment that was made by Ms. Elliott,
24 but I thought Mr. Leath would know more about it than she did,
25 but, okay, I'm happy to defer that to further processing. The

1 other -- the other -- Mr. Chairman, if I can ask some guidance
2 from you, normally in further processing, that's where a lot of
3 these design issues get discussed, and I do have a question about
4 design, if it's appropriate, but if it's not, I'm happy to delay.

5 CHAIRPERSON HOOD: Further processing. Further
6 processing. We're going to -- as I said in my opening statement,
7 we're going to really drill down into those kind of issues in
8 more specifics. This is a macro, because we're looking at the
9 Campus Plan. We're going to micro at further processing. Thank
10 you. Good question.

11 MR. SMITH: In slide 46 -- this is in reference to
12 slide 46, Pat. So my question is, are all -- do all Wesley
13 students have access to the recreational facilities that will be
14 in the Landmark building?

15 MR. LEATH: I don't know that that's been discussed.

16 MR. SMITH: It was in slide 46.

17 MR. BROWN: I think that's better left for further
18 processing.

19 MR. SMITH: I'm sorry. I didn't hear you.

20 MR. BROWN: I think that the details are better left
21 to further processing, and it also depends on which Wesley
22 students you're talking about.

23 MR. SMITH: In slide 46, you talk about the recreational
24 facilities that will be in the Landmark building. You talk about
25 the pool. I don't know what other -- what other -- it doesn't

1 specify what other recreational facilities you have there. I'd
2 like to know that too. But my question is, will all Wesley
3 students have access to the recreational facilities that are in
4 the Landmark building, not just the residents of that building?
5 It's under Campus Plan review, slide 46, and it's under the column
6 that reads "Athletic and Other Recreational Facilities", and it
7 says, specifically, "Improvements to existing recreational
8 facilities and new facilities and dormitory will serve
9 community" -- and I guess I'm also asking, if the community --
10 how do you define community? Are we talking about the neighbors
11 also having access to these, or is this just the folks in the
12 building or on the campus -- the tenants of the building?

13 MR. LEATH: I believe that -- I mean, there's
14 distinction here, right? The community playground we have said
15 the playground is open for the entire community. The building,
16 itself, will have access control for security and safety
17 measures. We will work with Wesley to determine who from the
18 Wesley community has access to the building.

19 MR. SMITH: So just to make sure I understand, that in
20 terms of the recreational facilities in the building, when you
21 talk about them being available to the community, it's just the
22 Wesley community; but the playground, it's open to the community
23 as a whole, correct?

24 MR. LEATH: The playground will be open to the community
25 as a whole.

1 MR. SMITH: Okay. So now the recreational facilities
2 in the Landmark building, will all Wesley students have access
3 to those recreational facilities or only the Wesley students that
4 would be living as tenants in the Landmark building?

5 MR. LEATH: I don't know that that's been determined
6 yet.

7 MR. SMITH: Okay. Thank you.

8 MR. BROWN: At a minimum, all the residents -- Wesley
9 residents would be, and we haven't determined whether it would
10 be extended beyond the residents of the building.

11 MR. SMITH: Pat, I'm having a hard time hearing you.
12 Are you saying that the Wesley students who are living in the
13 other dorm on the campus would have access to the Landmark -- to
14 the recreational facilities in the Landmark building?

15 MR. BROWN: No. I am saying that, at a minimum, at
16 this moment, Wesley students who are residents in the new
17 dormitory would obviously have access to all the facilities of
18 that building, and a determination has not been made about whether
19 that would extend to Wesley students who do not live in the
20 dormitory.

21 MR. SMITH: Thank you. Mr. Chairman, can I ask another
22 clarification here -- some guidance here?

23 CHAIRPERSON HOOD: Sure.

24 MR. SMITH: I have some questions about other slides --
25 issues that were not raised in the oral testimony tonight, but

1 that were part of the slide presentation. May I ask questions
2 on those?

3 CHAIRPERSON HOOD: So did they -- let me ask you this.
4 Because of the mix-up -- and that's why I mentioned earlier about
5 some things not to mention. Did they speak on it? If they spoke
6 on it, you can ask questions about it.

7 MR. SMITH: So if they did not speak tonight in oral
8 testimony about those issues, I cannot raise those questions --

9 CHAIRPERSON HOOD: Right.

10 MR. SMITH: -- even though they were put in the slide
11 presentation that was submitted to you?

12 CHAIRPERSON HOOD: The problem is, if it has to deal
13 with further processing, you would know -- you've been around
14 awhile --

15 MR. SMITH: Yes.

16 CHAIRPERSON HOOD: So, if it's further processing,
17 we're going to drill down then, not now.

18 MR. SMITH: Right, but if it's not further processing,
19 it's game to be asked?

20 CHAIRPERSON HOOD: It's game to be asked, yes.

21 MR. SMITH: All right. Thank you very much. My
22 question now is about slide 43, and this -- I believe this is
23 directed to Ms. Elliott, and if I'm incorrect, Pat, please
24 correct -- please make the correction. But am I correct in saying
25 that the ZA's comments that you reference on page 43 that are in

1 an e-mail Ms. Giordano, that that's more than 40 -- more than
2 five years ago? Is that correct?

3 MR. BROWN: I don't remember the date, but it's in the
4 record from the original '22 Campus Plan and this application,
5 so it's in the record.

6 MR. SMITH: And can you share with us what prompted
7 that e-mail from Mr. LeGrant?

8 MR. BROWN: Our request for his guidance.

9 MR. SMITH: Well, wasn't there -- wasn't there a
10 concern about the lack of definition in the zoning regulations
11 for a dorm -- for the word "dormitory" or a "student residence
12 hall"? Wasn't that the genesis of this?

13 MR. BROWN: I don't recall that specifically. It was
14 us doing our due diligence.

15 MR. SMITH: Okay. Doesn't the final language in Mr.
16 LeGrant's e-mail, which is in the record at -- I believe at
17 Exhibit 17 --

18 MR. BROWN: I'm happy to continue this discussion, but
19 (indiscernible) --

20 MR. SMITH: -- it says, "The Zoning Commission,
21 pursuant to the Campus Plan and further processing procedures,
22 will be the ultimate arbiter of the proposed dormitory use
23 specific." Isn't that language included in Mr. LeGrant's e-mail?

24 MR. BROWN: Again, I don't have it in front of me and
25 it was not part of my or anybody else's direct testimony, so I

1 think we're chasing phantoms here, Chairman Hood.

2 MR. SMITH: Well, Pat, I mean, with all due respect,
3 you wrote here -- and, actually, you did bring this slide up
4 tonight. You said, "As defined by the zoning regulations and
5 confirmed by the Zoning Administrator, the proposed dormitory use
6 is a residential use and university activity." I didn't bring
7 this up. You brought this up, and then this is what's in the --
8 in the -- in the record of your slides. So, actually, all I'm
9 asking you is, that the e-mail that you're referring to in here,
10 although you don't use the word "e-mail", but it's in the record
11 in this case in three places. Okay? It says -- doesn't -- and
12 all I'm asking you is, doesn't the e-mail from Mr. LeGrant that
13 you all submitted for the record go on to say that this is not a
14 final decision or a final writing? That's all -- that's my only
15 question. That's my only, you know --

16 MR. BROWN: I'll let Mr. LeGrant's e-mail stand for
17 itself. I'm not going to -- he wrote it, and it stands by itself.

18 MR. SMITH: Well, would you be surprised if that's what
19 he -- what it says? I mean, three years into this case for a
20 five-year-old e-mail, would you be surprised that that's what it
21 says?

22 MR. BROWN: Again, it's not a question of whether I'm
23 surprised or not; it's that I'm not going to speak to what Mr.
24 LeGrant wrote or what he meant when he wrote it.

25 MR. SMITH: Okay.

1 MR. BROWN: He wrote it and it stand for itself.

2 MR. SMITH: I'm fine with that. Okay.

3 CHAIRPERSON HOOD: That questions been dealt with.
4 Let's move on.

5 MR. SMITH: I'm prepared to move on.

6 CHAIRPERSON HOOD: Okay.

7 MR. SMITH: I'm prepared to move on. Slide 57; this
8 is the analysis of the racial -- of the racial equity analysis,
9 specifically about the legacy of discrimination in Spring Valley.
10 Is it -- and I believe this would be for Ms. Elliott. She's the
11 one who testified on this. Is it not -- is that correct, Pat;
12 would this be for Ms. Elliott, or is for you?

13 MR. BROWN: Yes. Depends on the question, but yes.

14 MR. SMITH: Okay. Isn't it correct that this analysis
15 of discrimination in Spring Valley would apply in all of Ward 3
16 and also in other parts of the city?

17 MS. ELLIOTT: Sure, some of it does; that's correct.

18 MR. SMITH: I mean, were the restrictive covenants in
19 Spring Valley limited to Black families?

20 MS. ELLIOTT: In some case, Jewish families as well.

21 MR. SMITH: Yeah.

22 MS. ELLIOTT: But that occurs in different places
23 throughout the District.

24 MR. SMITH: Yeah. That was going to be my question,
25 whether -- you know, whether I, as a Jew, would have been

1 prevented from owning property in Spring Valley, according to the
2 covenants that are still there; that's correct, isn't it?

3 MR. BROWN: I think you're asking her a question that
4 she can't answer specifically.

5 MR. SMITH: In general -- in general, Ms. Elliott --
6 and maybe this is beyond your testimony, and if it is, I
7 apologize, and I'm sure you'll let us know -- do you think the
8 city's history is reason for the Commission to support zoning
9 requests that are inconsistent with the zoning regulations?

10 MR. BROWN: I object to that question. I don't have
11 any idea what you're --

12 CHAIRPERSON HOOD: Actually, I wanted to hear -- I
13 actually wanted to hear the question, but I'm going to rule that
14 question out of order. Next question please.

15 MR. SMITH: Okay. All right. This is -- these are
16 questions really directed to Wesley. No matter the outcome in
17 this case, will Wesley continue to train students for religious
18 and social service careers that benefit underserved communities?

19 MR. BROWN: David, can you answer? He's muted.

20 CHAIRPERSON HOOD: Ms. Schellin, can we unmute him, or
21 Mr. Young? There he is. There we go.

22 DR. MCALLISTER-WILSON: Are we okay?

23 CHAIRPERSON HOOD: Yes.

24 DR. MCALLISTER-WILSON: Yes, we will.

25 MR. SMITH: Okay. Thank you. With respect to slides

1 12 and 13, which I believe are about enrollment numbers at
2 Wesley -- it's about the student enrollment cap, okay -- oh, yes,
3 and the charts -- would you agree that Wesley's enrollment peaked
4 in 2007 and has declined steadily since?

5 DR. MCALLISTER-WILSON: I don't have the slide in front
6 of me. I would say it peaked in 2007.

7 MR. SMITH: Okay. And just so we're all on the same
8 wave length, and let's make sure I understand this and -- when
9 we're talking about the day-to-day -- the students who are on the
10 campus on a day-to-day basis -- relatively day-to-day basis -- I
11 know not every day, but I think you get my drift here -- we're
12 talking about your Master's level students; is that correct?

13 DR. MCALLISTER-WILSON: Yes, and Doctorate.

14 MR. SMITH: And the Doctorate students are on campus
15 every -- all the time?

16 DR. MCALLISTER-WILSON: Oh, no, no, Master's, Master's.

17 MR. SMITH: Just -- so it's the -- what you have on the
18 slide is 250 -- for spring of 2025, 250. So when we're talking
19 about campus impacts, we're really talking about those 250
20 Master's students; is that -- is that fair to say or is that fair
21 to -- is that correct?

22 DR. MCALLISTER-WILSON: No, that's too much of a
23 generalization, because many times we also have the Doctoral
24 students for weeks at a time. For instance, I think starting
25 next week and then really running through June, we're going to

1 have a steady stream of the Doctoral students for intensive
2 periods of study.

3 MR. SMITH: But they're in during the summer -- limited
4 to the summer; is that correct?

5 DR. MCALLISTER-WILSON: No, it's not correct.

6 MR. SMITH: No, it's not? So how often do your Doctoral
7 students come in to the campus?

8 DR. MCALLISTER-WILSON: Depends on the cohort. They
9 come in for intensive periods throughout the year.

10 MR. SMITH: So when you're looking at the number of
11 students who are actually on your campus at any given time, what
12 kind of numbers -- what kind of numbers are we talking about?

13 DR. MCALLISTER-WILSON: Well, I don't have the charts
14 in front of me to do the calculations, but it rises and falls
15 with these -- not only with the Doctoral students, but also a
16 number of the Master's students. As I indicated in my answer to
17 Chairman Hood, is that nowadays there's groups of Master's
18 students who come in for hybrid or intensive weeks -- pardon
19 me -- not for the entire semester.

20 MR. SMITH: So in terms of -- okay. Here's what I'm
21 trying to understand here. I'm trying to understand with your
22 student counts. Okay? So you're going to have an increase --
23 you're planning -- is this correct, you're planning an increase
24 of students on your campus of around 600 AU students; is that
25 correct, roughly about 600 AU students?

1 DR. MCALLISTER-WILSON: Pat, is that roughly the right
2 answer?

3 MR. SMITH: 569 to 600, whatever -- in that vary -- in
4 that area, correct?

5 MR. BROWN: Yes.

6 DR. MCALLISTER-WILSON: Yes.

7 MR. SMITH: Yes. Okay. So my question is how can an
8 increase of 600 students who are going to be living there during
9 the school year every day, how can that not have an impact on
10 your campus?

11 DR. MCALLISTER-WILSON: I think it will have an impact
12 on our campus.

13 MR. SMITH: Okay. So if it -- you know, the reason I'm
14 asking that is because on slide 12, it mentions that there will
15 be no increase in the student on-campus impact, but -- so my
16 question is, when you're figuring out your student cap or your
17 student count, why aren't you then including the six -- the
18 tenants from the Landmark building -- the AU tenants in the
19 Landmark building as part of your student count?

20 DR. MCALLISTER-WILSON: Because we're not required to
21 count those in our student count. But more to the point, yes,
22 it will have an impact on our campus, because this building is
23 on our campus, but the building is right up against American
24 University, and the American University students in that building
25 will relate to the AU campus, not to the Wesley campus. I don't

1 think it's going to have a -- I think the impact on the Wesley
2 campus will be de minimis. Now, having said that, those students
3 in that building are most welcome to enroll in courses at Wesley,
4 and I suspect that some of the students who now take joint degree
5 programs between Wesley and American University will be those
6 students, but we're not talking about a significant increase on
7 the Wesley campus understood as our chapel, our library, our
8 courtyard, our other campus housing. It's just not going to be
9 that significant, because they're going to relate to the American
10 University campus.

11 MR. SMITH: Okay. So of the -- of the 172 beds that
12 you have approved currently in your -- in your Campus Plan, is
13 it still correct that 86 are currently occupied?

14 DR. MCALLISTER-WILSON: I wish I had the -- I'm sorry.
15 I don't have the slide in front of me. Pat, do you know that
16 number or Steve?

17 MR. BROWN: I don't know it off the top of my head,
18 but the distinction is important. All of the beds in Straughn
19 Hall -- I think it's about 40, plus or minus, beds -- are offline.
20 The building's not operating. In the new 2014 dorm, although it
21 was approved for 76 beds with mostly double-occupancy, it's only
22 being used in a single-occupancy mode, so there are only
23 approximately 38, 39 beds being used in that building. So
24 regardless of what's been approved, the number of bed available
25 and being used on campus is approximately half what's approved.

1 MR. SMITH: Is that why you're saying that all the
2 current housing is filled; it's because you've reduced the number
3 of beds?

4 MR. BROWN: All the available beds, as they're
5 currently configured, yes, are filled.

6 MR. SMITH: So how many faculty and -- well, do you
7 have -- are there -- are there any AU students currently residing
8 in any of your -- in any of your beds -- using any of your beds?

9 MR. BROWN: I don't know that number.

10 DR. MCALLISTER-WILSON: Yeah. I'm afraid our Associate
11 Dean has stepped away. Whatever we have, if we have any, are
12 under the agreement that we're operating for the new dorm, because
13 Straughn is mothballed, so there's nobody in there. I don't
14 believe there's anybody in Carroll Hall.

15 MR. SMITH: So how many faculty and staff do you have
16 now that need housing?

17 DR. MCALLISTER-WILSON: No faculty or staff now that
18 are in housing; however, our faculty and staff regularly talk
19 about the need for housing in the Washington area.

20 MR. SMITH: And do you have any sense of how many AU
21 staff and faculty might need housing?

22 DR. MCALLISTER-WILSON: No.

23 MR. SMITH: And in the current Campus Plan, what is the
24 total number of beds that are being proposed in this Campus Plan?

25 MR. BROWN: It would be the new dormitory, which is

1 currently 659 beds, plus the authorized number of beds, 76, in
2 the 2014 new dorm --

3 MR. SMITH: Okay.

4 MR. BROWN: -- the status quo number was. And then the
5 two existing -- Straughn and Carroll would be demolished.

6 MR. SMITH: Right. So it would be the 76 beds that
7 were authorized in the 2014 dorm, plus the 659 in the proposed
8 Landmark building, correct?

9 MR. BROWN: That's correct.

10 MR. SMITH: Okay. If this project is approved, where
11 do you plan to house your students during construction, given
12 that your planning to demolish two of your dorms?

13 DR. MCALLISTER-WILSON: Well, one of the dorms is not
14 currently occupied, so that's not a problem. The problem is
15 Carroll Hall, and we're looking into short-term housing we'd need
16 to pay for, for that to happen.

17 MR. SMITH: I'm sorry. Can you say that again? I
18 missed that.

19 DR. MCALLISTER-WILSON: I'm saying, first of all, the
20 dorm we're talking about is Carroll Hall, because Straughn Hall
21 is mothballed.

22 MR. SMITH: Yeah. No, I got that part.

23 DR. MCALLISTER-WILSON: Yeah.

24 MR. SMITH: Just the last part.

25 DR. MCALLISTER-WILSON: So we are concerned about that,

1 and we're looking for other options around the city for short-
2 term housing and ways even to perhaps double-up for a short period
3 of time in the new residence hall.

4 MR. SMITH: Are you -- are you still -- does Wesley
5 still maintain its downtown campus and are you still planning to
6 maintain it as part --

7 DR. MCALLISTER-WILSON: No, we sold that.

8 MR. SMITH: Okay. That's what I thought.

9 DR. MCALLISTER-WILSON: Yeah.

10 MR. SMITH: Is Wesley sacrificing any facilities for
11 its students by maintaining the 300,000 -- roughly 300,000 square
12 feet of open space on the campus?

13 DR. MCALLISTER-WILSON: I'm not sure I understand the
14 question.

15 MR. SMITH: Well, are there facilities that you're not
16 planning or can't build to meet your students' needs, as a
17 consequence of maintaining the 300,000 square feet of open space
18 on the campus?

19 DR. MCALLISTER-WILSON: If we did not -- I'm going to
20 come at this I think from a different angle. If this plan can't
21 be approved, I don't see a way for Wesley to remain on this
22 campus, because, as is I hope very clear from our submission,
23 being in Washington -- having this deal allows us to remain in
24 Washington, because there's an economic benefit to it. We'd have
25 to consider something outside of the District, and we'd have to

1 consider something that didn't have anywhere near any of the
2 amenities that this -- that this campus offers, including the
3 open space. And, in a way, this gets back to the question you
4 asked earlier, Tom, would we still serve underserved communities.
5 That's in our DNA. We would try to serve underserved communities,
6 but if we had to leave this campus and could not benefit from
7 what we're proposing here, we'd be much scaled-down institution
8 and our ability to subsidize the underserved communities would
9 be greatly harmed. So I'm not sure I understand the question or
10 the intent of the question.

11 MR. SMITH: It's no intent. It's just a very simple
12 question. Are there certain facilities that you're not able to
13 build because you're reserving all this unused land for -- you
14 know, for the buffer? That -- it's a very simple question. Let
15 me ask it -- let me ask you this question, since -- why did you --
16 why did you decide, when you redid this campus -- this -- when
17 you updated this Campus Plan, why did you decide to eliminate the
18 administrative building?

19 DR. MCALLISTER-WILSON: Because one of -- this goes,
20 in some ways, to the question that Chairman Hood answered. I
21 think a lot of nonprofits and businesses are realizing that they
22 don't need as many offices for single people living -- working
23 in an office as they once did. So, in our case, we have found
24 that we can double up office space, they can share office space,
25 and there are other ways to deal with primarily staff's office

1 other than build a building. It became very clear that building
2 an administrative building was an extravagant use of funds that
3 we really didn't need to do.

4 MR. SMITH: Okay. Thank you. Thank you. I do have
5 a -- I believe this question is for Ms. Elliott, because it
6 references to a comment she made during her testimony, and it has
7 to do with -- well, I'll just ask the question. Do you have any
8 data to document how many rental units will open up in the
9 neighborhood, as a result of this project?

10 MS. ELLIOTT: No.

11 MR. SMITH: I'm sorry. I didn't hear that.

12 MS. ELLIOTT: No.

13 MR. SMITH: Do you --

14 MR. BROWN: She said no.

15 MR. SMITH: Okay. Thank you. I heard it the second
16 time. Do you have any data to show how many students actually
17 live in the neighborhood in rental units?

18 MS. ELLIOTT: No.

19 MR. SMITH: Okay. And a question -- I believe this is
20 appropriate for Mr. Leath. If an AU tenant is thrown out of
21 school or leaves school unexpectedly, will they still be able to
22 complete the terms of their lease and rent in the building?

23 MR. LEATH: We've circulated to this group the draft
24 Code of Conduct for the building, so --

25 MR. SMITH: I'm not asking about the Code of Conduct.

1 I'm asking if a student is thrown out of school -- if an AU
2 student is thrown out of AU, will they still be able to complete
3 the terms of their lease and remain in the building, or if they
4 drop out of school, for that matter?

5 MR. LEATH: Well, I mean, those -- I guess they're not
6 actually the same question, right, because if the student
7 violates the Code of Conduct that's associated with their lease,
8 right, we -- they would be in violation of their occupancy
9 agreement, right. Obviously, they have rights in the District
10 of Columbia and we'd follow those rights, but, you know, if
11 they're thrown out of the University for violating the Code of
12 Conduct, they would also be in violation of the Code of Conduct
13 under their occupancy agreement.

14 MR. SMITH: Well, okay. So let me ask it another way.
15 How will you know -- how will Landmark know if AU has taken some
16 type of administrative action against a student?

17 MR. LEATH: We'll have to work that out with AU as part
18 of further processing.

19 MR. SMITH: Okay. And do you know how many four and
20 five-bedroom units you're going to be offering in this building
21 yet?

22 MR. LEATH: We are still -- we are actually still
23 reconfiguring the unit mix after removing the top floor, and we
24 will have that figure out by further processing.

25 MR. SMITH: Okay. Thank you. A couple questions on

1 security, and then I'm done, Mr. Chairman. Why are there no
2 cameras directed to the playground? It's in your slide
3 presentation that you -- that you sent out, the diagrams of the
4 security -- where the locations of the security cameras are. Why
5 are tr no cameras directed at the playground?

6 MR. BROWN: And I don't think anybody testified to that
7 in tonight's hearing, not --

8 MR. SMITH: You showed the slide, Pat. You went -- you
9 went by the slide, so, I mean, it's --

10 MR. BROWN: I don't think I talked about the slide.

11 MR. SMITH: Well, you may not have talked about it, but
12 you put it up there on the screen for all of us to see. But
13 can't you just answer my question why there's no -- why there's
14 no security camera directed at the playground?

15 MR. BROWN: I don't have an answer to that, but I think
16 that -- the security plan, itself, and that specific question are
17 I think the type of thing that Chairman Hood wants considered at
18 further processing.

19 MR. SMITH: Well, is that true, Mr. Hood? I'm happy --
20 I have several questions about security, which I'm happy to defer
21 until further processing, but --

22 CHAIRPERSON HOOD: Again, we drill down, but I think
23 that's a very simple question, and if you don't know the answer,
24 just say, "I don't know", but we will drill down on all that. I
25 know the playground was mentioned, but, Mr. Brown, we will be

1 drilling down on all that, but I think that's a very simple
2 question, and it's --

3 MR. BROWN: I don't have an answer on the playground.

4 CHAIRPERSON HOOD: And that's all we need. You don't
5 have an answer now. That's all we need. Next question.

6 MR. SMITH: Yeah. Mr. Chairman, can I ask additional
7 questions about the campus security plan?

8 CHAIRPERSON HOOD: Let me hear the next question.

9 MR. SMITH: Okay. In 2016, when AU experienced
10 construction delays of its east campus dorms and proposed leasing
11 55 beds on the Wesley campus, didn't Wesley tell the Zoning
12 Commission that it planned to ask AU to extend its campus security
13 to the Wesley campus? And so my question was going -- and my
14 follow-up question was going to be, are you going to make the
15 same request again of AU to have AU extend its campus security
16 to the Wesley campus?

17 CHAIRPERSON HOOD: Let me -- let me find out. Mr. Liu,
18 are you available? After my tutorial earlier today, is that
19 going too far or is that a question that can be answered?

20 MR. LIU: I think it can be answered in this Campus
21 Plan hearing. I think general security relates to the overall
22 Campus Plan.

23 CHAIRPERSON HOOD: All right. Thank you, Mr. Liu.

24 MR. SMITH: Thank you, Mr. Liu.

25 CHAIRPERSON HOOD: So everybody now knows I had a

1 tutorial. Okay. You can go right ahead, Mr. Smith. You can go
2 ahead and ask it.

3 MR. SMITH: Well, it's the question I just asked. IN
4 2016, when AU experienced construction delays of its east campus
5 dorms and proposed leasing 55 beds on the Wesley campus, didn't
6 Wesley tell the Zoning Commission that it planned to ask AU to
7 extend its campus security to the Wesley campus? And my follow-
8 up is that, are you going to make the same request again with
9 respect to this case?

10 MR. BROWN: And I think I -- in my testimony, I
11 indicated that questions like that are among the issues that we
12 expect to take up with AU once we get through this Campus Plan
13 and to further processing.

14 MR. SMITH: Okay. So are you going to give me the same
15 answer, if I ask you more questions about the campus security
16 plan?

17 MR. BROWN: Depends on what they are. I mean --

18 MR. SMITH: Well, let me ask you this -- let me ask it
19 this way. Are you going to do a full-scale campus security plan
20 as part of further processing or do you -- or do you believe that
21 the camera -- the camera proposal that you put on your slides
22 constitutes a campus security plan?

23 MR. BROWN: I think it would be reasonable to expect a
24 more detailed campus security plan at further processing. What
25 it will contain, I don't want to hazard a guess.

1 MR. SMITH: Okay. I'll just have one more question
2 about campus security, then I will wrap -- I do have one other
3 question, then I'll wrap it up. What -- given all of what's
4 going on in our country today with respect to security on college
5 campuses, what types of protections are you anticipating for --
6 to help your international students -- and I recognize -- I think
7 Dr. McAllister-Wilson already mentioned some of the issues with
8 respect to international students. Are you making -- are
9 you -- as part of this security plan, are you going to include
10 a component about that?

11 CHAIRPERSON HOOD: Go right ahead, President -- Mr.
12 President.

13 DR. MCALLISTER-WILSON: At commencement today, we had
14 a Bishop from Nigeria who, in his own country, is in great
15 physical threat. So we are very much attuned to the difficult
16 issues international students face. The primary problem
17 international students face now is the ability to get Visas from
18 our embassies, and we're trying to deal with that. I think the
19 larger questions you ask about security are appropriate
20 questions. I, for instance, would want a camera tuned on the
21 playground. And I am sure that in further processing we will
22 continue to be concerned about the safety of our students and the
23 safety of the AU students who are in this dorm, and I'm sure we
24 will be in conversation with American University about that. I
25 have watched American University respond to the issues that have

1 | been on their campus, as they have, as you indicated, in a lot
2 | of other campuses around the country. I would hope, frankly,
3 | that this institution, Wesley Seminary, and, in fact, American
4 | University, which is also a sister school of Methodism, are forces
5 | for civil discourse and leading us beyond the present feeling of
6 | fear that seems to be gripping the country.

7 | MR. SMITH: Thank you very much. I appreciate that.
8 | I did find some additional questions about stormwater that I
9 | wanted to ask, since that was raised tonight, and -- but, again,
10 | this may be more appropriate for further processing, and I'm
11 | really interested in any kind of management practices and methods
12 | that you plan to use to reduce stormwater, pollution, and contain
13 | stormwater during the construction process. Would that be more
14 | appropriate for further processing do you think, Pat?

15 | MR. BROWN: I think so, and also the construction
16 | management, which is an element of further processing.

17 | MR. SMITH: So one other -- one last question about
18 | stormwater. As you may recall, there was stormwater damage when
19 | you built the -- stormwater damage to neighborhood homes when you
20 | built the 2014 dorm. Are you prepared to compensate neighbors
21 | for any kind of stormwater damage they experience during
22 | construction, or is that also further processing?

23 | MR. BROWN: Well, one, I have to push back on the
24 | question or the statement that there was stormwater damage caused
25 | by Wesley in the 2014 dorm. Mr. Karcha, who was in charge of

1 building the dorm, says that's incorrect. But, as a general
2 matter, and whether it's further processing or the stormwater
3 management plan, Wesley will be responsible for compliance and
4 preventing any damage or making it good, so I think that's --

5 MR. SMITH: Okay. Well, I'm not allowed to testify
6 during cross-examination, so I won't, but one last -- one final
7 question. It's really a follow-up to the question that one of
8 the Commissioners asked about the AU shuttle. Do you -- do you
9 have an AU shuttle stop designated on the Wesley campus?

10 MR. BROWN: Not at this time.

11 MR. SMITH: Do you plan to do -- do you plan to ask AU
12 to include a shuttle stop on the Wesley campus?

13 MR. BROWN: I think that can be part of the discussion
14 we're going to have, yes.

15 MR. SMITH: And that would all be included in whatever
16 further processing materials you provide the Commission and for
17 the community's review?

18 MR. BROWN: Yeah. Yes.

19 MR. SMITH: Okay. Thank you very much. Mr. Chairman,
20 thank you very much for indulging me. I appreciate it.

21 CHAIRPERSON HOOD: Okay. Thank you. Ms. Schellin, do
22 we have any other parties that are in opposition?

23 MS. SCHELLIN: That was the only other party.

24 CHAIRPERSON HOOD: Okay. Okay. All right. It seems
25 like that further processing hearing is getting longer and

1 | longer. So, anyway, let's do what we got to do. All right.

2 | Where am I at, Ms. Schellin?

3 | MS. SCHELLIN: DDOT would be --

4 | CHAIRPERSON HOOD: Is DDOT available? Are they here?

5 | MS. SCHELLIN: I believe Mr. Young said he did not see
6 | him -- the DDOT person here.

7 | CHAIRPERSON HOOD: Okay. Let's go to Ms. Brown --
8 | yeah, let's go to Ms. Brown-Roberts. I'm sorry. I called on
9 | you, what, about 45 minutes ago? Okay. Ms. Brown-Roberts.

10 | MS. BROWN-ROBERTS: Good evening, Mr. Chairman and
11 | members of the Zoning Commissioner. For the record, I'm Maxine
12 | Brown-Roberts from the Office of Planning. The proposed Campus
13 | Plan seeks to insure Wesley's ability to continue providing
14 | Master's and Doctorate education in theology students. As
15 | detailed in the OP report, Wesley has met the standards outlined
16 | in Subtitle X-101 for Campus Plan approval regarding noise, the
17 | number of students, traffic and parking, and other objectionable
18 | situations. It is not anticipated that the new campus development
19 | would generate noise to impact the surrounding neighborhood, as
20 | there are no fields or large areas for university activities.
21 | The outdoor areas for the new dorm would be surrounded by the
22 | building on all sides.

23 | The number of students and staff would remain the same,
24 | with many of their students not coming to the campus daily.
25 | However, with the increased number of beds and parking spaces on

1 the campus, traffic to and from the campus would be increased,
2 and Wesley has worked with DDOT on TDM improvements, both on and
3 off campus, and would continue with monitoring over the period
4 of the Campus Plan.

5 The proposed Campus Plan should not generate
6 objectionable conditions to the neighborhood. A significant
7 portion of the campus would remain undeveloped. The location of
8 the buildings are internal to the campus, and the new housing
9 would be closest to the AU dorm and fields. The new building
10 would be built to LEED Gold standards, and there would be
11 extensive landscaping, open space, and buffering over what is
12 currently provided. The Campus Plan includes community
13 amenities, such as a playground, sidewalks, signage, and
14 crosswalks. All parking and loading would be onsite.

15 The main feature of the Campus Plan is the demolition
16 of the old President's house, two existing dormitories, and a
17 parking lot to be replaced by a new 74.6 foot high building to
18 house Wesley, as well as AU students and their immediate families.
19 This is an unusual situation which the Zoning Commission has
20 addressed under Zoning Commission Case 24-09. The campus is
21 exempted from commercial use restrictions also. The Campus Plan
22 would meet all zoning requirements, except for a small area of
23 the building that would not meet the 35-foot setback requirement,
24 and Wesley has requested to provide 27 feet for an area variance
25 to provide the 27 feet. This reduction is due to a carve-out in

1 the property line and the need to set the building back from
2 adjacent streets and residences. Granting the relief would not
3 affect the public good or the intent and purpose of the RA-1
4 Zone, and OP would support granting the area variance relief.

5 The Campus Plan would not be inconsistent with the FLUM
6 and General Policy Map, which both recommend institutional uses.
7 The housing of students meets that criteria. It is also not
8 inconsistent with the policies of the citywide and Rock Creek
9 Area West elements of the Comprehensive Plan, as it relates to
10 campus plan and is detailed in our report.

11 In particular to the IZ requirements, the Campus Plan
12 would not cause any housing displacement, but would, in fact,
13 cause persons who may live in the surrounding neighborhood to
14 live on campus. Wesley has requested to provide IZ offsite --
15 IZ units offsite, and the Commission has approved that in
16 new -- the new Subtitle C-1006.10, that the IZ units can be
17 provided offsite. The Office of Planning, therefore, recommends
18 approval of the Wesley Theological Seminary of the United
19 Methodist Church Campus Plan to thrive in place 2025 to 2035, and
20 the area variance relief for the setback requirement of Subtitle
21 F-203.3.

22 The applicant and the Vice Chairman has addressed items
23 listed as conditions, and, therefore, I won't go any further.
24 Thank you, Mr. Chairman, and I'm available for questions.

25 CHAIRPERSON HOOD: Thank you, Ms. Brown-Roberts. Let's

1 | see if we have any questions or comments. Let me go to
2 | Commissioner Wright. Any questions or comments?

3 | COMMISSIONER WRIGHT: No. Thank you for your report.
4 | I think you covered everything very well. Thank you.

5 | MS. BROWN-ROBERTS: You're welcome.

6 | CHAIRPERSON HOOD: Commissioner Imamura, any questions
7 | or comments?

8 | COMMISSIONER IMAMURA: No questions. Thank you, Ms.
9 | Brown-Roberts.

10 | MS. BROWN-ROBERTS: Thank you.

11 | CHAIRPERSON HOOD: And, Commissioner Stidham, any
12 | questions or comments?

13 | COMMISSIONER STIDHAM: No questions or comments. Thank
14 | you so much for your report.

15 | MS. BROWN-ROBERTS: Thank you.

16 | CHAIRPERSON HOOD: And, Vice Chair Miller, any
17 | questions or comments?

18 | VICE CHAIR MILLER: No questions and, like my
19 | colleagues, thank you, Ms. Brown-Roberts for your comprehensive
20 | report on this case and the related cases.

21 | MS. BROWN-ROBERTS: Thank you.

22 | CHAIRPERSON HOOD: Thank you. And I, too, want to
23 | thank you as well. You've gotten four thank yous, so I want to
24 | be the fifth to thank you for your -- for your always good reports
25 | and very thorough, so thank you. Let's see if we have any other

1 | questions from the applicant. Mr. Brown, you have any questions?

2 | MR. BROWN: No questions. Thank you to OP for their
3 | reports over time.

4 | CHAIRPERSON HOOD: Okay. Ms. Schellin, I'm looking for
5 | ANC Commissioners, Commissioner Duncan -- Commissioner Duncan or
6 | Commissioner Bender, you have any questions -- any cross?

7 | COMMISSIONER BENDER: No questions.

8 | COMMISSIONER DUNCAN: No questions.

9 | CHAIRPERSON HOOD: Okay. Mr. Clarkson, you have any
10 | questions?

11 | MR. CLARKSON: No questions, Mr. Chair.

12 | CHAIRPERSON HOOD: Okay. And, Mr. Smith, you have any
13 | questions?

14 | MR. SMITH: I do, Mr. Chairman. Sorry.

15 | CHAIRPERSON HOOD: I actually knew that before I even
16 | asked. Go right ahead.

17 | CROSS-EXAMINATION OF OFFICE OF PLANNING BY OPPOSITION

18 | MR. SMITH: I guess you remember the old days.
19 | (Laughing.) Thank you very much and thank -- I also want to
20 | thank you for your report. I don't want to be left out of
21 | thanking you, but I do want to talk about the count -- the Campus
22 | Plan count, the student count and that you also reference in the
23 | report. And I -- is the purpose of a cap or a count in the Campus
24 | Plan related to the intensity of use of the campus? Is it some
25 | kind of gauge or measurement of that? Is that --

1 MS. BROWN-ROBERTS: It's usually something that is --
2 that is recommended by the applicant, by the university or
3 college. And we look at that mostly in relation to traffic --
4 those counts related to traffic and, you know, the -- how they're
5 housing them onsite -- whether onsite or offsite. So those are
6 usually the two main areas that we look at.

7 MR. SMITH: Thank you. So how does excluding the
8 tenants -- the AU student tenants in this building -- in the
9 Landmark building on the Wesley campus -- how does that cap then
10 reflect the use -- the intensity of use on that campus --
11 intensity of use of the campus?

12 MS. BROWN-ROBERTS: Well, the AU students are just
13 there basically to sleep, you know, and then they're going back
14 and forth from AU or off the thing. So that's why I think we
15 look at it mostly in terms of transportation than, you know, the
16 other things that are -- that are on the campus.

17 MR. SMITH: Well, they do have -- they do have a car.
18 I mean, there's parking that's being provided --

19 MS. BROWN-ROBERTS: -- to some -- almost 300 parking
20 spaces being provided in the --

21 MS. BROWN-ROBERTS: That's correct. And those numbers
22 are taken into consideration for the traffic study, yeah.

23 MR. SMITH: And I -- part of my -- part of my confusion
24 about this and my question is that when I look at Subtitle Z,
25 Section 302.10, it says that it requires the applicant to provide

1 a student count for every student on the campus. So that's why
2 I'm wondering why these AU students are not included in that
3 count. I mean, that's the language of the zoning code, so that's
4 my question that I'm getting at here.

5 MS. BROWN-ROBERTS: And I think there's a little
6 disparity here, because the -- this Campus Plan is a little
7 different, because in all others we're talking about the students
8 only from that university, and I think that section was written
9 with that in mind. This one is a little different, because we're
10 talking about housing only and -- well, some of them are going
11 to be taking classes, but mainly housing -- mainly, they're
12 housing both AU and Wesley, so this one is a little different.

13 MR. SMITH: Okay. On page three of your report to the
14 Commission, it says that, "The Commission" -- this is what it
15 says. It says, "The Commission concluded in this case that this
16 application was not consistent with the Comprehensive Plan." And
17 so, you know, what has changed about this case that would now
18 make it consistent with the Comprehensive Plan?

19 MS. BROWN-ROBERTS: I think we were talking about the
20 PUD, and the PUD has different standards from the Campus Plan.
21 And in the PUD, some of the standards they were not able to meet,
22 so it's a little different here.

23 MR. SMITH: Okay. And then, also, on page 14 -- oh, I
24 did want to ask you, the sidewalk and public space improvements
25 along University Avenue that you point to in the report -- in the

1 report as a neighborhood -- as a community amenity, weren't these
2 improvements mandated by DDOT?

3 MS. BROWN-ROBERTS: Yes, but they're still being
4 provided by the University.

5 MR. SMITH: Okay. And, also, on page 14 of your report,
6 it references the text amendment that was approved to Subtitle X
7 to say that the Commission affirmed that Wesley's housing of AU
8 students was done in order to meet its educational mission. Can
9 you -- can you say -- can you share with us where in the language
10 of Subtitle X? We haven't seen or we saw it in your report. You
11 included the language in your report.

12 MS. BROWN-ROBERTS: I don't think that --

13 MR. SMITH: Where in the language of Subtitle X does
14 it actually say that?

15 MS. BROWN-ROBERTS: No, I don't think I was trying to
16 say that it said those words exactly. I think what I was trying
17 to say is that, if you look in the amendment, it talks about
18 housing Wesley and AU students.

19 MR. SMITH: Okay. Thank you. And, actually, going
20 back to the student count, I guess I'm -- again, I just want to
21 be sure I understand this, because when we were doing the AU
22 Campus Plan, that AU Campus Plan took into account children who
23 were studying in the Child Development School. So I guess I'm
24 wondering why if we're including, you know, students who are in
25 the Child Development School in the AU Campus Plan, why aren't

1 we considering the nearly 600 tenants that are going to be living
2 on the Wesley campus in the Landmark building?

3 MS. BROWN-ROBERTS: I don't have the text of what was
4 in the AU in front of me really, so I don't think I can address
5 it.

6 MR. SMITH: Do you think that's a fair question?

7 MS. BROWN-ROBERTS: I suppose, yeah. I suppose it's
8 something that we could -- I could take a look at, uh-huh.

9 MR. SMITH: Great. Thank you. If this building -- if
10 the Landmark building was not located on the Wesley campus, would
11 it comply with the development standards for an RA-1 zone?

12 MS. BROWN-ROBERTS: I -- well, the RA-1 zone has
13 particular standards for a university, so it's a different
14 standard from if you're just somewhere else.

15 MR. SMITH: Right. So if it wasn't on the Wesley
16 campus, it would not comply with that.

17 MS. BROWN-ROBERTS: It's a different standard, yes.
18 It's a completely different standard.

19 MR. SMITH: Thank you.

20 MS. BROWN-ROBERTS: The standard -- under the standards
21 of the RA-1 for a Campus Plan, it is allowed.

22 MR. SMITH: So going to page 21 of your report, you
23 said that the new dormitory is projected to -- the words -- your
24 language is "projected to stabilize the University's financial
25 future". I'm wondering, has Wesley shared any financial

1 | information with the -- with OP that would justify this -- that
2 | would document that conclusion or justify that kind of
3 | conclusion?

4 | MS. BROWN-ROBERTS: No. I think that's our conclusion
5 | from speaking to them and from what they've submitted.

6 | MR. SMITH: Okay. And my last question really is, does
7 | OP have any concern at all that the use of beds on the Wesley
8 | campus for AU undergraduate students, as proposed, would be
9 | incompatible with the profile of Wesley's graduate-level Seminary
10 | students?

11 | MS. BROWN-ROBERTS: No, no concern, no.

12 | MR. SMITH: Okay. All right. Thank you very much.
13 | Appreciate it.

14 | MS. BROWN-ROBERTS: You're welcome.

15 | CHAIRPERSON HOOD: All right. Thank you. Okay. Ms.
16 | Schellin, can we go to the ANC?

17 | MS. SCHELLIN: I believe he already has them up.

18 | CHAIRPERSON HOOD: I think -- okay. Commissioner
19 | Bender or Commissioner Duncan, whoever would like to go first.
20 | Let's let Commissioner --

21 | COMMISSIONER BENDER: Well, if I could, because I
22 | think -- I think I may be scrapping my proposed testimony. Good
23 | afternoon, Mr. Chairman and fellow Commissioners. I'm Jonathan
24 | Bender with ANC 3E03 and Chair of ANC 3E. I am here or was here
25 | to present the testimony of ANC 3E. Given the material regarding

1 | affordable housing the applicant put in the record and the
2 | possibility the applicant would get to present testimony on same,
3 | my prepared testimony primarily addresses that issue. So unless
4 | I misunderstood your instructions, Mr. Chair, it sounds like we
5 | should save that testimony for a later date, unless you,
6 | nonetheless, want to hear it tonight.

7 | CHAIRPERSON HOOD: We will -- we will hear that at the
8 | further processing, which is going to get even longer.

9 | COMMISSIONER BENDER: Yeah.

10 | CHAIRPERSON HOOD: That's what I figured. I think --
11 | I think -- I did see your testimony. I thought you might have
12 | had something else, but, yes, if we can hold that, because we're
13 | going to really drill down in it when we get to further
14 | processing.

15 | COMMISSIONER BENDER: Okay. So consider it -- consider
16 | it deferred.

17 | CHAIRPERSON HOOD: Okay. Now, Mr. Brown, now you're
18 | hearing about all this further processing. Make sure when you
19 | come back we get some answers. Okay?

20 | MR. BROWN: Yes, sir.

21 | CHAIRPERSON HOOD: All right. Thank you -- thank you,
22 | Commissioner Bender.

23 | COMMISSIONER BENDER: You're welcome.

24 | CHAIRPERSON HOOD: Is Commissioner Duncan -- now,
25 | you're not leaving though; you're just not going to give us any

1 testimony. You're sticking around or are you going to leave?

2 COMMISSIONER BENDER: Well, I will stick around for a
3 while. I don't know that I'll have any cross-examination for
4 anybody, so I could at this point potentially just watch the
5 hearing and catch up afterwards, but if you want me to stick
6 around, I'll be here.

7 CHAIRPERSON HOOD: No, I don't want to -- if you don't
8 have anything germane to what we're doing and you're good with
9 that and ready for further processing, I'll just leave it up to
10 you.

11 COMMISSIONER BENDER: Okay. Thank you.

12 MS. SCHELLIN: The parties may have a -- may want to
13 cross him on his submission to the record, so he can't leave.

14 CHAIRPERSON HOOD: His submission -- his submission is
15 not germane tonight -- for tonight.

16 MS. SCHELLIN: Oh, okay. None of it? Okay.

17 CHAIRPERSON HOOD: No, he's not going to -- he caught
18 it early. He didn't even go to the tutorial I had.

19 MS. SCHELLIN: Yeah, I didn't know if any of it was
20 germane at all. Okay.

21 VICE CHAIR MILLER: But I do appreciate all the work
22 that ANC 3E has done on this case and the related cases and the
23 revisions that you've suggested to the proposed conditions that
24 have been suggested by the applicant, some of which deal with the
25 affordable housing and some of which deal with other issues, so

1 I appreciate all the engagement that you've -- and the effort
2 you've made, and we all do. I just wanted to say that.

3 COMMISSIONER BENDER: No, I appreciate it, Mr. Vice
4 Chair. It has been a lot I know for you and, certainly, for us,
5 so -- and there's more to come.

6 CHAIRPERSON HOOD: And we all share that sentiment,
7 Commissioner Bender. We know your work over the years, so we
8 appreciate that. All right. Commissioner Duncan, did you have
9 any testimony for tonight?

10 COMMISSIONER DUNCAN: I do have testimony. Thank you,
11 Chairman Hood. It's short. I did delete the parts that we're
12 not talking about tonight, but I do want to make some comments
13 for the record. Again, my name is Tricia Duncan. I am the former
14 Chair of ANC 3D, and I represent the District 3D02, which borders
15 the Wesley campus. I, too, have worked on this project for years,
16 along with my colleague, Commissioner Chuck Elkins.

17 ANC 3D submitted written testimony -- written remarks
18 last week to the Commission, and I am not going to repeat
19 everything here, but, rather, I will highlight which conditions
20 in this application are most important to our constituents, so
21 here goes. Conditions 16, 17, and 19 regarding the green open
22 space, landscaping, and playground. Spring Valley is a
23 neighborhood with large home lots, but very little public open
24 green space, which is important. Wesley is committing to
25 preserving 205,000 square feet of open green space on this campus.

1 When I speak with people generally in Spring Valley, they love
2 this part of the Wesley campus, and Wesley is very generous with
3 this space for community gathering events, and the small
4 playground is going to be an added benefit. Currently, Spring
5 Valley has no public playgrounds.

6 Conditions 22 through 32 that regard transportation and
7 parking. The Commission is aware that traffic and parking is
8 always important to ANC 3D. We are in support of the traffic
9 management and monitoring outlined in these conditions and the
10 obligations of Wesley in the future. This section also calls for
11 the new sidewalk construction where currently no sidewalks exist.
12 Many of our residents are worried, based on past experiences,
13 that parking and traffic pattern changes are going to create
14 problems on University Avenue. We believe conditions 22 and 25
15 through 32 address these concerns appropriately. There are also
16 conditions that require construction management during
17 construction, and the continuation of the Community Liaison
18 Committee, the CLC, is absolutely necessary and vital.

19 I have heard and read all the objections to this project
20 by the parties in opposition. It seems that most of the
21 objections have to do with American University and a differing
22 view on what the zoning regulations allow. What seems absent
23 from the objections are how this project is going to personally
24 have an adverse effect on any given neighbor or Spring Valley,
25 as a whole. I'd like the Commission to know that the only

1 opposition to this project that I have ever heard, as my time as
2 Commissioner, are from the parties in opposition in the case
3 record and their very few members. In other words, I don't see
4 a ground swell of opposition here. Of course, ultimately, this
5 Zoning Commission will be the decider on the zoning regulations.

6 As far as American University is concerned, I don't
7 believe they oppose this project. I do not read their non-
8 engagement as opposition; I read it as "We're going to respect
9 our neighbor and let them proceed with their Campus Plan, as we
10 would expect them to do with our Campus Plan." If AU really
11 thought it was going to be a death blow to their operations, they
12 would have told this to Wesley long ago, in my opinion. This
13 concludes my testimony, and I'm happy to take questions.

14 CHAIRPERSON HOOD: Thank you, Commissioner Duncan. We
15 appreciate your comments. Let's see if we have any questions or
16 comments. Commissioner Wright, questions?

17 COMMISSIONER WRIGHT: No. I think your comments were
18 very clear, and I appreciate them. Thank you.

19 COMMISSIONER DUNCAN: Thank you.

20 CHAIRPERSON HOOD: Commissioner Imamura.

21 COMMISSIONER IMAMURA: No questions. Commissioner
22 Duncan, always appreciate your testimony. It's very thoughtful
23 and well delivered. Thank you.

24 COMMISSIONER DUNCAN: Thank you.

25 CHAIRPERSON HOOD: Commissioner Stidham, any questions

1 or comments?

2 COMMISSIONER STIDHAM: No questions. Thank you,
3 Commissioner, for your very thoughtful comments.

4 CHAIRPERSON HOOD: Vice Chair Miller.

5 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
6 you, Commissioner Duncan, for all your work and your ANC's work
7 on this case as the related cases and your comments and
8 recommendations and your efforts in the community. Thank you.

9 COMMISSIONER DUNCAN: Thank you.

10 CHAIRPERSON HOOD: I, too, Commissioner Duncan, join
11 my colleagues. Straight to the point. Thank you for your
12 testimony. Let's see if we can get -- Mr. Brown, you have any
13 questions for Commissioner Duncan?

14 MR. BROWN: No, just thanks for her participation.

15 CHAIRPERSON HOOD: Okay. Mr. Clarkson.

16 MR. CLARKSON: No questions. Thank you.

17 CHAIRPERSON HOOD: Let me go back to Commissioner
18 Bender. Okay. He may not --

19 COMMISSIONER BENDER: Oh, no questions. Thank you.

20 CHAIRPERSON HOOD: Okay. All right, Mr. Clarkson. Mr.
21 Smith. Go right ahead, Mr. Smith.

22 CROSS-EXAMINATION OF ANC 3D BY OPPOSITION

23 MR. SMITH: Thank you, Mr. Chairman. This question is
24 for -- I believe it's Commissioner Duncan or Commissioner Bender,
25 but it references -- it's in reference to a piece in Commissioner

1 Bender's testimony, but it relates to 3D. In Mr. Bender's
2 testimony -- Commissioner Bender's testimony, it states that 3D
3 and 3E have been in discussions with Landmark and Wesley on
4 changes to the conditions of this Campus Plan. And so my question
5 actually is to Commissioner Duncan. Have you shared any of these
6 changes in the -- of these conditions -- Commissioner Bender says
7 right up to the last minute of their filing last week, they were
8 making these changes. Have you shared any of these changes with
9 your constituents along University Avenue who are involved in
10 this case?

11 COMMISSIONER DUNCAN: So I was informed by a
12 Commissioner in 3E, Tom Quinn, after I had already published our
13 stuff for our ANC meeting, because our ANC meeting was before 3E.
14 And the part that I saw made it more clear that we were going to
15 ask Wesley to manage the intersection at the exit onto
16 Massachusetts Avenue, about them being responsible for any kind
17 of traffic light or pedestrian signals, should DDOT require it.
18 And since it seemed more onerous than what was in the conditions,
19 I did not feel like it was that big a deal.

20 MR. SMITH: Okay. So the neighbors -- your
21 constituents aren't aware of it. Okay. The other piece that
22 you have -- or I'm sorry -- that -- in 3D's statement to the
23 Commission -- and you alluded to it tonight indirectly, is it ANC
24 3D's view that any land use that generates revenue would be
25 consistent with an institution's mission?

1 COMMISSIONER DUNCAN: So I believe that that is the
2 million dollar question here, and the Zoning Commission,
3 obviously, is answering that. I feel like Wesley's been up front
4 about their purpose in doing this, and the text amendment I
5 believe addressed that. I also had looked -- I believe it's --
6 GW has a property downtown that they lease out to office space
7 that's not related to the University, so I -- personally, it's
8 my view that it's not out of bounds for them to do this.

9 MR. SMITH: Okay.

10 COMMISSIONER DUNCAN: This building is a building that
11 houses students, and that is what universities do. So I guess I
12 don't think it's out of bounds?

13 MR. SMITH: Okay. So, I mean, you are -- are you aware
14 that the GW -- that that GW building is actually in a
15 commercially-zoned -- on commercially-zoned land? Are you aware
16 of that?

17 COMMISSIONER DUNCAN: Yes, because it's an office
18 building doing like commercial stuff.

19 MR. SMITH: Yeah, it's on commercially-zoned land.

20 COMMISSIONER DUNCAN: And this is student housing on a
21 campus.

22 MR. SMITH: But here's -- I'm not -- I'm not sure --
23 I'd like to ask the question again in a different way, because
24 I'm not sure you understood what I'm -- what I'm really asking.
25 What I'm asking is that, at the end of the day, is money the

1 standard that the Commission should apply in a Campus Plan case
2 to make a determination as to whether that Campus Plan is
3 consistent with the educational mission of the university?

4 COMMISSIONER DUNCAN: Wow. I'm not a Zoning -- I'm not
5 a Zoning Commissioner.

6 MR. SMITH: Is that the position -- well, no. Is that
7 the position that ANC 3D has taken, based on what you've written
8 in your report under "Brief response to objections" in the third
9 paragraph, where you make a reference to Commissioner Ray
10 (sic) -- May referring to this as a commercial venture, not a
11 commercial building. So that's my question; is money the standard
12 that should be applied in cases like this --

13 COMMISSIONER DUNCAN: I mean --

14 MR. SMITH: -- to make the determination that something
15 is consistent with the educational mission of the university?

16 COMMISSIONER DUNCAN: I don't really understand. What
17 do you mean by "money"?

18 MR. SMITH: All right. I'll just -- I'll just --

19 COMMISSIONER DUNCAN: I mean, your question is not --
20 that's out of my -- I'm not a Zoning Commissioner.

21 MR. SMITH: That's fine. That's fine. I'll just not --
22 I'm --

23 COMMISSIONER DUNCAN: Holistically speaking, because
24 students will be living here, I am okay if this gets approved.

25 MR. SMITH: I get it. I get it. Okay. Also, just to

1 clarify -- just to make sure that we're clarifying, when you said
2 that Spring Valley has no public playgrounds --

3 COMMISSIONER DUNCAN: Uh-huh.

4 MR. SMITH: -- doesn't Spring -- isn't Turtle Park and
5 Friendship Recreation Center just across Mass Avenue across from
6 the Spring Valley neighborhood?

7 COMMISSIONER DUNCAN: If you live over near Loughboro
8 Road, you're not walking to Turtle Park. That is not in Spring
9 Valley. It's in AU Park.

10 MR. SMITH: I know, but if you're living on Loughboro
11 Road, are you going to walk to Wesley Seminary?

12 COMMISSIONER DUNCAN: I walk -- live on the other side,
13 and I walk there many times a week.

14 CHAIRPERSON HOOD: Mr. Smith, what's the relevance?
15 What's the relevance?

16 MR. SMITH: I'm just trying to clarify -- I'm just
17 trying to clarify.

18 COMMISSIONER DUNCAN: There's no public park in Spring
19 Valley.

20 MR. SMITH: Okay.

21 CHAIRPERSON HOOD: I may walk over there. I'm trying
22 to understand. The Commission -- the Commission wants to
23 understand the relevance. What is the -- what is the point you're
24 trying to make?

25 MR. SMITH: I think the relevance is that -- look,

1 we're not trying to oppose the playground, but what -- but, you
2 know, let's put the playground in perspective here. It's not as
3 if the neighbors don't have access to recreational facilities
4 that have actually just been completely redone by the District
5 government with District tax dollars that are -- that will be
6 far -- that will be bigger and have more services than this
7 playground has. That's the only thing, but --

8 CHAIRPERSON HOOD: Let me ask -- let me ask -- let me
9 ask you a question on that, Mr. Smith.

10 MR. SMITH: And I'm trying not to testify.

11 CHAIRPERSON HOOD: I know you're not, but I'm going to
12 ask you a question. I'm trying to show you how germane that was
13 not, because in my neighborhood we have the exact same thing. It
14 happens all over the city. So I'm trying to understand the
15 relevance for this Campus Plan case. People -- it's done all the
16 time in this city.

17 MR. SMITH: Right. I understand, Mr. Chairman. I
18 appreciate it. With respect to your comments about AU -- American
19 University, is that your opinion or is that the position of the
20 ANC?

21 COMMISSIONER DUNCAN: Okay. Fair point. That was not
22 in my -- our voted-on testimony, so I would like to clarify for
23 the Commission that that is my view. I am also on the Steering
24 Committee of the American University Partnership.

25 MR. SMITH: Okay. And so my question really is, do you

1 have any kind of inside information with respect to AU? I mean,
2 have you had any discussions with AU about this that would lead
3 you to conclude -- to make that conclusion? I mean, have they
4 said --

5 COMMISSIONER DUNCAN: Yeah. I'm on the Steering
6 Committee and they did say they were not going to comment, but
7 it's not like they rolled their eyes and they're, like, woe is
8 us. I don't get that sense, so it is my opinion.

9 MR. SMITH: Okay. Thank you very much. That's all.

10 CHAIRPERSON HOOD: All right. Thank you. Thank you
11 both. Let me see, Ms. Schellin, I think we're now down to --
12 I'm taking some notes here -- we're now down to, first, the party
13 in support.

14 MS. SCHELLIN: Yes, Mr. Clarkson.

15 CHAIRPERSON HOOD: Mr. Clarkson. Okay. Mr. Clarkson.

16 MR. CLARKSON: Can you all hear me okay?

17 CHAIRPERSON HOOD: Yes, we can. Go right ahead.

18 MR. CLARKSON: Okay. Thank you. Good evening, Chair
19 Hood and Commissioners. My name is William Clarkson. I am
20 testifying on behalf of the Spring Valley Neighborhood
21 Association, SVNA. SVNA is comprised of residents of Spring
22 Valley, the neighborhood bordering Wesley Theological Seminary,
23 and we've been an active participant in Wesley's -- in the
24 Seminary's Community Liaison Committee. As a party in this case,
25 we really appreciate the opportunity to testify again in support

1 of Wesley's proposed Campus Plan.

2 We believe the Seminary has continued to make a
3 concerted, good faith effort to proactively engage with community
4 stakeholders regarding this Campus Plan proposal and to address
5 concerns raised by potentially affected individual neighbors. We
6 are particularly pleased that the proposed Campus Plan provides
7 for the construction of a communitywide playground, as well as a
8 sidewalk along University Avenue where there currently isn't one,
9 between Rodman and Mass Ave.

10 We also believe -- and I'll echo other's comments
11 already -- we also believe that our elected ANC 3D and 3E
12 representatives should really be commended for their tireless
13 efforts to keep neighborhood residents informed and for working
14 to foster a meaningful dialogue among the various stakeholders
15 and community groups. The proposed Campus Plan is the result of
16 numerous meetings and discussions involving the CLC, ANC 3D and
17 3E, multiple neighborhood and citizens associations and
18 organizations and individual neighbors, and we believe it will
19 allow our neighbor, Wesley Seminary, the best opportunity to
20 thrive in place.

21 We look forward to working with the Seminary and other
22 community stakeholders, and we hope that American University,
23 Wesley's immediate neighbor, will become more involved as this
24 process moves forward. We're encouraged by Wesley's ongoing
25 engagement with AU, and we believe meaningful and substantive

1 communication and coordination between Wesley, AU, and the
2 community stakeholders is essential. All of us are here today
3 because we care deeply about our community. I've said this
4 before; I'll say it again. And I would hope that all the
5 participants recognize the importance of raising genuine fact-
6 based concerns and working to address those concerns in good
7 faith. We welcome the open and collaborative process that has
8 been followed to date, and we appreciate the Commission's
9 consideration of this testimony. Thank you.

10 CHAIRPERSON HOOD: Thank you, Mr. Clarkson. Let's see
11 if we have any questions. Commissioner Wright, any questions?

12 COMMISSIONER WRIGHT: No, no questions. Thank you.

13 CHAIRPERSON HOOD: Okay. Commissioner Imamura.

14 (No response.)

15 CHAIRPERSON HOOD: Commissioner Stidham.

16 (No response.)

17 CHAIRPERSON HOOD: And Vice Chair Miller.

18 VICE CHAIR MILLER: No questions. Thank you, Mr.
19 Clarkson, for your Neighborhood Association's and your continued
20 community engagement on this issue.

21 MR. CLARKSON: Thank you.

22 CHAIRPERSON HOOD: I, too, have no questions, but thank
23 you, Mr. Clarkson, for your -- as the Vice Chair said and others,
24 for your continual engagement in this process and others. Let's
25 see, Mr. Brown, you have any cross? Am I the only one that didn't

1 | hear him or it was just me? Maybe my set is going bad. Mr.
2 | Brown, can you just wave?

3 | MR. BROWN: Can you hear me?

4 | CHAIRPERSON HOOD: Yeah, I can hear you now. You have
5 | any cross? Okay. That's fine.

6 | MR. BROWN: No questions. No questions.

7 | CHAIRPERSON HOOD: Okay. Thank you. Commissioner
8 | Duncan, you have any questions?

9 | COMMISSIONER DUNCAN: No questions.

10 | CHAIRPERSON HOOD: And Commissioner Bender?

11 | (No response.)

12 | MS. SCHELLIN: I believe he has left. Let me just
13 | double-check.

14 | CHAIRPERSON HOOD: Okay.

15 | MS. SCHELLIN: Yeah.

16 | CHAIRPERSON HOOD: All right. Mr. Smith is on. You're
17 | on.

18 | MR. SMITH: No questions, Mr. Chairman.

19 | CHAIRPERSON HOOD: No questions? Oh, okay. All right.

20 | All right. That threw me off. Where we at now? One second.

21 | All right. Let me see. Hold on one second please. All right.

22 | Does -- let me ask my colleagues, do you need a five-minute break
23 | or we good?

24 | (Commissioners shaking head no.)

25 | MS. SCHELLIN: The party in opposition will be up next,

1 and they have about 44 minutes.

2 CHAIRPERSON HOOD: Well, let's take a five-minute
3 break.

4 MS. SCHELLIN: How much time do you need, Mr. Smith,
5 for your presentation, so we'll get the clock ready for you.

6 MR. SMITH: Well, just to be on the safe side, I'll say
7 44 minutes. How's that?

8 MS. SCHELLIN: Okay. Keep us in suspense.

9 CHAIRPERSON HOOD: Let's come back at 7:20. Let's
10 take eight minutes. Okay. Thanks.

11 MS. SCHELLIN: Mr. Young, would you get the clock queued
12 up for us?

13 (Brief recess.)

14 CHAIRPERSON HOOD: Okay. Let me just apologize to
15 everyone, because in between some of these you'll see our cameras
16 go off and we may eat, so, you know, we try to eat our dinner
17 too, so I just want to apologize to everyone for us eating, so
18 excuse us. All right. Okay. Ms. Schellin, who's going first?

19 MS. SCHELLIN: However they want to give their
20 presentation, I'll let -- you can let them. I don't think you
21 guys had any expert witnesses, is that correct, Mr. Smith, that
22 we need to review or anything? I didn't see anything.

23 MR. SMITH: That's correct.

24 MS. SCHELLIN: Okay. So however you guys want to do
25 it, it's all yours.

1 CHAIRPERSON HOOD: Okay. We'll turn it over to the
2 party in opposition. I'm not sure who's going to start off.

3 MR. SMITH: Oh, I'm sorry. I thought we were waiting
4 for people who were testifying in support.

5 CHAIRPERSON HOOD: We don't have any.

6 MR. SMITH: Oh, okay. I'm sorry. I had a --

7 CHAIRPERSON HOOD: At least we didn't see them.

8 MR. SMITH: I had a senior moment here --
9 (indiscernible). a senior moment maybe, because I'm a senior.
10 No, I'm going to be starting and then it'll be Mr. Carter and
11 then Commissioner Gates. Chairman Hood and members of the
12 Commission, Neighbors for a Livable Community, established in
13 1987, and the Spring Valley Wesley Heights Citizens Association,
14 established in 1952, are a joint party in this case. My name is
15 Thomas Smith, and I'm here tonight at the request and on behalf
16 of Dennis Paul and William Krebs, the Presidents of the groups.
17 I am joined by Blaine Carter and former ANC Commissioner Alma
18 Gates, with whom I served for ten years on ANC 3D, six of them
19 as Chair, representing the Spring Valley neighborhood.

20 Today marks the Commission's fifth public hearing on
21 the Wesley Campus Plan and marks the fifth time we have testified
22 on this application. Neighbors have volunteered much time over
23 the last three years to assess and address the many issues in a
24 case that Commissioner Imamura often has referred to as zoning
25 gymnastics. We realize that the Commission wants to find a way

1 to approve this unprecedented Campus Plan, despite its many fault
2 lines. After the last three years of opposing this plan, we
3 believe even more that the Commission's approval of this case
4 will have significant and unintended consequences for American
5 University and its finances, the neighbors, and the city as a
6 whole.

7 We heard nothing new tonight from Wesley. Wesley's
8 arguments are a repeat of their testimony in 2022 during the
9 first campus plan case, in 2023 during the PUD case, and in 2024
10 in the text amendment case. You did not approve the Campus Plan
11 in 2022. You did not approve the PUD in 2023. The question before
12 you tonight is whether the text amendments you created and that
13 have not yet been published resolve all the legal problems that
14 have prevented you from approving this Plan up to this point.
15 Based on the record in this case, the answer is no. The core
16 zoning issues in this case have not changed since Wesley's
17 application was first filed on St. Patrick's Day, 2022.

18 The Zoning Regulations still present at least three
19 major obstacles to approval. First, the 659-bed Landmark
20 apartment building primarily for AU tenants is unrelated to the
21 educational mission of Wesley which is inconsistent with Subtitle
22 X, Section 101.4 of the zoning regs; two, based on the standards
23 for review established as a matter of law by the D.C. Court of
24 Appeals in Durant v. District of Columbia Zoning Commission,
25 Wesley's plan is inconsistent with the Future Land Use Map and

1 the Comprehensive Plan; and, three, the Campus Plan presents
2 objectionable conditions for neighboring properties as well as
3 AU, including exploiting AU's students for Landmark's and
4 Wesley's financial gain, inconsistent with Subtitle X, Section
5 101.2, and we do believe the IZ proposal is an objectionable
6 condition.

7 Wesley's and OP's filings and testimony seem to suggest
8 that this Campus Plan case already has been decided by virtue of
9 the Commission's approval of two text amendments in ZC 24-09.
10 Wesley and OP point to the Commission's approval of a text
11 amendment to Subtitle X to argue erroneously that the Landmark
12 project is not a commercial venture. The text amendment would
13 not have been necessary if the project was not commercial.

14 This is a commercial business because Landmark will
15 enter into lease agreements with individual tenants enrolled as
16 students at AU, a neighboring institution outside Wesley's campus
17 boundaries. The Wesley-Landmark commercial venture is targeted
18 to students who do not share Wesley's educational objectives and
19 are not enrolled in a course of study that will lead to an
20 academic degree from Wesley, which is required under Subtitle B.

21 The Landmark commercial development will constitute
22 72.8 percent of the occupiable square feet at Wesley making it --
23 making it the dominant use of Wesley's campus. The amount of
24 facility space for Wesley students will actually decline by 23
25 percent over current levels under this Plan.

1 The Commission may be able to exempt Landmark from the
2 commercial limits of Subtitle X through a text amendment, but it
3 cannot and did not redefine the word "commercial" so as to obscure
4 the commercial nature of the Landmark project. It is precisely
5 the commercial nature and scope of the Landmark project that puts
6 Wesley's Campus Plan application at odds with Subtitle B of the
7 Zoning Regulations. Because it is inconsistent with Subtitle B,
8 it is inconsistent with the FLUM and the Comprehensive Plan,
9 which Commissioner Gates will address in her testimony.

10 But, let me turn this over now to Blaine Carter. A
11 resident of the District for more than 40 years, Mr. Carter has
12 lived on University Avenue in Spring Valley for the past 23 years.
13 He has worked in the commercial real estate industry for 41 years,
14 including on such projects as the Washington Convention Center,
15 the SEC Headquarters, and Station Place. He is testifying tonight
16 on behalf of NLC and the Spring Valley Wesley Heights Citizens
17 Association. Thank you.

18 MR. CARTER: Good evening, Commissioners. There are
19 so many problems with this Campus Plan proposal that the zoning
20 gymnastics reference seems inadequate. This case has twisted
21 what is usually a straightforward Campus Plan process into a
22 pretzel, and it's not even a good pretzel. Let's focus on the
23 uncomfortable facts in this case. First, Wesley argues in its
24 pre-hearing statement that the Landmark building is a legitimate
25 university use. A dormitory housing AU students may be a

1 legitimate university -- excuse me -- university use on AU's
2 campus, but not on Wesley's campus. OP overreaches by stating
3 in its May 2nd, 2025 report, Exhibit 85, that the Commission
4 already affirmed in ZC Case Number 24-09 that housing AU students
5 is part of Wesley's educational mission. This conclusion is not
6 supported by the facts and the record in ZC 29-09 (sic) -- 24-09
7 or by the language of the text amendment suggested in the OP
8 report, which is focused solely on limiting Wesley's exposure to
9 the commercial restrictions in Subtitle X. The Landmark building
10 is unrelated to the educational mission of Wesley and, therefore,
11 does not comply with Subtitle X, Section 101.4.

12 The number of AU tenants housed on Wesley's Campus will
13 be seven times greater than the Wesley students housed on the
14 campus. Wesley has mothballed one student dormitory on its campus
15 and converted another from double-occupancy rooms to single-
16 occupancy rooms, all due to the lack of demand or need. Of the
17 172 beds authorized by Wesley's current Campus Plan, only 86 are
18 occupied, according to Wesley. Wesley does not need the proposed
19 building except to achieve its objective of improving its cash
20 flow.

21 Landmark acknowledges, as part of its independent
22 market analysis, that it is a -- its primary target for the
23 building is the AU student population. Wesley has long been and
24 continues to be a primarily commuter school with little demand
25 for on-campus housing. Only about 19 percent of its students

1 live on campus, according to Wesley. The sole purpose of this
2 commercial venture is to make money for Landmark and Wesley.
3 Money is the driving force in this Campus Plan.

4 Second, what makes this case so egregious is that
5 Landmark, at Wesley's bidding, is seeking to exploit its
6 commercial business purposes, development flexibility reserved
7 for universities through the Campus Plan process, which would
8 allow the development standards for the land's underlying RA-1
9 zoning to be exceeded. With approval of Wesley's Campus Plan,
10 the Commission would be gifting Landmark with the unprecedented
11 privilege to access the AU student housing market and to compete
12 unfairly with AU's on-campus housing program and other commercial
13 rental buildings in the neighborhood. Now I need a little
14 guidance from the Commission -- Commissioner and the
15 Commissioners here.

16 Number three was about IZ, but it was very macro. IZ
17 off limits completely. It was merely a suggestion that the thing
18 was inadequate -- the proffered money.

19 CHAIRPERSON HOOD: Okay. You already told us about it.
20 We got that, so we can just skip that part.

21 MR. CARTER: Okay. Stay away from it. Fine. Excuse
22 me. Okay. So number three, Wesley's Campus Plan is inconsistent
23 with Subtitle X, Section 101.2, because it will create
24 objectionable conditions affecting neighbors and AU. These
25 objectionable conditions are outlined in our prehearing statement

1 at Exhibit 88, but include parking, campus security, number of
2 students, stormwater containment, and Wesley's attempt to poach
3 AU students for its financial gain, which is especially
4 objectionable at a time when AU's experiencing its own financial
5 challenges.

6 Four, AU is still not actively engaged in this Campus
7 Plan process after more than three years. Wesley continues to
8 insist that AU will engage when it is ready. Not being ready
9 after three years speaks more than we could ever say to this
10 Commission. Anything less than AU's full-throated endorsement
11 and collaboration of the Landmark project is reason for the
12 Commission to reject the application, as proposed.

13 AU has been willing to talk with the neighbors about
14 the project and have told us that they are focused on their
15 housing -- on housing their students on their campus. They
16 advised the Commission in 2021, when the neighbors raised the
17 issue of the Wesley-Landmark building during the AU Campus Plan
18 hearings.

19 Wesley's plan to poach AU students for its financial
20 gain comes at a time when AU is dealing with a 60 million dollar
21 budget deficit that is likely to grow as federal education
22 resources for colleges and universities dry up. AU has been very
23 transparent about its financial challenges, unlike Wesley, which
24 is the institution that is asking you not to just bend the rules,
25 but to throw out your rule book out the window. Fifth, the

1 Commission -- if the Commission approves the Wesley-Landmark
2 building, what happens to the -- if the commercial venture fails?
3 What happens if they build it, but the students don't come?
4 Residents are deeply concerned that the neighborhood may be left
5 with a non-conforming asset building on the Wesley Campus Plan.

6 Finally, this case has required the Commission to bend
7 over backwards to consider approving this commercial operation
8 on Wesley's campus on the basis that Wesley needs to thrive; yet,
9 there is still no evidence in the record of Wesley's financial
10 need. Instead, we have threats to leave, threats that have been
11 made to the neighbors so often since 2005 that it conjures up
12 memories of the children's fable, Chicken Little.

13 Institutions like Wesley add value to our city that
14 cannot always be measured in dollars. As Wesley's and AU's
15 neighbors, we know that better than anyone. Yet, there are limits
16 to what can and should be done to support Wesley at this current
17 site. Wesley's Campus Plan proposes facilities its students
18 simply don't need and that AU -- it simply does not want. For
19 its financial gain, Wesley has chosen to become innkeepers, and,
20 in doing so, they need to blast through all of the guardrails
21 that exist in the Campus Plan regulations. A very limited text
22 amendment did not solve the regulatory issues in this case. Just
23 like three years ago when Wesley first filed its flawed plan, the
24 Commission is being asked to cross a red line in this Campus
25 Plan. The Commission should not be engaged in a regulatory bail-

1 out of Wesley, especially when the facts and the record in the
2 case don't support the action. Sometimes change is inevitable.
3 As Commissioner May said nearly three years ago, it's not -- it's
4 just not the Commission's job to find a way to save this
5 institution at this location. All I would say is, where is DMPED
6 in all of this? I mean, really, if Wesley is so important to
7 DC, you would think that the Deputy Mayor's Office of Economic
8 Development would have somehow been engaged by now, but it hasn't.

9 Let me turn it over to Alma Gates. Alma, you're muted.

10 COMMISSIONER GATES: The Comprehensive Plan allows the
11 community to predict and understand the course of future public
12 actions and to ensure that the District's resources are used
13 wisely and efficiently. It provides guidance on the choices
14 necessary to make Washington, DC better. The Plan is comprised
15 of two parts, the federal elements and the District elements.
16 Together, they advance Washington, DC's great design and planning
17 heritage for its equitable development through inspiring civic
18 architecture, rich landscapes, distinct neighborhoods, vibrant
19 public spaces, environmental stewardship, and thoughtful land-
20 use management.

21 For the past three years, the Zoning Commission, ANCs,
22 and citizens groups have met to discuss aspects of the purposes
23 and their relationship to Wesley Seminary's Campus Plan. Perhaps
24 the lack of "thoughtful land-use management" best sums up why
25 Wesley's Campus Plan has not been approved, despite so much slack

1 has been cut to allow Wesley to reach this point. However, after
2 recent meetings with the Applicant, it's obvious this case is
3 still not ready for approval. If the "devil is in the details",
4 there is serious work needed on the Wesley Campus Plan. Both
5 Mr. Smith and Mr. Carter have highlighted some of the details
6 that need further Zoning Commission attention.

7 Commercialization of the Wesley campus continues to be
8 a contentious issue for the surrounding community. The
9 construction of what equates to a commercial apartment building
10 on land that has been designated for educational purposes in the
11 midst of R-1-A, R-1-B and RA-1 residentially-zoned land is of
12 concern for many who live in the neighborhood surrounding the
13 Seminary, especially those who reside along University Avenue.
14 There is no longer predictability for homeowners, as the Zoning
15 Commission has ignored objectionable conditions associated with
16 the Wesley Campus Plan and has moved forward with approval of
17 land use that is not in keeping with the Comprehensive Plan.
18 Even the two text amendments fail to fully cover the needs of
19 the Seminary.

20 As the guide for all District planning, the
21 Comprehensive Plan establishes the priorities and key actions
22 that other plans address in greater detail. The broad direction
23 it provides may be implemented through agency strategic plans,
24 operational plans, long-range plans on specific topics, such as
25 parks or housing, and focused plans for small areas of Washington,

1 DC. This is the case for Wesley that is seeking approval of a
2 10-year Campus Plan focused on its modest campus in Northwest.

3 Clearly, the Comprehensive Plan is not being
4 implemented in terms of priorities and key actions for anyone
5 other than Wesley. While they are required to operate under a
6 Campus Plan, the terms of the plan must reach outside the
7 perimeter of the campus and balance its needs with those of the
8 surrounding residential area or avoid objectionable conditions
9 for the neighbors. Ninety-foot buildings may exist on other
10 campuses, but typically have a much larger land mass that can
11 accommodate the height and density. Although Wesley removed the
12 building's penthouse, the reconfigured density remains on site.
13 The Wesley seven-story building is shoehorned into a corner of
14 the campus, hoping to be hidden from sight by distant AU dorms,
15 but the low-scale buildings on the Wesley campus are overshadowed
16 by the proposed addition.

17 The land use element and policies are given priority
18 in the Comprehensive Plan for good reason. Building mass and
19 height Policy LU-2.1.5, Support Low-Density Neighborhoods,
20 directs, "Support and maintain the District's established low-
21 density neighborhoods and related low-density zoning. Carefully
22 manage the development of vacant land and alternatives to
23 existing structures to be compatible with the general design
24 character and scale of the existing neighborhood, and preserve
25 civic and open space." When 72.8 percent of Wesley's occupiable

1 space will be dedicated to the student apartment building, even
2 with the penthouse removed, the seven-story building remains in
3 conflict with the land use element of the Comprehensive Plan.

4 On May 26th, 2016, the District Court of Appeals issued
5 its judgement for the third time in the District of Columbia
6 Commission v. 901 Monroe Street, more commonly known as "Durant."
7 I reference Durant because there are many similarities between
8 it and the Wesley Campus application stemming from the
9 interpretation of the Future Land Use Map, the FLUM. Although
10 901 Monroe was for a PUD, it was the interpretation of the density
11 of the FLUM zoning designation versus what was being proposed
12 that resulted in denial of the application.

13 In the immediate case, Number 23-08(1), the FLUM
14 designates the land use as institutional. The Office of Planning
15 notes, "The institutional use would be a campus of higher
16 learning, and the proposed additions would continue to be
17 university use in addition to community amenities." This
18 statement is very misleading. While the current land use is
19 designated institutional and would remain institutional, the
20 building use would change from institutional use to commercial
21 use by virtue of bed rentals to non-Wesley tenants. Commercial
22 uses of this scale are not permitted in the R-1-A, R-1-B or
23 RA-1 zones, regardless of the fact Wesley has approached this as
24 a matter of fact -- matter of right use, according to their
25 institutional designation. Even the change in the wording of the

1 approved text amendment fails to fully excuse Wesley of its use
2 deception. Perhaps former Commissioner Peter May, in
3 acknowledging the difficulties presented in this case, stated the
4 use of land use -- of the land most succinctly; "There's not an
5 educational purpose that is specific to housing all the
6 additional people, that is AU students, there, and the fact that
7 it happens to be next to AU, that's almost irrelevant." In other
8 words, Wesley is not using its land to build a facility for its
9 students; it is planning a luxury apartment for AU students.

10 A review of the hearing summaries in this case shows
11 that the Zoning Commission rarely mentions the Comprehensive Plan
12 or the FLUM's definitions, but should be keenly aware that zoning
13 cannot be in conflict with the Comprehensive Plan and its maps.
14 Without question, the proposed land use is in conflict with the
15 FLUM and should not be approved. The Court of Appeals noted, "We
16 normally defer to an agency's decision, so long as it flows
17 rationally from the facts and is supported by substantial
18 evidence."; Levy v. The District of Columbia is where that quote
19 came from. The Court of Appeals would be unable to point to the
20 immediate application and find substantial evidence in the
21 rationale or proceedings to support commercial use in an area
22 designated by the FLUM for institutional use. Nothing in the
23 proposed land use supports Wesley's educational mission.
24 Moreover, the underlying land use is R1-A, moderate-density
25 residential, generally characterized by a mix of single-family

1 homes, two to four-unit buildings, row houses, and low-rise
2 apartment buildings. It is the medium-density residential areas
3 that are neighborhoods or areas where mid-rise, four to seven-
4 story apartment areas are the predominant use. The FLUM
5 designates Durant and Wesley as moderate-density residential, not
6 medium density. And this is the major parallel with Durant, land
7 use.

8 In closing, it seems appropriate to refocus the Zoning
9 Commission's attention on the comments of former Commissioner
10 Peter May who, like the D.C. Court of Appeals, saw the land use
11 for Wesley's Campus Plan, as designated in the FLUM and the zoning
12 regulations, in conflict. He identified the core issues in the
13 case. At the July 14th, 2022 Public Meeting of the Zoning
14 Commission, Commissioner May stated, "I think that we would be
15 looking at this as if it was just an apartment building, right,
16 and a regular apartment building on campus, with people from
17 outside the campus using it. I don't think it fits into the
18 category of ancillary commercial uses. I think it's a straight
19 up commercial apartment building. It would not be appropriate
20 for us to approve this as part of a Campus Plan. It would be
21 difficult, in my view, if there were some legitimate reason to
22 have 80 percent of a building occupied by Wesley Students, and
23 then there happens to be some extra capacity, and so that can be
24 leased out to others. But in this circumstance, I just don't
25 see how this is anything other than a commercial operation."

1 Commissioner May, an architect and long-standing member
2 of the Zoning Commission, did not hesitate to speak his mind.
3 Unless there was something extraordinary introduced, he did not
4 change his mind. He often took apart an aspect of a zoning case
5 to find a way to make it work, and after significant verbal
6 discussion he would issue his findings.

7 That is the pattern followed in the Wesley case when
8 he said, "I just don't think that this works within a Campus
9 Plan, because it is undoubtedly a commercial venture in my view.
10 We're allowing the University to lease out a portion of its
11 property for this other use and under the pretend circumstance
12 that it is, quote, 'a dormitory', end quote, and that it is
13 somehow connected to the University's mission. I really don't
14 see how the connection works to the University's mission. This
15 is a way of sort of sneaking in other commercial ventures of a
16 whole range into the Campus Plan tent, just to be able to get
17 these things done, and I don't think that's the right way to do
18 it. Maybe Wesley could sell off part of their property and have
19 it redeveloped into some sort of venture that's going to provide
20 money for them in another way, or maybe they just need to sell
21 the property and find another location. I don't think it's our
22 job to find a way to save this institution in this location. I
23 appreciate the creativity, but I don't think that it works within
24 the bounds of the zoning regulations."

25 It would be a shame and a waste of good, reasonable

1 advice for the current Zoning Commission to ignore their
2 colleague, who spent two years considering the outcome of this
3 commercial venture with Landmark Properties. Commissioner May
4 saw this application in all its dimensions and questioned, "How
5 is this anything other than a commercial operation?". Although
6 the text amendments --

7 CHAIRPERSON HOOD: Ms. Gates, did we lose you?

8 MR. SMITH: She appears to have frozen, Mr. Chairman.

9 MR. CARTER: I can finish -- do you want me to finish
10 the last -- do you want me to finish the last little part?

11 MR. SMITH: Yeah, why don't you do that?

12 MR. CARTER: Okay. It says, "Although the text
13 amendments have changed the regulations to permit the
14 commercialization of Wesley's student housing, there still
15 remains within campus planning a regulation that requires this
16 commercial operation to be related to Wesley's educational
17 mission and it is not. The Zoning Commission also should keep
18 in mind that the Durant case and the correlation between it and
19 the Wesley application, so that is also in conflict with the FLUM
20 designation and the Comprehensive Plan. Institutional properties,
21 especially those belonging to institutions of higher education,
22 need to remain true to their mission and not be allowed to turn
23 any part of their campus into a commercial venture that is not
24 incidental -- that is not incidental to the mission of the
25 institution.

1 MR. SMITH: Mr. Chairman, that concludes our testimony
2 tonight.

3 CHAIRPERSON HOOD: Okay. I want to thank -- thank you,
4 Mr. Smith, Mr. Carter, and Ms. Gates. Hopefully, she'll be able
5 to come back and join us. I want to make sure that you all
6 understand that some -- we were here when Commissioner May was
7 here and we also know what we were trying to achieve, and we're
8 actually going in that direction. So to bring half of what
9 Commissioner May -- and I get it. You know, we all decided how --
10 that's how we got here, and Commissioner May actually was one of
11 those who took the lead on it, but we all agreed. Now, because
12 he's not -- no longer here does not mean where he would have been
13 here now, if we were going in this case. So I appreciate you
14 using that, but that doesn't rest well with me, because I know
15 in conversations as he -- and we were talking through this, some
16 of the things he actually was trying to do. So I don't want to
17 sell him short, because he had a stellar reputation here on this
18 Commission. But, Mr. Carter, let me ask you a question.

19 MR. CARTER: Sure.

20 CHAIRPERSON HOOD: You were involved with the
21 Washington Convention Center.

22 MR. CARTER: Yes.

23 CHAIRPERSON HOOD: I'm trying to understand the nexus.
24 What part -- what did you do with the Washington Convention
25 Center, if you don't mind helping --

1 MR. CARTER: No, no, no. I worked -- I was part of
2 the development team that worked under Allen Lew. I was a Project
3 Manager, and I ended up becoming the liaison with the District
4 agencies, DCRA, DDOT, D.C. Water, you know, whatever, in terms
5 of permitting and approvals and what was needed.

6 CHAIRPERSON HOOD: So were also aware on that -- and
7 I'm trying to understand the nexus, because I see definitely a
8 similarity, but you understand that there was no designation for
9 the Convention Center, and I'll even throw in the MCI Center, to
10 be done downtown. Is that a correct statement? Because some of
11 the same people who I know who may be against this were against
12 the Convention Center going downtown as well, because I was -- I
13 wasn't involved with the Convention Center, but I was around.
14 Help me understand -- distinguish -- it was not on the FLUM.
15 There was no designation for it to go downtown, but it showed up
16 down there, because they made it work -- the city, along with
17 you, and credit to Allen Lew who was spectacular, and that whole
18 team. So help me understand the nexus of the difference in
19 this -- or what the Commission has set out with Commissioner May
20 to try to do versus what your argument is today, this versus the
21 Convention Center. Help me understand the difference.

22 MR. CARTER: Yeah. I don't know that I can, because,
23 unfortunately, I was not involved during the approval zoning
24 process of the Convention Center, so I'm not familiar with those
25 issues. Although I do know that there was some opposition on

1 the east side, a lot of concern with the House of Prayer, but
2 there were three city blocks vacant that there was a feeling the
3 Convention Center could really bring an economic engine to DC, I
4 would think, but I was -- again, please understand I was not
5 involved in that discussion.

6 CHAIRPERSON HOOD: Okay. Okay. I just was trying to
7 understand the argument made here -- there. I was around. I
8 kind of know what went on there. I know some of the people who
9 may be still around here now against -- having some issues there.
10 I just want to understand --

11 MR. CARTER: Fine. Fair enough.

12 CHAIRPERSON HOOD: You said the Commission is
13 abandoning regulations now, when some of that went on then. I'll
14 just leave it at that, so thank you.

15 MR. CARTER: Okay. I was not aware of that,
16 unfortunately.

17 CHAIRPERSON HOOD: Sometimes that institutional
18 knowledge -- anyway, let me just say -- and I'm sure Vice Chair
19 Miller knows much more about this than I do. Commissioner Wright,
20 you have any questions of the panel -- of the opposition panel

21 COMMISSIONER WRIGHT: Thank you. Yes, I do have a few
22 questions. First, Mr. Carter, you made a number of statements
23 about American University and their perspective on this project.
24 I would like if you could share please information about
25 specifically, by name, who you've spoken with at American

1 University and the dates of the meetings that you've had.

2 MR. CARTER: I can't give you the date, but Dennis Pual
3 and I met on campus -- it was probably April or March -- with
4 Matt Bennett. And the question was simply, "Are you going to
5 change your quiet stance and come out in support or against?";
6 and the statement was, "We are committed to housing our students
7 on our campus with our facilities", period.

8 COMMISSIONER WRIGHT: Right. And so in the testimony
9 that you provided today, you definitely said -- and I'm trying
10 to pull it up, but have too many different screens up --

11 MR. CARTER: I can -- I can --

12 COMMISSIONER WRIGHT: -- that the -- that American
13 University has grave concerns about this project.

14 MR. CARTER: No, I didn't say "grave concerns", not at
15 all, but what I am saying is that you -- and you made this
16 statement in a -- in the text amendment case, that it seemed like
17 a collaborative -- it seemed like a good supporting mix. And my
18 only point is, you would expect AU to be collaborating and
19 supporting this if they wanted to, and they're not coming out in
20 support or opposition. I think the opposition is more an attempt
21 to be a good neighbor, but they're not coming out in support of
22 this. What do they have to lose by coming out in support of
23 this, especially given the amount of collaboration that's going
24 to be needed, because one of the things I think that got lost
25 here in Tom Smith's cross-examination, and actually Matt then

1 brought it up, how are we going to deal with a student who leaves
2 the school? Let's forget about the Code of Conduct now. What
3 if the student has a breakdown? What if the student decides to
4 drop out? What's -- how is that going to be handled, where a
5 student leaves a school but still has a lease obligation, because
6 he's in a commercial lease agreement with Landmark? That's a big
7 question. There's a lot that needs to be dealt with that you
8 would hope AU would be collaborating with, but they're not.

9 COMMISSIONER WRIGHT: Well, I think that you're right;
10 it would be great if they were being more collaborative, but just
11 as you are basically saying, they -- you know, if they were in
12 favor of it, you wish they would speak up; if they were opposed,
13 you would hope they would speak up as well. But it sounds like
14 their perspective on this is basically to sort of stay out of
15 the fray.

16 MR. CARTER: Yeah.

17 COMMISSIONER WRIGHT: And, you know, that's a choice
18 on their part. My other question really is what if -- like on
19 other university campuses around Washington, DC that exist today,
20 what if Wesley decided they wanted to have a Chick-fil-A franchise
21 on their campus?

22 MR. CARTER: That's covered -- that's covered under the
23 current, I believe, Subtitle X, and the ancillary use is fine,
24 less than 40,000 square feet. We've already considered that
25 anything that supports a campus, such as a Chick-fil-A, a FedEx,

1 a small -- a McDonald's, a small operation is absolutely -- in
2 fact, the 2016 zoning regs clarified that that really it wasn't
3 there. So ancillary support to Wesley, yes, absolutely, as there
4 is ancillary support on AU's campus. I mean, AU had -- maybe
5 had a McDonald's. AU has a FedEx. There's stuff there now to
6 support.

7 COMMISSIONER WRIGHT: And there are people -- again,
8 other campuses in the city that have commercial enterprises. I
9 mean, you'd have to agree a Chick-fil-A is a commercial
10 enterprise. They have multiple commercial enterprises and --

11 MR. CARTER: It's a limited commercial. It's a limited
12 commercial.

13 COMMISSIONER WRIGHT: Well, they are also available to
14 people who aren't students on that campus, so anyone can walk
15 onto the campus of Georgetown, let's say, and go to the Chick-
16 fil-A; anyone can walk onto the campus of Georgetown and go to
17 their regular Wednesday Farmer's Market, which has, you know,
18 fifteen booths and many -- you know, many vendors. So those are
19 all commercialization activities that I would say are not
20 connected with the educational purpose of those schools. Student
21 housing --

22 MR. CARTER: They're ancillary and limited.

23 MR. SMITH: No.

24 COMMISSIONER WRIGHT: Can I finish please?

25 MR. CARTER: Sure. Sure.

1 COMMISSIONER WRIGHT: Student housing is I think a much
2 more connected use to the educational purpose of two adjoining
3 campuses than a Chick-fil-A or a market that anyone in the city
4 can make use of. And so, you know, again, I understand your
5 concern about worrying about the commercialization of any campus.
6 No one wants to see that. But I think that the student housing
7 is a use that is much more connected with the educational purpose.
8 And in this case you have an unusual and unique situation of two
9 campuses that are literally next to each other. And so, you
10 know, again, I think if, you know, Wesley decided instead of
11 entering into a lease agreement with this particular company to
12 create student housing, if they decided to create a food court
13 of a -- of a Chick-fil-A and a McDonald's and two other commercial
14 uses that were there and available to anyone in the city, I,
15 personally, would have a lot more concern about that, as
16 commercializing this campus, than I would the idea of creating
17 additional student housing. You're right that they have to work
18 out the details.

19 I know in other campuses in other parts of this country
20 that I'm aware of, when they have had a more commercial building
21 built for student housing, they do work out situations where if
22 you are expelled or you have to leave, that your lease is broken
23 and you essentially cannot remain as a tenant. There are ways
24 to work that out. And I think, if this moves forward, they'll
25 have to cover a lot of those issues, and I think that's something,

1 | you know, we're going to -- I certainly am going to ask the
2 | applicant team to address in future discussions. But, you know,
3 | I'm trying to look at this from just the general question, which
4 | is what you all have raised, about commercialization of a
5 | campus -- a Campus Plan. That seems to me to be the heart of
6 | your concern, which is that this should not be allowed because
7 | it commercialization of a campus. It's not that student housing
8 | isn't allowed, and this use is student housing, but you're
9 | concerned because it is commercialization of student housing.
10 | And I would just argue that there are -- that I don't really see
11 | the addition of student housing, even if it's for the campus
12 | directly across the property rather than the campus of the Wesley
13 | folks, I don't see that as commercialization. I would be much
14 | more fearful of Wesley solving their financial trouble by
15 | finding, you know, a Chick-fil-A, a McDonald's, and a Burger
16 | King, who all want to find a spot in upper Northwest to create
17 | franchises, which they could do.

18 | And, you know, the bottom line is that, you know,
19 | housing for students, whether American University wants to
20 | address it or not, is a problem. I mean, it is an issue. I live
21 | in upper Northwest. I see students on our Listserv in our
22 | community looking for housing that they can afford. It is a
23 | problem. And I don't shy away from the idea of a creative
24 | solution to create more student housing that will be able to
25 | solve that problem, whether it's for the students at Wesley, the

1 students at American University, and the fact that they can, you
2 know, share their solution to the problem. So I'll just leave
3 it at that.

4 I don't think this is like -- again, I'm going to let
5 the legal folks address the issue of what -- how this is like
6 the Brookland case. It think it's very, very different than the
7 Brookland case, in that we're talking about a Campus Plan; we
8 aren't talking about a PUD. We're talking about a use that is
9 allowed on Campus Plans, and it's simply a question of whether
10 that -- you know, that concern that two universities would be
11 sharing the student housing somehow changes things. I don't
12 think it does, but I think the comments about the Brookland case,
13 it's apples and oranges completely. So those are my comments,
14 and I'll let my colleagues weigh in.

15 MR. SMITH: Commissioner Wright, may I -- may I respond
16 a little bit just in one of your points?

17 CHAIRPERSON HOOD: Hold on a second.

18 COMMISSIONER WRIGHT: No, no, you may not.

19 CHAIRPERSON HOOD: Hold on a second. Ms. Wright --
20 Commissioner Wright, did you want a response? You didn't want a
21 response?

22 COMMISSIONER WRIGHT: No.

23 CHAIRPERSON HOOD: Okay. All right. Let's move on.

24 COMMISSIONER WRIGHT: No, I'm not interested. Thank
25 you.

1 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
2 Imamura, any questions?

3 COMMISSIONER IMAMURA: Yes. Thank you, Mr. Chairman.
4 I have some comments about the collaboration between Wesley and
5 AU. It's something that we all had wanted and had encouraged,
6 but -- and I had -- you know, adamantly had hoped and went on
7 the record saying that I wanted to see a little bit more, but
8 not so naive to know that I'm not a university administrator and
9 nobody else on this call is either, other than Dr. McAllister-
10 Wilson, and so it doesn't surprise me that AU had said that, you
11 know, they're committed to housing their students on their
12 campus, so -- but, that being said, I think we all probably should
13 spend a few seconds or another minute or two to think about what
14 Commissioner Wright had said, and so I align myself with her
15 comments and think that we should all give that a little more
16 thought.

17 CHAIRPERSON HOOD: Thank you. Commissioner Stidham,
18 any questions?

19 COMMISSIONER STIDHAM: No, no questions or comments.
20 Thank you.

21 CHAIRPERSON HOOD: And Vice Chair Miller, any questions
22 or comments?

23 VICE CHAIR MILLER: Thank you, Mr. Chairman. I don't
24 think I have any questions. I appreciate the advocacy of Tom
25 Smith, Blaine Carter, and Alma Gates on this case and related

1 cases and a lot of issues in your community. And I think you've
2 raised some issues which need to be rebutted in our deliberations
3 and -- or dealt with. Actually, many of them have to be dealt
4 with, as we've all acknowledged, in the details at further
5 processing, whether it's the security plan or the affordable
6 housing program. So, I mean, I appreciate you bringing the issues
7 forward.

8 This is a very unique -- I've always considered this a
9 very unique and not precedent-setting case, in terms of an
10 immediately adjacent -- I don't even think there's an alley or
11 anything. It's immediately adjacent property. They're both --
12 they're both educational uses that have been there for decades
13 that have a religious component, although Wesley's is clearly
14 still more active, in terms of its religious component. And it's
15 been acknowledged from the beginning that it was going to be a
16 use that's compatible with university use -- university housing
17 use, and it's immediately -- the location on the Wesley campus
18 is immediately adjacent to the AU campus, so -- and we -- there
19 have been issues that you and others have raised that -- when the
20 Campus Plan was first brought up, and you mentioned some of
21 Commissioner May's comments. He actually led us into the PUD,
22 which created more issues and problems, and which led us into the
23 text amendment that did carve out an exception -- does carve out
24 an exception for commercial use restrictions of the Campus Plan
25 to not apply in this particular unique, exceptional case. And,

1 | you know, we all would have preferred if it had been a different
2 | solution or a cleaner solution, Wesley selling off or leasing
3 | that land to its immediately adjacent neighbor and let AU do what
4 | it needs to do with it, and we'd have a Campus Plan process for
5 | both, removing it from Wesley's and adding it to AU's, and then
6 | we can deal with any objectionable impacts that might result. So
7 | we can deal with more of the objectionable impacts, if there
8 | are -- I think there have been a lot of mitigations that have
9 | been already offered that are part of the Campus Plan. There
10 | have been revisions that have been made to try to accommodate the
11 | surrounding community, whether it's lowering the height, adding
12 | a playground at the ANC's request for the community use,
13 | setbacks -- certain setbacks, landscaping, streetscape
14 | improvements. So we are where we are.

15 | There are other -- there are obviously issues still to
16 | be addressed, and they will be addressed at further processing,
17 | and we hopefully will, with all of the stakeholders', including
18 | yourselves, assistance, work that out -- try to work it out to
19 | the best of our ability -- collective ability at further
20 | processing, if we -- if we get to that point, if we do approve
21 | this Campus Plan. So, anyway, I appreciate you all bringing the
22 | issues that you brought forward. I think they -- that some --
23 | they will -- they'll be addressed. We may, you know, have to
24 | agree to disagree about what -- about some of the conclusions
25 | that you've raised -- you've made, but I think there are issues

1 raised that need to be rebutted or further addressed at the
2 further processing, and I think they will be. So that's all I
3 have to say, Mr. Chairman. Thank you all for your comments.
4 Thank you all for your work on this case and time and effort.

5 CHAIRPERSON HOOD: Thank you, Vice Chair, for your
6 comments. And that's kind of what you were saying about how we
7 got here, and that's what I was saying. They were just giving
8 us half of what Commissioner May and the Commission -- so we're
9 not abandoning anything. We actually got to this point by
10 recommendations from all of us. And he's not here now to defend
11 himself, so I'm going to do that for him. He's been a good friend
12 and colleague of mine. Tell it -- if you're going to tell it,
13 tell it all, and I'll leave it at that. But let me -- let me
14 just say that I do appreciate it. It might not feel like it.

15 And I do think, Vice Chair, we have been deliberating
16 and trying to mitigate some of the issues. It may not be to
17 everyone's satisfaction. And, also, we do have other things that
18 are outstanding that we're going to deal with. I don't want to
19 say further processing, because that case is really getting
20 voluminous, but we will deal with what needs to be dealt with
21 here and dealt with in further processing, as we get the direction
22 from our legal counsel. So thank you all again as well for your
23 participation. And, no, we're not just kicking you down the
24 road. We're listening. We hear you loud and clear. I'm going
25 to call you Commissioner Smith. You've been around awhile. I've

1 | listened to you. I think you bring up some very thoughtful
2 | points. I have to digest them and think about them, because your
3 | questions are thoughtful, even if I don't agree with them.
4 | They're thoughtful and I can tell you think about what you say
5 | before you say it, and Ms. Gates as well, and also you too, Mr.
6 | Carter. So thank you all for your participation.

7 | Let's see, does the applicant have any cross?

8 | MR. BROWN: No cross.

9 | CHAIRPERSON HOOD: Okay. Commissioner Duncan, do you
10 | have any cross?

11 | CROSS-EXAMINATION OF OPPOSITION BY COMMISSIONER DUNCAN

12 | COMMISSIONER DUNCAN: I do have one question. I think
13 | it's directed to Mr. Smith, because you had talked about, like,
14 | enrollment numbers on campus. Do you think it's possible that
15 | if this building is built it would give Wesley an opportunity to
16 | attract more students to actually live on campus, because the
17 | housing will be upgraded? Do you think that's possible?

18 | MR. SMITH: Well, I'm not -- I can't see into the
19 | future; you know, I can only deal with the zoning regulations
20 | that are before me at the moment, you know, and -- but also with
21 | the history of the Seminary, that even when the Seminary had
22 | numbers of Master's students exceeding 500, which would have been
23 | back in the early 2000's, it was still a primarily commuter
24 | campus. And today those numbers are still -- the percentages are
25 | still pretty stable from back in the early 2000's. About 19

1 percent of Wesley's current students live on campus; the others
2 commute. That's the way it was way back when, when -- back in
3 the year 2000. So, you know, is it possible? Yes, but that's
4 not what the goal here is. The goal isn't to find more housing
5 for Wesley students; the goal here is to find housing for AU
6 students. That's --

7 COMMISSIONER DUNCAN: Well, they -- well, I mean,
8 that's my only question --

9 MR. SMITH: Let me finish. Please let me finish. You
10 asked me the question. Let me finish. Can I finish? Okay.
11 The -- I'm not making that up. That's the independent market
12 analysis that Landmark did that's included as part of the record
13 in this case, that their primary goal is not to house Wesley
14 students, it's to house AU students, because that's the market
15 that's there. So that's the best answer I can give you is, it's
16 based on history, and it's based on what the current numbers are.
17 It's based on the rules. It's based on the Zoning Commission's --
18 the zoning regulations that are approved by this Commission,
19 which outline what the appropriate -- what the appropriate uses
20 are for the land.

21 COMMISSIONER DUNCAN: That's all, Chairman Hood. Thank
22 you.

23 CHAIRPERSON HOOD: Commissioner Bender, are you still
24 around? I don't see you. I know you're still here somewhere,
25 or he left.

1 (No response.)

2 CHAIRPERSON HOOD: Okay. All right. I want to make
3 sure I don't -- Ms. Schellin, we don't see Commissioner Bender,
4 right? He's probably left. All right. Ms. Schellin -- let's
5 see who I need to go to. I asked Mr. Brown. Mr. Brown, I asked
6 you already verbally. Oh, Mr. Clarkson.

7 MR. CLARKSON: Yes, I have a few questions. Thank you,
8 Chairman.

9 CROSS-EXAMINATION OF OPPOSITION BY MR. CLARKSON

10 MR. CLARKSON: And I just want to follow up. I
11 appreciate Commissioner Wright's questions on AU, because
12 that's -- I think that's an important issue, the statements
13 that were made about AU's position -- alleged position on
14 this -- on this project and plan. So, Mr. Carter, in your
15 testimony, you stated Wesley's plan proposes facilities that
16 students simply do not need and AU says it simply does not
17 want. Is AU said that -- publicly made that representation?

18 MR. CARTER: Yes, to me and to Dennis Paul.

19 MR. CLARKSON: To you?

20 MR. CARTER: They basically said they are going to
21 house their students.

22 MR. CLARKSON: Basically or did -- but did they say
23 they do not want -- did they say -- did AU say they do not want
24 this project to move forward -- they are opposed to it? Did they
25 affirmatively say that?

1 MR. CARTER: They did not say they were opposed.

2 MR. CLARKSON: They did not. Okay.

3 MR. CARTER: But -- whoa, whoa, whoa -- but they did
4 say they're going to house their own students, period. They were
5 very clear, they're not looking to Wesley. They are going to
6 house their own students. They will take care of their own
7 students on their campus.

8 MR. CLARKSON: But did they -- but again, just to
9 clarify, did they say they were opposed to the proposal?

10 MR. CARTER: They were neutral -- completely neutral,
11 completely neutral.

12 MR. CLARKSON: Neutral. So that means they're -- they
13 did not say they were opposed to it, correct?

14 MR. CARTER: Correct.

15 MR. CLARKSON: Okay. So they were neutral. Okay.
16 That's helpful.

17 MR. CARTER: But why wouldn't they come out in support,
18 Bill? Think about it. Why wouldn't they come out in support?

19 MR. CLARKSON: Well, I think that's a good question,
20 because on the flip side, since I --

21 MR. CARTER: What do they have to lose by coming out
22 in support?

23 MR. CLARKSON: Mr. Carter, I think I'm asking the
24 questions, but I'll defer to Chairman --

25 MR. CARTER: Sure.

1 MR. CLARKSON: Okay. Thank you. Well, that -- but I
2 do appreciate you raising that, because, on the flip side, you
3 know, you and Mr. Smith raised in your testimony that this Campus
4 Plan is, quote, "exploiting AU students" and it is an attempt to,
5 quote, "poach AU students for financial gain." If that's the
6 case, then why wouldn't AU take the opportunity -- they're within
7 200 feet. Why wouldn't they take the opportunity to register as
8 a party in opposition?

9 MR. CARTER: You know what, I said the exact same thing
10 to Matt Bennett. I said, they're going to steal about potentially
11 seven to ten million dollars a year in income; and he goes,
12 "They're coveting thy neighbor's students." Then he goes, "Oh,
13 I like that phrase. Maybe I'll use it."

14 MR. CLARKSON: Okay. So this was in a private
15 conversation -- a private conversation?

16 MR. CARTER: That was in a conversation at a CLC
17 meeting.

18 MR. CLARKSON: That was in a CLC meeting he said that?

19 MR. CARTER: In front of Dennis Paul.

20 MR. CLARKSON: Okay. In front of Dennis Paul privately,
21 just the two of your or at --

22 MR. CARTER: Three of us.

23 MR. CLARKSON: The three of you. So what -- it was at
24 a CLC meeting with just the three of you?

25 MR. CARTER: No. After the CLC meeting, not during the

1 CLC meeting.

2 MR. CLARKSON: After the CLC meeting.

3 MR. CARTER: Yeah. It was just --

4 MR. CLARKSON: It was after, so it wasn't during the
5 CLC meeting --

6 MR. CARTER: No.

7 MR. CLARKSON: -- with my organization, with other
8 community representatives.

9 MR. CARTER: No.

10 MR. CLARKSON: Okay. I just wanted to -- thanks for
11 clarifying that.

12 MR. SMITH: Mr. Clarkson, if I could add, since you
13 mentioned my name --

14 MR. CLARKSON: No, I'm sorry, Mr. Smith. It's my --
15 it's my for questions. Thank you.

16 MR. SMITH: Okay. I was going to answer your question.
17 I thought it was directed to me too.

18 MR. CLARKSON: No, I'm sorry.

19 MR. SMITH: Okay. I thought I heard my name mentioned.

20 MR. CLARKSON: I appreciate it.

21 MR. SMITH: Okay. Go ahead.

22 MR. CLARKSON: In your testimony, Mr. Carter, you
23 said -- you also claimed that AU has been very transparent about
24 its financial challenges, unlike Wesley. Are you saying that --
25 is AU -- has AU disclosed nonpublic confidential financial

1 information to you?

2 MR. CARTER: No, no, no. They put it out publicly.
3 They put numbers out publicly.

4 MR. CLARKSON: Like, what numbers -- what numbers have
5 they put out publicly that Wesley has not put out publicly?

6 MR. CARTER: Yeah. Wesley has not put out what they
7 are -- they have not put their financials out, what their -- what
8 their deficit is. AU has.

9 MR. CLARKSON: So Wesley has not disclosed their
10 financial --

11 MR. CARTER: Wesley has not; AU has.

12 MR. CLARKSON: Okay. Well, I'll clarify that with --
13 publicly disclosed it?

14 MR. CARTER: Yes.

15 MR. CLARKSON: Okay. Okay. I'd like to move on to
16 some of the alleged objectionable impacts that you referenced in
17 your testimony --

18 MR. CARTER: Sure.

19 MR. CLARKSON: -- specifically related to campus
20 security. So in your testimony you referenced your prehearing
21 statement, which is Exhibit 88, about campus security and other
22 objectionable Impacts. And in your prehearing statement you
23 claim that, quote, "Wesley indicated it would address campus
24 security as part of this case," and you cite Exhibit 69, which
25 is Wesley's 2024 post-hearing submission to the Commission.

1 That's -- you reference that when you say, "Wesley indicated it
2 would address campus security as part of this case" --

3 MR. CARTER: Well, I don't have --

4 MR. CLARKSON: -- Exhibit 69 -- "and committed to
5 engage with NLC and SVWHCA to discuss this issue. That has not
6 happened." Well, since you cited it in your prehearing statement
7 as evidence to back up your assertion, I reviewed Exhibit 69, and
8 there's nothing in that submission -- in that document that
9 references campus security or campus safety. Is that your
10 understanding? I mean --

11 MR. CARTER: Don't know. I can't answer that.

12 MR. CLARKSON: Well, yeah, it doesn't. So my question
13 is, why would you reference that exhibit to support your claim,
14 if it has -- if that exhibit has no reference at all to campus
15 security? I'll let -- I'll let Mr. Smith or Ms. Gates answer
16 it, if they're able to, because it was in your prehearing
17 statement, and I know a lot of work went into that. As they --
18 as it always is, your statements -- your organization's
19 statements are very -- filings are very detailed, very thorough,
20 so, yeah, I think it's a fair question. So, Mr. Smith, you're
21 welcome to answer, or Ms. Gates.

22 MR. SMITH: Well, thank you.

23 MR. CLARKSON: Yeah.

24 MR. SMITH: Actually, my computer is -- my computer is
25 down. I can't access Exhibit 69; otherwise, I would.

1 MR. CLARKSON: I can pull it up, or, I mean, I wonder --
2 yeah, it doesn't -- it doesn't have any reference to campus
3 security.

4 MR. SMITH: Actually, the commitment that was made by
5 Wesley was that they would discuss issues of security with the
6 NLC and SVWHCA Board members. That's -- that was the commitment
7 that was made. It was made during CLC meetings. It was also
8 put in writing in the communication to the Commission. It just
9 did not happen, but that's -- but I think what we heard tonight
10 was a commitment from Wesley to address that issue, to address
11 it in a comprehensive way. If you recall, in some of the CLC
12 meetings we've had with Wesley, Wesley has said previously that
13 the camera plan was it for security. They have evolved, and that
14 was very clear tonight that they have evolved. And I think that's
15 very productive, very positive, and hopefully some of the issues
16 that residents have raised -- if you recall, the session just
17 this past Monday, not -- what's today, Monday -- a week ago today,
18 spent most of the time talking about campus security and the need
19 for a more detailed plan than what had been offered up to now,
20 so that was a positive. I think tonight's statements by Wesley,
21 very positive. And hopefully Wesley will continue to work with
22 the CLC and members of the community, including NLC and SVWHCA,
23 which have been the ones that -- with all due respect, have been
24 the ones that have raised this issue consistently throughout this
25 Campus Plan process in direct conversations at CLC and with

1 Wesley, but I think that's all --

2 MR. CLARKSON: Thank you. But just -- but back to my
3 point, just to close the circle of this, the exhibit you cite to
4 support your assertion that Wesley has not engaged on campus
5 security issues, the exhibit you cite, Exhibit 69, which is
6 Wesley's post-hearing submission, that was not -- that was wrong
7 basically. You -- would you -- would you agree that you shouldn't
8 have cited that as evidence in support of your assertion?

9 MR. SMITH: Well, no, not really, but I would go -- to
10 give you the benefit of the doubt, I'd go and look it up, and
11 I'll do that when I get access to the computer, and I'm sure that
12 others will do the same, but I don't -- I don't think that
13 certainly was -- based on what we've heard previously and up to
14 now, no, I don't think so, but that's just my -- that's my
15 opinion. You asked for my opinion, so --

16 MR. CLARKSON: Thank you. I did find -- in that
17 exhibit, because I have it up and I've read it closely, they did
18 make -- they did -- it does reference a request made by the NLC,
19 and I'll read it. It says, "In ongoing discussions with NLC,
20 they have requested that Wesley install a barrier along
21 University Avenue to enforce vehicular restrictions proposed and
22 to limit student pedestrian access to University Avenue. Wesley
23 is currently evaluating this request and will offer a proposal
24 to NLC for comment and solicit feedback from the Commission, ANC
25 3E and 3D, and other interested parties." Could that have

1 | been -- was that -- was your proposal to build a fence around the
2 | dorm to restrict student residents from, you know, having direct
3 | access to University Avenue by foot? Was that security related?
4 | Was that a campus security-related request?

5 | MR. SMITH: What request is it; to build a barrier
6 | around the dorm itself?

7 | MR. CLARKSON: Or just to build a barrier -- a fence
8 | that would restrict student pedestrian access to University
9 | Avenue.

10 | MR. SMITH: My recollection -- and I'm not going to
11 | attribute this to NLC and -- or SVWHCA, but my recollection of
12 | discussions at the CLC meetings were that there were a range of
13 | issues that came up, a range of topics that were discussed, and
14 | there was also a great deal of discussion about the fence at AU,
15 | not the fence between --

16 | MR. CLARKSON: No, no, I'm not talking about --

17 | MR. SMITH: Well, let's focus -- let me finish. You
18 | asked me a question. Are you going to let me finish?

19 | MR. CLARKSON: I'm asking you a question about the
20 | security -- (indiscernible due to crosstalk) --

21 | MR. SMITH: I'm trying to finish your question.

22 | MR. CLARKSON: -- not AU, not AU. You can leave AU
23 | out.

24 | MR. SMITH: I'm trying to finish your question.

25 | CHAIRPERSON HOOD: Let me say -- hold on -- hold

1 on -- hold on -- hold on one second, because it's getting
2 late, and when everybody's talking together -- we can all sing
3 together, so -- even though some of them may be offkey, but it's
4 getting late. We need to be able to ask a question, which I
5 think Mr. Clarkson is doing --

6 MR. CLARKSON: Yes.

7 CHAIRPERSON HOOD: -- and respond to the question.
8 Let's not go all around the Beltway to get back into town. So
9 go right ahead and ask that question.

10 MR. SMITH: I'm trying to respond to the question. Mr.
11 Clarkson's asked a question about a barrier. A barrier did come
12 up within the context of the AU campus and the history of the
13 creation of the fence at the AU campus. That was the context in
14 which the issue of a barrier came up. That was -- that was my
15 understanding. If you have a different understanding, great, but
16 that's my understanding.

17 MR. CLARKSON: But to my question, was the barrier that
18 you proposed to limit the student resident access to University
19 Avenue, was that a -- due to a campus security concern; yes or
20 no?

21 MR. SMITH: One, this is not a court of law; but,
22 two --

23 MR. CLARKSON: It's a proceeding. It's called a cross-
24 examination.

25 MR. SMITH: First of all, I did not raise any issue --

1 I, personally, did not raise any issue about --

2 MR. CLARKSON: Your organization, NLC.

3 MR. SMITH: I do know that the issue was raised.

4 MR. CLARKSON: It was a request by the NLC.

5 MR. SMITH: I'm sorry. That is as much as I can tell
6 you.

7 MR. CLARKSON: Okay. So you don't have an answer --
8 you don't know.

9 MR. SMITH: That is as much as I can tell you. Okay?

10 MR. CLARKSON: You don't know and don't want to --
11 understood.

12 MR. SMITH: That's as much as I can tell you.

13 MR. CLARKSON: Okay. Thank you. Thank you very much.
14 I'm done. Thank you, Commissioners.

15 CHAIRPERSON HOOD: Okay. Thank you. Ms. Schellin, do
16 we have -- okay. So we finished that testimony. Any follow-up
17 questions or comments, colleagues?

18 (No response.)

19 CHAIRPERSON HOOD: All right. So, Ms. Schellin, I
20 think we've covered all the parties, correct?

21 MS. SCHELLIN: That is correct.

22 CHAIRPERSON HOOD: Okay. So let's go to the people in
23 opposition, and I'm going to ask you to put -- if they're
24 organizations, put five minutes, and as they get down to one
25 minute, just tell them this -- I don't know if we have the buzzer

1 to let you know you have one minute left. If that's not the
2 case, let's -- when we get to one minute each time, whether it
3 be five minutes or three minutes, let's let them know they have
4 one minute left, and then (indiscernible). Thank you.

5 MS. SCHELLIN: Okay. And how many people would you
6 like brought up?

7 CHAIRPERSON HOOD: How many do we have? If we do half.

8 MS. SCHELLIN: I don't think we have a whole lot or if
9 they're even here. I don't know that they're all here, so --

10 CHAIRPERSON HOOD: Let's bring up the first four and
11 see if we can --

12 MS. SCHELLIN: Okay. All right. Mr. Young, Shelly
13 Repp. Let's see, Mr. Carter was on there a couple times so --
14 Robert Scholz, and Josie Scholz. That's actually it.

15 CHAIRPERSON HOOD: Okay.

16 MS. SCHELLIN: That takes care of everybody, because
17 some people signed up three times.

18 CHAIRPERSON HOOD: Okay. Now, you only get one time
19 to testify. So we'll start off with Mrs. (sic) Shelly Repp.

20 MR. REPP: Good evening, Chairman Hood and
21 Commissioners. If you take a look at the statement we filed last
22 week -- I'm speaking on behalf of the Committee of 100, by the
23 way, as its Chair. The -- if you took a look at the testimony,
24 the testimony relates to the issue that's forbidden to talk about
25 today, so just like John Bender, we'll -- I'll defer that.

1 I do have one observation unrelated to that or largely
2 unrelated to that. It should be clear that there's a lot of
3 money involved in college dormitories. There's enough money in
4 this dormitory to provide money to Wesley to thrive in place, to
5 Landmark to make its normal expected profit, for Landmark to pay
6 real estate and income taxes on the amount -- real estate taxes
7 on the land that it's going to have a ground lease on and income
8 taxes on its income, and to pay whatever the payment is with
9 respect to IZ, so there's a lot of money here. You should take
10 that into consideration with -- when this comes up in the context
11 of the further processing, but also in the context of AU.

12 This is -- this is money that could have gone to
13 American University and it's not going there. And American
14 University wouldn't be paying -- wouldn't have to worry about
15 profit, wouldn't have to worry about real estate taxes, wouldn't
16 have to worry about income taxes, and wouldn't be making an IZ
17 payment. Now, to me, that's a reason why American University
18 should be concerned, as I think, you know, Blaine Carter
19 mentioned. That's all I had to say tonight. Thank you.

20 CHAIRPERSON HOOD: Okay. Thank you. Let's go to Ms.
21 Scholz -- Bob Scholz first, and then we'll -- or however they
22 choose to go, Josie or Bob, whoever wants to go first, Scholz.

23 (No response.)

24 CHAIRPERSON HOOD: Okay. If you all can unmute. Do
25 we need to unmute them, Ms. Schellin?

1 MS. SCHELLIN: I just did. I think that Josie's
2 unmuted.

3 CHAIRPERSON HOOD: Okay. Ms. Josie Scholz, you can go
4 ahead.

5 MS. SCHOLZ: Okay. Can you hear me?

6 CHAIRPERSON HOOD: Yes, we can.

7 MR. REPP: Yes.

8 MS. SCHOLZ: I'm trying -- okay. Good. Perfect. Okay.
9 Here we are at the end of this night. Chairman Hood, members of
10 the Commissioner, I'm Josie Scholz, a Wesley University Avenue
11 neighbor for over 40 years. Of course, I want Wesley to survive
12 and thrive in our neighborhood, but I came concerned, as many
13 have talked about tonight, when I learned that Wesley proposed
14 the large commercial structure to house and draw income from
15 neighboring AU students whose housing money is also needed for
16 the AU budget.

17 I've written and testified in opposition twice, but
18 after many hearings and a number of proposals as of now, you,
19 the Zoning Commission has provided a way for the project to be
20 built by recently accepting Wesley's text amendment, even while
21 conceding that the -- that the proposal is commercial. If the
22 Zoning Commission now accepts Wesley's updated Campus Plan, I
23 think it's very important and I hope -- and maybe this is off
24 topic, but I'm going to say it's my last words -- that the Zoning
25 Commission will require Wesley to contribute funds above the

1 minimum for IZ in order to share with those less financially
2 fortunate in the ANC 3 community some of the benefit the Zoning
3 Commission is affording Wesley by giving them the green light to
4 build this project. Thank you very much for your time.

5 CHAIRPERSON HOOD: Thank you. Mr. Scholz.

6 MR. SCHOLZ: Can you hear me?

7 CHAIRPERSON HOOD: Yeah, we can hear you now. Go right
8 ahead.

9 MR. SCHOLZ: Okay. Chairman Hood and members of
10 Commission, for the past 44 years, Josie and I have lived at 3900
11 University Avenue, which is immediately across University Avenue
12 from the exit onto University Avenue from Wesley. I want to see
13 Wesley survive and thrive. They've been a good neighbor and are
14 a good neighbor. Nevertheless, I'm opposed to this
15 Wesley/Landmark development scheme.

16 I have submitted written testimony further explaining
17 my four objections, which I will summarize in these three minutes.
18 I have testified twice before on this Wesley/Landmark initiative,
19 and I remain concerned that, first, American University avoids
20 involvement, even though 86 percent of this project is for AU
21 students. Second, the impact of the height of the proposed
22 building placed on a 50-foot hill on RA-1-zoned land for low-
23 rise residential development and other possible impacts to ours
24 and our neighbors' property remain a concern. Third, parking on
25 Wesley's campus of 295 spaces seems insufficient for the 735

1 beds, the 76 in the 2014 and the 659 in this new building, living
2 on campus, plus the commuter students, faculty, and staff. And
3 fourth concerns the cash payment for the IZ, which I think is
4 very important, and that the suggested payment by Pat Brown and
5 Wesley seems insufficient for a building of this size, 86 percent
6 of which is subject to IZ.

7 In the past, I don't believe the Zoning Commission, nor
8 the ANC have taken my concerns seriously. Wesley's desire to
9 thrive does not supersede the serious concerns of neighbors. I
10 ask you to take these concerns seriously and protect the interests
11 of neighbors and not just create a special privilege for Wesley
12 and Landmark. Citizens rely on land zoning and the Zoning
13 Commission to enforce regulations and, thereby, protect the
14 interests of all communities. For the four reasons above and the
15 arguments made by the NLC and the Spring Valley Wesley Heights
16 Citizens Association, I ask you to reject this Wesley/Landmark
17 project, as it is now proposed. Thank you for your attention
18 and consideration. And I'd like to say that I support the
19 reduction in the height on the western section of this building.
20 That's -- we're the -- we're the property I'd say most affected
21 by the height of the building and the positioning of it. Thank
22 you.

23 CHAIRPERSON HOOD: Okay. Thank you. Ms. Schellin, I
24 think that's it, correct?

25 MS. SCHELLIN: That is correct.

1 CHAIRPERSON HOOD: Okay. Any questions -- I'm going
2 to look at all my colleagues at the same time. Any questions of
3 those in opposition? Everybody's saying no.

4 MR. BROWN: No questions, Chairman Hood.

5 CHAIRPERSON HOOD: Okay. So my colleagues don't have
6 any questions. Mr. Brown, you don't have any questions. Let me
7 see if -- Mr. Clarkson, do you have any questions?

8 MR. CLARKSON: Yeah. Sorry. I just have one for Mr.
9 Scholz, and I really appreciate his ongoing involvement. We've
10 both been in a lot of these together, and -- but I really
11 appreciate if he's explain the -- and describe for the Commission
12 and the parties and others what the specific objectionable
13 impacts are to this project that he has or that would -- the
14 negative impacts on his property.

15 MR. SCHOLZ: There are 295 parking spaces. Where are
16 all those people going to park? That's one. The second impact
17 could be wet basements. The third impact -- let's see, wet
18 basements, parking -- lights at night that -- it's visible from
19 our house in the winter. So those three are possible impacts.
20 Other than that, I can't think of any. Well, in the past, AU
21 students -- the fraternities created some ruckus in the middle
22 of the night in their -- in their Hell Week or pledge groups,
23 but it disappeared the next day. There was trash left from AU
24 students having beer parties in the evening, but this is a campus
25 town, and that's town and gown stuff and not too much of an

1 impact, a little bit of cleanup on Sunday morning. So I hope
2 that answers your question.

3 MR. CLARKSON: Yeah, very helpful. Thank you very
4 much, Mr. Scholz. No further questions.

5 CHAIRPERSON HOOD: Okay. I think I got everybody.
6 Mr. Scholz, I do want to say this to your comment about we hope
7 they listen to us. In the zoning regs, what it says is -- it
8 talks about interpretation of the application, and I will read
9 101-C; "Provide distribution of population, business and
10 industry, and use of land that will tend to create conditions
11 favorable to transportation, protection of property, civic
12 activity, and recreational, educational, and cultural
13 opportunities; and that will tend to further economy and
14 efficiency in the supply of public services." So the Zoning
15 Commission is faced with a lot and has a lot of discretion, so
16 it's not that we're not listening; we just may not be getting
17 exactly to where you want to be.

18 MR. SCHOLZ: I understand.

19 CHAIRPERSON HOOD: I want to make sure that that's
20 clear.

21 MR. SCHOLZ: Yes.

22 CHAIRPERSON HOOD: We definitely listen, because I
23 remember you and your wife, so I want you to know we do listen.
24 We have a lot of things to grapple with and try to make sense of
25 it and try to make it work for the best interest of the residents

1 of the District of Columbia and everybody who does business here.
2 Okay? So thank you. Appreciate you. Appreciate y'all hanging
3 this long too for sure.

4 MR. SCHOLZ: Well, everybody else here has as well.

5 CHAIRPERSON HOOD: Okay. All right. Ms. Schellin, do
6 we have anything else -- anything else before us, besides
7 rebuttal? I know about rebuttal. Anybody else?

8 MS. SCHELLIN: No, sir.

9 CHAIRPERSON HOOD: All right. Mr. Brown.

10 MR. SMITH: Mr. Chairman, I have no questions, just for
11 the record.

12 CHAIRPERSON HOOD: Oh, I'm sorry, I'm sorry.

13 MR. SMITH: Just for the record.

14 CHAIRPERSON HOOD: Okay. All right. I'm sorry. Thank
15 you, Mr. Smith. All right. Mr. Brown, do you have any rebuttal
16 and closing?

17 MR. BROWN: Chairman Hood, can I make a request or
18 suggestion that we file in short order a written rebuttal and
19 give any opponents time to respond. It's late, and one of the
20 rebuttal items is revolving around the Durant case, which I think
21 requires some more in-depth legal analysis that this is not a
22 good place to do. I think that would be one efficient use of
23 our time to give the opposing parties an opportunity to respond
24 to, which they typically don't have, and then we'd be poised for
25 the next step in (indiscernible).

1 CHAIRPERSON HOOD: Okay. I don't have any objection.
2 I think that is actually the course -- let me just make sure.
3 One second. All right. Let me look at my colleagues and see.
4 What do y'all think? I think it can be written and then that
5 will give people time to respond to that rebuttal, and then in
6 that rebuttal he will have his closing. Any objections to that?
7 Does anybody need rebuttal tonight or do you want to go in that
8 format?

9 COMMISSIONER WRIGHT: My only question is that if we
10 do the rebuttal in writing, that means a decision on this case
11 is postponed to another hearing, is that correct, or --

12 CHAIRPERSON HOOD: We definitely -- yeah, we will not
13 be -- we will make sure -- he will do rebuttal in writing, all
14 the parties have time to respond to that rebuttal. We would have
15 to -- (indiscernible) a little more reading for us -- all of us
16 would have to respond, and then -- hold on, let me see -- is
17 that Mr. Liu -- no -- then all the parties would respond to the
18 rebuttal, and then we will do our assessment then. The only
19 thing that's taken out of it is cross-examination, but there will
20 be cross-examination and written rebuttal.

21 COMMISSIONER WRIGHT: So there would be no additional
22 sort of oral testimony and backing and forth; it would all be
23 done in writing?

24 CHAIRPERSON HOOD: It would all be done in writing,
25 unless we get that information and then we have additional further

1 questions; then we will call everybody back in and we'll do more
2 discovery. It depends on what we get.

3 COMMISSIONER WRIGHT: Okay.

4 CHAIRPERSON HOOD: That's the only risk to that.

5 VICE CHAIR MILLER: Mr. Chairman --

6 CHAIRPERSON HOOD: Yes.

7 VICE CHAIR MILLER: -- I think the written submissions
8 is the way to go, especially at this hour, and -- but I just
9 had a question. Normally, the applicant has the last word. I
10 mean, what if the -- if the parties in opposition -- parties
11 submit something and they ask questions, shouldn't we give the
12 applicant maybe one last chance just to do a closing afterwards?
13 I don't -- I mean, I think that's probably more in keeping with
14 the -- that the applicant gets the last word, if we're doing it
15 in writing. And they may raise questions like they would on
16 cross-examination, and then the applicant can respond in a final
17 statement.

18 CHAIRPERSON HOOD: Well, I though most -- the way I
19 understand it it is -- when I said that they would do it in
20 writing, then everybody would respond, and then the closing --
21 in that closing, if he rebooted (sic) something -- refuted
22 something, he could do it in that closing, and that would be the
23 last word, unless I'm wrong, Ms. Schellin.

24 MS. SCHELLIN: Chairman Hood is correct. The --
25 whatever you guys have requested plus the rebuttal gets

1 submitted, okay, and the parties get to respond to that, and
2 that's it, except then the applicant gets to provide their
3 closing, and there is no response from the parties to the closing.
4 That is their last word. So does that make sense, Chairman -- I
5 mean, Commissioner Miller?

6 VICE CHAIR MILLER: Yes. That's what I wanted clarity
7 on.

8 MS. SCHELLIN: Yes, there's no response to the closing,
9 only the rebuttal --

10 VICE CHAIR MILLER: Right. Right.

11 MS. SCHELLIN: -- and any additional information you
12 guys requested, that's it that they get to respond to.

13 VICE CHAIR MILLER: Thank you.

14 MS. SCHELLIN: And then draft findings, facts,
15 conclusions of law they can submit. There's no response to that.

16 CHAIRPERSON HOOD: Before we go there, let me go back
17 to Commissioner Wright's question. If we get the information and
18 we need to come back and bring everybody in, then that's simply
19 what we'll do, at this point -- at this point.

20 MS. SCHELLIN: Correct. You have that right.

21 CHAIRPERSON HOOD: All right. Any objections? I'm
22 almost scared to ask that question.

23 (No response.)

24 CHAIRPERSON HOOD: All right. I mean, do I -- any
25 parties, any ANC, anybody have any objections to moving in that

1 format?

2 (No response.)

3 CHAIRPERSON HOOD: Okay. I think we're better served.
4 Ms. Schellin, can we --

5 MS. SCHELLIN: Then we'll set some dates.

6 CHAIRPERSON HOOD: Yeah. Can we set some dates?

7 MS. SCHELLIN: Mr. Brown, how much time do you need?
8 Typically, we give you two weeks.

9 MR. BROWN: I'd like to -- we can do it I think in less
10 time. I mean, I think we've narrowed the playing field here, so
11 I would -- I would suggest that our rebuttal be due close of
12 business, by five o'clock, on May 19th.

13 MS. SCHELLIN: Okay. And did the Commission ask you
14 to provide any additional information?

15 MR. BROWN: I don't think so, other than I think there
16 was a request to explain or analyze the Durant caselaw as it
17 relates to the Future Land Use Map.

18 VICE CHAIR MILLER: That's correct, Mr. Brown.

19 MS. SCHELLIN: Okay. That would be additional
20 information.

21 VICE CHAIR MILLER: And the other additional
22 information I did ask for, to the extent it deals with the non-
23 affordable housing issues, was the proposed -- your position
24 on -- in writing on the proposed revisions to your proposed
25 conditions to our Campus Plan approval letter, if you understand

1 | what I'm saying. The ANC submitted wordsmithing. You seemed to
2 | indicate that you had no problem with it. And OP indicated some
3 | provisions as well, and you seemed to indicate no problem with
4 | it. Can we just get that in writing, whatever your position is
5 | or whether it's going to be dealt with at further processing, if
6 | it's an -- if it's an issue that's going to be dealt with later?

7 | MR. BROWN: Can I make -- and looking ahead, and I
8 | didn't realize Memorial Day is early; it's May 26th. So if we
9 | could make our response -- rebuttal due on the 20th -- Tuesday,
10 | the 20th, response to that due May 27th, Tuesday, and then the
11 | week following --

12 | MS. SCHELLIN: It would make it -- Chairman -- I mean,
13 | Mr. Brown, it wouldn't make a difference. Their response wouldn't
14 | be due on that Monday anyway. So yours is still going to be due
15 | on Monday, the 19th, and theirs would be due on Tuesday, the
16 | 27th, because of the holiday.

17 | MR. BROWN: Okay. And then we -- and then we would
18 | respond --

19 | MS. SCHELLIN: I'm not finished yet. I'm not finished
20 | yet. Let me -- let me --

21 | MR. BROWN: Go right ahead. Sorry.

22 | MS. SCHELLIN: This is where Chairman Hood lets me run
23 | the show. So you would provide that additional information that
24 | Commissioner Miller just asked you for, along with your rebuttal
25 | in writing by three p.m. We do not do COB for additional

1 documents after a hearing, so three p.m. on the 19th, and you
2 will serve all parties at the same time. Okay?

3 MR. BROWN: Of course.

4 MS. SCHELLIN: And then -- and then the parties will
5 have until three p.m. on the 27th to provide their response. Now
6 I'm going to tell you, Mr. Brown, if you think that you're going
7 to get a decision on the 29th, that's not going to happen, if
8 that's what you were trying to work towards, because that only
9 gives our legal staff two days to review everything, and I don't
10 think that's enough time, if that's what you were shooting for.

11 MR. BROWN: I hadn't gotten to that point yet.

12 MS. SCHELLIN: Okay.

13 MR. BROWN: I'm just trying to move it along, so we
14 would -- we would respond --

15 CHAIRPERSON HOOD: Hold on one second, Mr. Brown. I
16 don't want you to rush. I want you to make sure --

17 MS. SCHELLIN: Right.

18 CHAIRPERSON HOOD: -- we have the information we need,
19 so we won't have to come back and have another hearing.

20 MS. SCHELLIN: And that's why I wanted to give a little
21 more time, Chairman Hood, if we could.

22 CHAIRPERSON HOOD: I would -- I would -- Mr. Brown,
23 after -- I really think you need to take some time. I understand
24 you're trying to move for your client, I don't to move for your
25 client and then we have to have another four or five-hour hearing,

1 | because see -- do your best in your response, because people are
2 | going to respond. That's all I'm saying. Let's slow down a
3 | little bit and let's try to move and address some of these issues,
4 | because we're going to have to address these, so let's not rush.
5 | We haven't been rushing -- obviously, we're not rushing.

6 | MS. SCHELLIN: I would prefer, because we're not going
7 | to get to this until the June 12th meeting, and so I think it
8 | would be --

9 | MR. BROWN: Okay.

10 | MS. SCHELLIN: I'm sorry?

11 | MR. BROWN: No, that's -- I understand.

12 | MS. SCHELLIN: June 12th is our meeting at four p.m.
13 | So working back from that to allow, you know, our staff -- our
14 | legal staff time, because this is a one-vote case, so they need
15 | to have time to go through this, I'd like to back it up and give
16 | the applicant until the 23rd of May, 5/23, three p.m., and then
17 | give the parties until the 30th of May -- those are Fridays; that
18 | give you an extra three or four days to get this done -- three
19 | p.m. And then -- and then for your closing, since there is no
20 | response to that, the applicant would provide their closing on
21 | June 2nd, three p.m. And any draft findings, facts, conclusions
22 | of law should be also submitted on June 2nd, three p.m., and all
23 | parties may submit those, if they choose to do so.

24 | MR. BROWN: Okay.

25 | MS. SCHELLIN: Okay. Mr. Liu, have I missed anything?

1 You good? If not, you'll pipe in, right?

2 MR. LIU: Yeah, all good. I would just say for the
3 response to Vice Chair Miller's request, I think it would make
4 the most sense to resubmit your draft conditions, you know, with
5 all the IZ stuff taken out and all of the changes that were
6 recommended by the ANCs and OP sort of incorporated into that,
7 and that would just make it I think easier for everyone to
8 understand where you stand on that.

9 MS. SCHELLIN: Uh-huh. Yeah. Okay. Sounds good. Mr.
10 Brown, you have everything?

11 MR. BROWN: I do, and if I don't, I'll e-mail you, but
12 I'm good.

13 MS. SCHELLIN: And we'll put it on for June 12th at
14 four p.m., and I think that takes care of everything, Chairman
15 Hood.

16 CHAIRPERSON HOOD: Okay. Thank you. And also make
17 sure our parties and nobody spoke up, so I guess we're all on
18 the same page. So, with that, the Zoning Commission will meet
19 again on May 22nd, 2025, Zoning Commission Case Number 24-16, MR
20 1401 15th Street Retail, LLC. With that, I want to thank everyone
21 for their participation, and have a great evening. This hearing
22 is adjourned.

23 (Whereupon, the above-entitled public hearing was
24 adjourned at 9:00 p.m.)

25

C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing - Case No. 23-08

Before: D.C. Zoning Commission

Date: 05-12-25

Place: Webex Videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Deborah B. Gauthier