

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC MEETINGS

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MONDAY

NOVEMBER 24, 2025

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The Regular Public Meeting of the District of Columbia Board of Zoning Commission convened via Videoconference, pursuant to notice at 4:02 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

HILLARY LOVICK, ESQUIRE

The transcript constitutes the minutes from the Regular Public Meeting held on November 24, 2025



T-A-B-L-E O-F C-O-N-T-E-N-T-S

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PRESENTATION:
Case No. 23-08A - Wesley Theological Seminary of the
United Methodist Church - Campus Plan Further Processing,
New University Housing, 4500 Massachusetts Ave., N.W.,
Square 1600, Lots 6, 7, 8, 9, 818, 819 27

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

(4:02 p.m.)

CHAIRMAN HOOD: Mr. Young, could you start the recording? I know he's here.

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, Commissioners Wright, Imamura, and Stidham. We're also joined by the Office of Zoning Staff, Ms. Sharon Schellin, as well as, Mr. Paul Young, who will be handling all of our virtual operations. Our Office of Zoning Legal Division, we're joined by Ms. Hillary Lovick.

I'll 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 was seen as being recorded by court reporter, also webcast live via Webex or 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. 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 if your telephone call-in, then please call our OZ hotline number 202-



1 727-0789. We really need to fix that on the screen. I noticed
2 a few minutes ago. I couldn't -- I thought I was at the eye
3 doctor, so we need to probably -- I don't know. If you all can
4 see it, I just can't. It's kind of muddled, and I don't want
5 the public -- I could -- am I the only one who can see that
6 muddled, or is it muddled?

7 COMMISSIONER WRIGHT: No. It's very fine.

8 MS. SCHELLIN: What are you not seeing?

9 CHAIRMAN HOOD: The telephone number.

10 MS. SCHELLIN: It's just small. I think he needs to
11 make it bigger. It's very small. You're right. And it makes
12 it blurry. Its blurry.

13 CHAIRMAN HOOD: Yeah, that's for me. It is blurry. I
14 thought it's gone --

15 MS. SCHELLIN: It needs to be bigger.

16 CHAIRMAN HOOD: Let's work on that. To receive Webex
17 login or call-in instructions or if you have not signed up to
18 testify. All persons planning to testify should have signed up
19 in advance and will be called by name at the appropriate time.
20 At the time of sign up, all participants will complete the oath
21 or affirmation required by subtitle C-408.7. If you wish to file
22 a written testimony or additional supporting documents during the
23 hearing, then please be prepared to describe and discuss it at
24 the time of your request when submitting.

25 The subject of this evening's hearing is Zoning



1 Commission Case No. 23-08A, Wesley Theological Seminary of the
2 United Methodist Church, Campus Plan Further Processing, New
3 University Housing in Square 1600, Lots 6, 7, 8, 9, 818, 819,
4 4500 Massachusetts Avenue, N.W. And today's date is November
5 24th, 2025.

6 The hearing will be conducted in accordance with
7 provisions of 11-Z DCMR Chapter 4 as follows. Preliminary
8 matters, applicant's case after has up to 60 minutes. We have
9 report of other government agencies, report of the Department of
10 Transportation, report of the Office of Planning, report of the
11 ANC. And we have a couple; I'll mention those in a minute.
12 Testimony of organizations. The organizations having five
13 minutes, individuals having three minutes. We will hear, in the
14 order of those in support, opposition, or undeclared.

15 Excuse me. Give me a second.

16 Then we'll have rebuttal and closing by the applicant.
17 At this time, the Commission considering any preliminary matters.

18 Does the staff have any preliminary matters?

19 MS. SCHELLIN: Yes, sir. If I could just first make
20 an announcement. For those people who are logged on as attendees
21 and may be testifying, they are logged on as Ella. Right now,
22 we have about six to eight people who just clicked on the link
23 instead of putting in their name, even though it said in big
24 letters to back out her name and put their name in. So right
25 now, we don't know who you are, and we cannot pull you in if you



1 don't type in your name. So if you could please log out and log
2 back in so we can pull you up at the appropriate time, that would
3 be great because we can't pull in all eight Ellas.

4 The other thing is that, ANC Commissioner 3D02, the
5 Vice Chairman is the representative. Tricia Duncan is in London,
6 and they are six hours ahead. And she has asked if we would
7 indulge her around 5 p.m. to take her testimony. And that would
8 probably be after the applicant would at least get through their
9 testimony and maybe the commission asking their questions if
10 sometime around 5 p.m. if the Commission would be able to take
11 her with the time difference. She's out on business.

12 CHAIRMAN HOOD: Okay. Let us -- and we will accommodate
13 her again. The ANC's are there, 3E and 3D, and we will do our
14 best. So we will definitely try to accommodate, Chair Duncan.

15 MS. SCHELLIN: Okay. So then going to preliminary
16 matters, I have -- for the expert witnesses, I have -- well,
17 let's go to party status. I do have one party status in support
18 of the Commission. If you recall, did approve a party status in
19 opposition at one of its public meetings to NLC, SVWHCA, and
20 that's at Exhibit 24. And then you have -- I'm sorry. That was
21 at Exhibit 13. Then at Exhibit 18, there's a request for party
22 status and support from the Spring Valley Neighborhood
23 Association. William Clarkson would be the representative, and
24 I've checked he is here. So if the Commission would please
25 consider that. And there is no opposition from any party to his



1 request.

2 CHAIRMAN HOOD: Okay. Colleagues, as Ms. Schellin has
3 mentioned, we have Exhibit 18, which is a request from the Spring
4 Valley Neighborhood Association, SVNA, to be a party in support
5 of this application.

6 Any objections or any comments? Okay. So we will make
7 SVNA a party in support in this application. And I believe we
8 already -- we've already made NLC, SVWHCA one party in
9 opposition.

10 MS. SCHELLIN: Correct. And Blaine Carter will be the
11 person doing the cross-examination this evening for that party.

12 CHAIRMAN HOOD: Oh, okay. NLC, SV -- okay.

13 MS. SCHELLIN: Uh-huh. Blaine Carter. Okay. And then
14 moving on to the next preliminary matter. Let's go ahead and go
15 to the expert witnesses. We have Brandice Elliott, previously
16 accepted in land-use planning. Jack Owen Boarman, he was
17 previously accepted in architecture. Stephen Karcha, previously
18 accepted in project construction or construction management
19 rather. Daniel Solomon, previously accepted as a transportation
20 expert. And Sara Link, she is being proffered in civil
21 engineering. I know that you're going think, wow, she sounds
22 familiar, she was. She came before us but the Commission did
23 not give her expert status in the last case, I believe that was
24 before the Commission, the same case. So the only one that is
25 new is Sara Link and the others were previously accepted by the



1 Commission. So I guess the ones that were previously accepted,
2 if the Commission would accept them in this case.

3 CHAIRMAN HOOD: Okay. Let's -- colleagues, let's look
4 at the ones that have been previously accepted. And Ms. Schellin
5 has mentioned, Ms. Elliot, Mr. Boarman, Stephen Karcha,
6 hopefully, I didn't mess that up, and Mr. Solomon. We've already
7 accepted him previously. Let's continue our -- do we want to
8 continue that status? Okay. So we will continue that status.
9 Now, Ms. Sara Link, I don't remember exactly why, but the exhibit
10 is 16-H. Let's take a moment and look at that exhibit. And
11 there must have been a fundamental reason we didn't do it last
12 time. I don't know what it was, but I don't remember. Okay.

13 VICE CHAIR MILLER: Mr. Chairman, did you say 16-H?

14 CHAIRMAN HOOD: 16-H. I'm going to have to rely on
15 someone else. I can't --

16 MS. SCHELLIN: 7 and 8, pages 7 and 8. Imamura, that
17 might -- Commissioner Imamura, that might help.

18 COMMISSIONER IMAMURA: All right. Thank you. Give me
19 one minute if you would indulge me, Mr. Chairman.

20 MS. SCHELLIN: I'll see if I can find the transcript
21 from the last case.

22 CHAIRMAN HOOD: Oh, here it is. Okay. It came up.

23 Were you able to get it to open, Commissioner Imamura?
24 I wasn't able to open it up.

25 COMMISSIONER IMAMURA: Yes. Thank you, Mr. Chairman.



1 Sorry. It just took me a minute to get to the file, but I don't
2 recall why we might not have allowed her as an expert witness.
3 I think, at the time, perhaps, we were just focused on the
4 architecture. But I do remember Sara Link and I am amenable
5 looking at her resume to allow her as an expert witness.

6 CHAIRMAN HOOD: Okay. All right. Thank you for that
7 recap and why we did that at that time. I don't have any problems
8 with following your lead on that one.

9 Anybody else?

10 VICE CHAIR MILLER: That was who?

11 COMMISSIONER IMAMURA: I have no problem with that.

12 CHAIRMAN HOOD: Okay. Good. Mr. Miller, we will
13 give --

14 Ms. Link, you're now expert in civil engineering.
15 Sorry. You didn't get it last time, but you got it. If you stay
16 with us, you'll eventually get it. You got it this time.

17 All right. Ms. Schellin, anything else?

18 MS. SCHELLIN: Yes. I know the ANC is probably chomping
19 at the bit about their expert, but it's not their turn yet. So
20 when it's time for them to give their presentation, their expert
21 will be considered.

22 CHAIRMAN HOOD: Is that the one from 3E, or?

23 MS. SCHELLIN: Yes.

24 CHAIRMAN HOOD: Okay. I saw that. Okay. All right.

25 MS. SCHELLIN: Okay.



1 CHAIRMAN HOOD: We'll deal with it at the appropriate
2 time. Okay.

3 MS. SCHELLIN: Yeah. And there's still a couple people
4 signed on as Ella. So if you -- again, if you're planning to
5 testify, you're going to need to log off and log back on with
6 your name. So the other thing would be that you have a report
7 submitted from the ANC 3E at Exhibit 20 in opposition, 3D at
8 Exhibit 23 in support, and the OP hearing report at Exhibit 21
9 recommending approval, the DDOT report at Exhibit 19 with no
10 objection, and DOEE provided report within the OP hearing
11 reported pages 32 through 34. They encourage, of course, like
12 they do with most cases, that the applicant pursue environmental
13 benefits beyond the lead. And then I was just informed that
14 Alexandra King has just signed up. So we do have one other
15 government agency now. And that's it.

16 CHAIRMAN HOOD: Okay. Sounds good. Let's bring up the
17 applicant and counsel and they can get started. And you have,
18 what, 60 minutes. And let us know, Ms. Schellin, when --

19 MS. SCHELLIN: They don't have 60 minutes. They have
20 to share their 60 minutes with -- there is a party in support in
21 this case. So they do have to share that.

22 CHAIRMAN HOOD: All right. I'll let them work all that
23 out.

24 MS. SCHELLIN: Yes.

25 CHAIRMAN HOOD: Remind us when the young lady comes up,



1 Chair Duncan, so we can --

2 MS. SCHELLIN: I will.

3 CHAIRMAN HOOD: -- squeeze in. Okay. Thank you.

4 MS. SCHELLIN: Yes, sir.

5 CHAIRMAN HOOD: All right. Well, applicant, you know
6 what you have, Mr. Brown. I'm not sure how you're going to
7 disseminate the minutes, but I'm going to turn it over to you,
8 and you have -- you can have a total -- together, have a total
9 of 60 minutes.

10 MS. SCHELLIN: Hold on. I'm sorry. Chairman Hood,
11 there are some others. I'm sorry. I forgot about the motions.
12 I forgot all about those. That's on a separate sheet of paper.
13 We had so many others. There were some motions that were filed.
14 I just want to say at Exhibit 26, the party in opposition did
15 file a motion regarding requesting that Landmark be a co-
16 applicant and subject to cross-examination. And I can't remember
17 if our director and/or staff replied on this already or if the
18 Commission took it up because there's been so much back and forth.
19 But the regulations -- zoning regulations require all owners to
20 sign the application or as, you know, give a letter of
21 authorization allowing the applicant to proceed on their behalf.
22 So they have filed that request at Exhibit 26 and the statement
23 in response by the applicant is at Exhibit 34 in opposition.
24 That's the first motion.

25 CHAIRMAN HOOD: So I read the first motion in Exhibit



1 24, and I thought that was just totally just outrageous for me
2 to have to even read that motion. I don't know if other -- how
3 others feel. And it's basically states that the NLC, SVWHCA
4 motion and I too forgot about the motions, Ms. Schellin. So
5 you're not the only one.

6 MS. SCHELLIN: Sorry.

7 CHAIRMAN HOOD: I did read over some of them. It is a
8 lot of moving parts. So I remember I said I'm going to take --
9 we're going to take our time and go through these motions. But
10 anyway, this first motion are, and I'm sure Ms. Lovick will
11 correct me if I'm wrong, motion requested Landmark properties be
12 considered a co-applicant in the case and subject to direct cross-
13 examination. The NLC argues that opponents will be adversely
14 impacted by issues related to Landmark's ownership and operation
15 of the University Housing and should be subject to direct cross-
16 examination.

17 I have never seen the Zoning Commission say, who's the
18 owner or who's the applicant. We don't get involved with that.
19 We deal with what's in front of us unless I'm missing a point.
20 I think that request is just totally out of the scope of what we
21 do, and I may be incorrect. And I'm sure if I am, somebody will
22 correct me. I'm not always right, but I'm going to do that
23 Exhibit 24. Let me go to others and hear your comments. I've
24 never seen it. Somebody -- maybe somebody else has. I haven't.

25 Vice Chair Miller, yes.



1 VICE CHAIR MILLER: Thank you. Yeah. I saw the
2 applicant's response, yes. You're correct. We don't usually --
3 it's just the owner that is subject to cross-examination. But
4 the applicant, in this case, did respond to that motion by saying
5 it's unnecessary because they intend to call Landmark as a witness
6 and Landmark, as one of their witnesses, will be subject to cross-
7 examination by whoever wants to -- by whatever party wants to
8 cross-examine them if they're called as a witness. But we
9 don't -- yes, you're right. You're correct in, I think, in your
10 assessment that we don't usually make other people subject to
11 cross-examination automatically. But in this case, the
12 applicant, as I recall in their response, said they would be
13 calling Landmark as a witness which would be available for
14 questions from both us and from parties.

15 CHAIRMAN HOOD: Okay. Now I was going by a -- let me
16 see, do we have Exhibit 26. Thank you, Vice Chair, for helping
17 me with that because I can't -- I couldn't get past Exhibit 24.
18 So thank you for that. Listen, we don't need to deal with 26
19 because that's the response. All right. Now let me see what
20 else.

21 What else do we have, Ms. Schellin?

22 MS. SCHELLIN: Okay. So then you have the motion to
23 requesting a postponement of the further processing until the
24 campus plan order is issued, and motions for reconsideration. So
25 they're anticipating maybe possible motions for reconsideration



1 of that order once it is released. And we do not have a response
2 from the applicant with the short notice. They would, if you
3 want them to, they could respond orally or you should allow them
4 an opportunity with the short notice.

5 CHAIRMAN HOOD: Do we know -- and I actually did not
6 see that one. I missed that. Let me -- let one of my other
7 colleagues comment on some of that and help carry me through that
8 one because I actually missed that.

9 MS. SCHELLIN: That's Exhibit 27. It was right behind
10 it, probably.

11 CHAIRMAN HOOD: So many things flying around. Okay.

12 Does anyone -- Vice Chair, can you help me with that
13 one as well?

14 VICE CHAIR MILLER: I'm not sure I saw that one either,
15 Mr. Chairman, so I'm looking for it right now.

16 CHAIRMAN HOOD: Did anybody see it? All right. If
17 not, listen. Let me go in here and see if I can find it.

18 So the concern you said, what exhibit is it Ms.
19 Schellin?

20 MS. SCHELLIN: I have on my report Exhibit 27 that
21 they -- the party in opposition would like it to postpone the
22 further hearing -- further processing hearing until the campus
23 plan order in Case No. 23-081 is issued and motions for
24 reconsideration of that order, the campus plan order, are
25 addressed by the Commission.



1 CHAIRMAN HOOD: And I can't find it. I'm just going
2 up what you just said.

3 MS. SCHELLIN: Yeah.

4 CHAIRMAN HOOD: To modify. So you're saying that the
5 campus plan order -- hold on, give me -- the campus plan order
6 has not been done yet.

7 MS. SCHELLIN: Right.

8 CHAIRMAN HOOD: So the campus plan order will be issued
9 first, so -- well, to my knowledge. So then --

10 MS. SCHELLIN: Possibly. Correct.

11 CHAIRMAN HOOD: --it has to --

12 MS. SCHELLIN: And they could even be published at the
13 same time. Part of the problem is we lost the attorney that was
14 on this case.

15 CHAIRMAN HOOD: Okay. I don't want --

16 MS. SCHELLIN: Yeah.

17 CHAIRMAN HOOD: Okay. Let's just stick with what we
18 got going on here.

19 MS. SCHELLIN: Yeah.

20 CHAIRMAN HOOD: (Indiscernible) too much --

21 MS. SCHELLIN: So the timing.

22 CHAIRMAN HOOD: -- on this campus plan. So the campus
23 plan issue will be issued first. We can have this hearing. We
24 just cannot rule on this hearing, correct? Is that --

25 MS. SCHELLIN: You can rule on it. We just don't --



1 | you just don't -- we don't publish the order until the campus
2 | plan order is published or they're published in the Register at
3 | the same day.

4 | CHAIRMAN HOOD: Maybe tell me --

5 | MS. SCHELLIN: So you can make a decision, yes, because
6 | you've already made a decision on the campus plan. We just can't
7 | publish it until either they're published the same day or the
8 | campus plan gets published first.

9 | CHAIRMAN HOOD: Okay. Let me bring up Ms. Lovick, and
10 | thank you, Ms. Schellin.

11 | MS. SCHELLIN: Yep. That's how we've done them always
12 | in the past.

13 | CHAIRMAN HOOD: Let me bring up Ms. Lovick.

14 | MS. SCHELLIN: They have to be the same time. Uh-huh.

15 | CHAIRMAN HOOD: Yeah. Let me --

16 | MS. SCHELLIN: Oh, sorry.

17 | CHAIRMAN HOOD: -- Ms. Lovick tell us.

18 | MS. SCHELLIN: Sorry.

19 | CHAIRMAN HOOD: So we can -- okay.

20 | MS. LOVICK: So the way this will work is that until
21 | the campus plan order is issued, nothing could move forward with
22 | the further processing. It's a prerequisite that the campus plan
23 | order would have to be issued. They're not going to be issued
24 | on the same day in this situation just because of the timing of
25 | everything, but the campus plan order would be issued first. And



1 | then, I mean, you can move forward with the further processing.
2 | I mean, the opposition's making the argument. They're quoting a
3 | part of the campus plan regs. It's specifically Subtitle X,
4 | Section 101-17.

5 | And what that says is that a campus plan and a further
6 | processing, they can't happen simultaneously. And that's not
7 | what happened -- is what is happening here. You have ruled on
8 | the campus plan. You took final action on July 31st, 2025. It's
9 | just that the order hasn't been issued yet, but it will be issued
10 | before this further processing. And ten days will elapse, and
11 | at that point, opponents could file a motion for reconsideration.
12 | This order, like, assuming that you move forward with this further
13 | processing, won't be issued until after. I can say that with
14 | certainty because I've lost the attorney who was handling this
15 | case, and there's no way that I can issue them on the same day.

16 | CHAIRMAN HOOD: So let me ask this. And I do remember
17 | I've put those in the regs about further processing. We made a
18 | lot of promises, and I want to make sure that I do not -- we do
19 | not go -- this Commission does not go back on the promise, not
20 | just to Wesley, but to the City as a whole. So can we make a
21 | decision? Okay. We've already ruled on the campus plan. I get
22 | that. But can we make a decision -- we could not make a decision
23 | on this case on the further processing if we had not made a
24 | decision on the campus plan, right?

25 | MS. LOVICK: That -- well, yes. I think that is



1 correct.

2 CHAIRMAN HOOD: Okay.

3 MS. LOVICK: You needed to take final action on the
4 campus plan, which you've done. And until that happens, there's
5 no way the further processing to actually construct the
6 university housing cannot happen until, first, a campus plan
7 order is issued, and then secondarily, the further processing
8 order is issued. They both have to be issued.

9 CHAIRMAN HOOD: So hold on one second, Commissioner
10 Wright. Essentially, all we're doing, we're going to hear the
11 case, and we -- I'm sure we won't be voting on it. So we're
12 going to hear the case. And by the time -- I don't, you know --
13 anyway, go ahead.

14 Commissioner Wright, go ahead. I'm --

15 COMMISSIONER WRIGHT: Yeah. Well, what I wanted to ask
16 is, Ms. Lovick, do you have an estimated time when the order on
17 the campus plan might be issued? I know that you did lose the
18 attorney who was working on it and so forth. But do you have,
19 like, an estimated -- is it, like, a month, or is it longer than
20 that?

21 MS. LOVICK: It's definitely longer than that.

22 COMMISSIONER WRIGHT: Because what I was wondering is,
23 you know, we're going to hold a hearing today. I'm assuming we
24 are not going to deliberate and vote today because I think we're
25 going to be taking in a lot of information at the hearing. Do



1 | you think that it is possible that the order on the campus plan
2 | might be issued before we complete our deliberations?

3 | MS. LOVICK: Probably not. I mean, it's just -- it was
4 | a really involved case that, you know, it was held in abeyance.
5 | There were lots of procedural decisions, and I'm going to have
6 | to do it myself, which is just not the way things usually work.
7 | I use -- a line attorney usually handles the more complicated
8 | cases, and I review them all. I do review them all, but this
9 | one's going to be a heavier lift for me than typically. And so,
10 | I mean, you know, obviously, I'm just being frank. No, it's not
11 | going to be a month, and it certainly -- I don't know when you
12 | would take final action on this because I don't know what
13 | additional information you're going to want at the end of this
14 | hearing and how long that's going to take all of the parties that
15 | are involved to respond to. But it definitely will not be, like,
16 | before your next meeting, which is December 18.

17 | COMMISSIONER WRIGHT: Oh.

18 | MS. LOVICK: Yeah. December 18 -- yeah.

19 | COMMISSIONER WRIGHT: And so, I know we're into
20 | scheduling into January already and maybe even into February
21 | given the backup with cases that we have. So we aren't going to
22 | be moving forward in a month either because we have a backup with
23 | cases that we're going to be considering. I guess what I would
24 | like to suggest is that we certainly proceed with the properly
25 | noticed hearing this evening, and that maybe we ask our legal



1 staff to come back when we deliberate, whenever that date is
2 scheduled with a short memo or brief on the appropriateness or
3 not appropriateness of acting prior to the order on the campus
4 plan being published. And, you know, sort of address this issue
5 that has been raised. It's a legal issue. Address a legal issue
6 that has been raised at the time we come back to deliberate, and
7 that can help guide us when we get to that point.

8 How does that sound to folks?

9 CHAIRMAN HOOD: So what I -- here's my problem,
10 Commissioner Wright and colleagues. And I want to just talk to
11 my colleagues now. Here's my problem with this. We've already
12 decided on the campus plan. That's already been -- we noted
13 that. If we go ahead and move forward today and in July, we come
14 back or whenever. I'm not putting no pressure on our legal
15 counsel because they have to write a legally sufficient order.
16 So you know, that may take a while. I'm kind of in tune to not
17 having to redo stuff. And I'm not trying to -- we can hear the
18 hearing, but guess what, depending upon -- I guess they already
19 tell us they're going to reconsider what we did for the campus
20 plan. And I believe if I'm citing that statute correctly or
21 paraphrasing, that statute says that everything should be in order
22 with the campus plan before we do further process.

23 This Commission has sold the City on that. They've
24 been always been that way and we've done that in our statute.
25 The further processing does not move forward until everything is



1 in line. Everything is straight. They've done what they're
2 supposed to do. And I know it's kind of close by, but I just
3 believe that -- I just see us having to redo some stuff. We can
4 go ahead with this hearing. And in three months, we'll have to
5 reinform ourselves exactly what's in front of us. So I just
6 think that the party who's asking us to -- they have a point.

7 I mean, I don't have a problem moving forward. They
8 do have a very valid point especially when it comes to us --
9 remember, you all don't have that problem. Sometimes I remember
10 I like cases to be fresh and better for me as I move forward,
11 and I'd like to understand exactly so we can make the best
12 decision. But let me hear from others.

13 Commissioner Wright said what she said. I said what I
14 said. Let me hear from Commissioner Imamura, Commissioner
15 Stidham, and Vice Chair Miller.

16 VICE CHAIR MILLER: Mr. Chairman, I support going
17 forward with the hearing tonight and not -- certainly not
18 making -- going forward with any deliberations or decision. And
19 we may have to delay and have further deliberations because we
20 have requests from both the ANC and Office of Planning, as I'm
21 recalling correctly, to amend the text that we did for this very
22 case on the affordable housing issue to --

23 MS. SCHELLIN: I believe that's been done. We took
24 care of that. That order that needed to be amended, I just want
25 to make sure you understand. We did take care of that correction.



1 VICE CHAIR MILLER: No, I'm not talking about the
2 correction. I'm talking about --

3 MS. SCHELLIN: Another one. Got you.

4 VICE CHAIR MILLER: A substantive text amendment --

5 MS. SCHELLIN: I was asked to make sure you guys knew
6 that --

7 VICE CHAIR MILLER: No, I know what you --

8 MS. SCHELLIN: -- and I forgot that too, Chairman Hood.

9 VICE CHAIR MILLER: It's a substantive text amendment
10 about existing housing being able to be converted to clarifying
11 that that could be converted in -- through affordable housing,
12 and that could be the part of the alternative means that we put
13 in that text amendment. So anyway, I support going forward this
14 evening. I think people are here. I think they're prepared to
15 give inform information, and, you know, we're going to have to
16 weigh everything that we hear and do the timing right according
17 to legal procedures that will be advised upon in terms of
18 decisions. So I'm prepared to go forward with the hearing tonight
19 with all the people who are prepared, I think, to testify tonight.

20 CHAIRMAN HOOD: Okay. Commissioner Stidham?

21 COMMISSIONER STIDHAM: I tend to agree with
22 Commissioner Miller. I mean, Ms. Lovick was clear about the --
23 our ability to move forward with the hearing and the timing that
24 needed to take place in terms of the order. And all that seems
25 pretty clear to me. And with everyone here and prepared to move



1 forward, I think we should move.

2 CHAIRMAN HOOD: Okay. And Commissioner Imamura.

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm
4 in agreement with Vice Chair Miller, Commissioner Stidham, and
5 Commissioner Wright. And that we're on legal solid footing here
6 to move forward tonight with the hearing. And we've got, you
7 know, multiple things happening at the same time here. But as
8 much as people want to have a linear process, I think it's best
9 to move forward tonight to keep this moving forward.

10 CHAIRMAN HOOD: Okay. All right. We're going to go
11 ahead and do that, and we're going to do what's prescribed by
12 Ms. Lovick and Ms. Schellin and all those, and then Vice -- I
13 was about to say Vice Chair Wright, but Commissioner Wright and
14 Vice Chair Miller and everybody, so I'm fine. Let's just move
15 forward.

16 So what else do we have? What other flying parts --

17 MS. SCHELLIN: I knew that -- maybe that's it. Let's
18 see. Oh, I take that back. Let's see. That was the post
19 maybe -- that is it until we get to the ANC's presentation, then
20 they will have an expert witness for you to consider at that
21 time. And I believe the applicant has stated that they will take
22 50 minutes or less because they know they've got to share their
23 time. So they'll come up and let you know.

24 CHAIRMAN HOOD: So Mr. Brown, we actually took care of
25 the case for you. We didn't -- we deliberated before I was able



1 | to give you a chance to speak on it. I think you've heard from
2 | what we said, and you disappeared. I don't see you anymore.

3 | MR. BROWN: Mr. Hood.

4 | CHAIRMAN HOOD: Can you all hear me?

5 | MR. BROWN: I can hear you very loud and clear.

6 | MS. SCHELLIN: They're all in that one great chair.

7 | CHAIRMAN HOOD: I seem to have lost everybody's
8 | picture.

9 | MS. SCHELLIN: Oh, you did. Okay.

10 | CHAIRMAN HOOD: Okay. I've lost everybody's picture
11 | except for you Ms. Schellin.

12 | Vice Chair Miller, take over until I come back. I'm
13 | going to log off.

14 | Ms. Schellin, can you hear me?

15 | MS. SCHELLIN: We can hear you, and I can see you, yes.

16 | VICE CHAIR MILLER: Yeah. I can hear you and see you.

17 | CHAIRMAN HOOD: But I can see anybody.

18 | MS. SCHELLIN: You can't see anyone?

19 | CHAIRMAN HOOD: Oh, everybody -- yeah, everybody turned
20 | the cam -- did everybody turn the cameras off?

21 | MS. SCHELLIN: There's just -- only a few people have
22 | them on, just the Commissioners and myself, and Mr. Brown has his
23 | on. He's got a table full of people.

24 | CHAIRMAN HOOD: Okay. Well, I don't see nobody --

25 | MS. SCHELLIN: You can't see it?



1 CHAIRMAN HOOD: -- except you, Ms. Schellin, but
2 anyway, if Mr. Brown --

3 MR. BROWN: Do you want us to leave?

4 MS. SCHELLIN: Oh, you know what? Maybe your setting
5 is set to current speaker. Webex made this big change in
6 everybody's settings. I know Commissioner Stidham had to call
7 me and get hers changed. So you may -- it may have switched to
8 current speaker only. That maybe --

9 CHAIRMAN HOOD: And that -- I can see everybody.

10 MS. SCHELLIN: There you go. There you go. That might
11 have been.

12 VICE CHAIR MILLER: Thank goodness because I didn't
13 want to chair this.

14 MS. SCHELLIN: All right.

15 CHAIRMAN HOOD: Well, the hard part seems to be open.
16 All right. I don't know what -- they messed this up. That's
17 what Commissioner Stidham was saying earlier.

18 Okay. Mr. Brown, I think we've gotten through this.
19 If you -- I don't think you need to unless my colleagues want
20 something different, you may begin.

21 MR. BROWN: Chairman Hood, before we begin, one thing
22 that's left out in the expert witness dialogue, we had submitted
23 an additional name, Travis Frank from Bohler, landscape architect
24 to be available on the -- specifically landscaping issues. We
25 had submitted that that was going to be available last Friday.



1 So it's last minute, but I did want to alert you to that as well.

2 CHAIRMAN HOOD: So what was the name? Travis Frank?

3 MR. BROWN: Yes, some Bohler engineer. He's a landscape
4 architect, professional landscape architect.

5 CHAIRMAN HOOD: Okay. Let me just ask my colleagues.

6 MR. BROWN: His resume is attached.

7 CHAIRMAN HOOD: And we have the resume in front of us,
8 Commissioner Imamura?

9 COMMISSIONER IMAMURA: What is the exhibit, Mr.
10 Chairman?

11 CHAIRMAN HOOD: I have no -- do we know what exhibit
12 it is?

13 Mr. Brown, can you tell us what exhibit it is?

14 MR. BROWN: I'm looking. There have been so many things
15 filed in the last --

16 CHAIRMAN HOOD: No kidding.

17 MS. SCHELLIN: Has he testified --

18 MR. BROWN: Yes, Exhibit 29, and Mr. Frank is the third
19 page after the cover letter.

20 CHAIRMAN HOOD: Mr. Brown, you're kind of choppy. I
21 know I'm having some problems, but let me look at others.

22 Is he kind of choppy --

23 VICE CHAIR MILLER: I see it.

24 CHAIRMAN HOOD: -- or is it just me?

25 MR. BROWN: Are you having trouble hearing me?



1 CHAIRMAN HOOD: I can hear you good now. I heard you
2 good right now.

3 MR. BROWN: Okay. We'll reposition myself closer to
4 the microphone.

5 CHAIRMAN HOOD: Okay. Sounds good.

6 VICE CHAIR MILLER: So I see the resume of Travis Frank
7 at Exhibit 29, but I'll defer to our expert in landscape
8 architecture on that, but I have no problem with that.

9 COMMISSIONER IMAMURA: Thank you, Vice Chair Miller.
10 So I would like to know when Mr. Frank was -- I do recognize that
11 he is licensed in D.C. and Virginia, and I'm comfortable with
12 giving him expert status. He has hit the ten-year mark.

13 CHAIRMAN HOOD: Okay. Any objections, colleagues? I
14 can't see right now. I mean, cut -- it keeps cutting people off.
15 I don't understand. Maybe we need to go back in live. But
16 anyways, it keeps cutting everybody off, and I can't see you. So
17 any objections to following the lead of Commissioner Imamura?
18 And then -- okay. All right. I can see everybody now. All
19 right. I have no objections as well.

20 So Mr. Brown, we will accept him as an expert as well.

21 MR. BROWN: Thank you very much, Chairman Hood.

22 Patrick Brown from Greenstein, DeLorme & Luchs. We're
23 operating a little bit of a hybrid operation here. There are
24 handful of us here in person, but also, we have several important
25 things remotely. And Daniel Solomon from Gorove Slade, France



1 Elliott from Holland & Knight, Sara Link, and Travis Frank from
2 Bohler. And at the appropriate time, we'll make them available.
3 We also hear Reverend David McAllister-Wilson, Jack O -- excuse
4 me. Eric Leath from Landmark, Cynthia Giordano, and we also
5 have, Steve Karcha, and Jack Borman, as witnesses here in person.

6 Before we get into the case itself, I'd like to use
7 Reverend Pastor Wilson make some brief remarks.

8 MR. MCALLISTER-WILSON: Good evening again,
9 Commissioners. I want to thank you for your years of work on
10 this case. Preachers are not supposed to preach the same sermon
11 twice. but I will briefly repeat some heartfelt things I have
12 said before about our plan. Wesley has been an academic hilltop
13 since it was bare ground. We are expanding the already generous
14 green skirt around the campus, preserving all the legacy tree,
15 providing a playground for local neighborhood children, and
16 directing traffic away from our nearest neighbors.

17 By remaining in place, we will preserve in Spring
18 Valley as spring of racial ethnic diversity in the most
19 monochromatic ward in D.C., including some who come from
20 elsewhere to be residents, pastors, and nonprofit leaders in our
21 city. The plan produces income tax revenue for the first time
22 and contributes to the stock of affordable housing in the ward,
23 which has the least amount in the City.

24 I must say the flurry of motions at this last minute
25 this weekend has the effect, if not the intent, of further delays



1 and legal costs for Wesley. I recognize there are some unusual
2 aspects of this plan. I am a layman when it comes to the law,
3 so I appreciate the volume of this feedback from the ANC, the
4 COP (phonetic), the Commission, and the advice from OP and DHCD,
5 which has already led to our campus plan and to the previous acts
6 of this Commission.

7 I believe so many of them are therefore settled issues.
8 In the end, this plan is fundamentally about housing students on
9 the campus of an educational institution. Let me speak to the
10 economics because they have been raised by some. Going to
11 seminary is answering your call to serve, not a career investment.
12 This means we cannot rely on tuition as our economic driver and
13 cannot pay faculty university-level salary. Our whole community
14 is answering this call.

15 This plan is the key to Wesley's financial viability
16 because it capitalizes on the inherent value of our property.
17 But this is not the most lucrative potential use of this piece
18 of land as compared to a sale of the land or redevelopment for
19 non-seminary purposes. We choose this plan as a balance between
20 our mission and financial expediency. We are growing again in
21 enrollment and housing after a long COVID winter because we are
22 on this campus.

23 This plan is the best we can do and the most we can
24 afford. Delay simply costs us more. I also believe it is the
25 best use of this nine-acre corner in Ward 3. It is supported by



1 the majority of our neighbors. Even those in opposition indicate
2 they want us to thrive in this place. Washington D.C. is facing
3 perhaps its biggest challenge since the struggle to achieve home
4 rule. I hope the Commission sees Wesley as a continued force
5 for good for the City and its residents. I thank you for your
6 attention.

7 MR. BROWN: If we could, Mr. Young go through our
8 slides. I promise you that we're not going to go through all
9 these slides. And in fact, one of the things that I think we
10 have the ability to do tonight is to streamline our presentation
11 and stand on the record perhaps being available for follow-up
12 questions on isolated issues. Mr. Young, if you could go to
13 page -- well, here, this just gives you a snapshot of the campus
14 plan that was approved and we brought before you for further
15 processing all the elements of the approved campus plan, the
16 central -- being the new university housing playground, the
17 landscaping, maintenance of the green open space, and traffic
18 restrictions and TDM, PMP that are, like -- all back to you in
19 one integrated application.

20 Next slide, Mr. Young. And just to highlight, the
21 prehearing submission, we updated interior plans. I want to
22 focus, talking now about 185 units, the maximum 600 beds, broken
23 down various unit sizes, express flexibility and final mix of
24 those units, again, subject to the maximum 609 beds. And an
25 important element that I want to highlight is that all Wesley



1 students, faculty, and staff will have access to the landmark
2 that is in Wesley housing. And that's it for an important benefit
3 for Wesley's part to the student.

4 Next slide, Mr. Young. Okay. Jack Borman.

5 MR. BORMAN: Hello. Thank you for this additional
6 opportunity to continue to share with you our design. I just
7 want to point out that what I'm going to be reviewing with you
8 quickly are things that we've evolved to as the design has been
9 vetted out in all of our past meetings. So most importantly,
10 for Wesley and AU students, this will be a facility for faculty
11 staff only, families included, spouse and domestic partners, and
12 children under 18.

13 The project is basically seven stories, but through the
14 evolution and the vetting of the project with our neighbors, it's
15 a part of it is has been reduced to six stories. The maximum
16 height is 74 feet, and we've eliminated, as I mentioned earlier,
17 a penthouse level. Again, it's 659 beds, which is a net new bed
18 of 569. As I mentioned earlier, we've reduced the top level from
19 seven floors to six floors in the area that's nearest the
20 visibility from university with the purpose of screening the
21 building behind the existing dorm facility. And I'll show you a
22 section of that in a moment.

23 This is a high-quality dorm dormitory of residence with
24 the design and amenities and operations that are comparable with
25 the existing Wesley architectural aesthetics and quality of



1 materials. We have two levels of below grade parking, which
2 will, you know, will not be seen. It'll be basically viewed as
3 all residential building. Most importantly is the commitment of
4 Landmark and Wesley to the future of the building and its position
5 within the community, a fully sustainable building, a building
6 that's lead mid-rise residential goal as with green roof and
7 solar panels. And my colleague for the landscape will elaborate
8 on that. The design includes refinements and enhancements as
9 we've vetted throughout the design. And most importantly, it's
10 compatible with the Wesley campus and neighborhood and the
11 adjacent AU buildings.

12 Next slide. I won't focus on these specifically, but
13 we've included a series of our unit plans just to illustrate that
14 this is a suite style university dormitory design, which is very
15 typical for dormitory designs in today's world. And this is an
16 example of a four-bedroom suite where each student has their own
17 bedroom and bathroom, and they share a common area and kitchen.
18 Then this also is modular, and it can be -- and it grow up to
19 five units, which is the next slide.

20 And this varies -- these are just a couple of the
21 different unit types, but the units vary from studios all the way
22 up to five, but they're all in a studio style suite. The next
23 slide is just an illustration, which I won't dwell on that shows
24 all the underground parking. Then most importantly, the next
25 slide is our ground level plan and what I want to point out --



1 Next slide, please. This illustrates that this is
2 basically a residential building, and you're seeing units from
3 the ground level up. Across from the seminary campus is a small
4 linear plaza area that provides a student entry outside space
5 that relates to the quite extensive amenitized interior student
6 area for fitness, social area, study area, overall leasing and
7 operations, but a fully functioning great social environment for
8 future students.

9 Next slide is a typical floor plate, which illustrates
10 that the building is enclosing a private and nonvisible courtyard
11 that will have outdoor amenities for physical fitness,
12 recreation, and overall student outdoor amenities and use.

13 Next slide is the top floor, which illustrates how --
14 on the left side of this plan, you see the roof of the sixth
15 floor, which illustrates how we have removed that part of the
16 project to, again, push the more higher density part of the
17 building mass towards the AU campus and away from university. If
18 you look at the next slide, it shows the roof plan, which I will
19 defer to my colleague at Bohler to talk about the roof amenities.

20 The next plan -- the next slide just illustrates some
21 of the exterior materials that are sympathetic to the materials
22 on this seminary campus and the Wesley buildings. We'll leave
23 that for questions. Most importantly is the next slide. And
24 this is where we spent, I think, a tremendous amount of time and
25 trying to be sensitive in how the building massing affects our



1 neighbors to the University Avenue side of the site.

2 And here, you can see basically how the existing dorm
3 and the reduction of the height on the wing of the building that's
4 most visible from university has been reduced -- to significantly
5 reduce the physical exposure from university in the neighborhood
6 of the new building. These next photographs illustrate kind of
7 as you walk down University Avenue, how much of the building you
8 really see. Here is at the entrance off of university, you can
9 see the building well beyond the four-story dorm building that's
10 part of the original Wesley student housing piece.

11 Then as you're looking in, you know --

12 MR. BROWN: Next slide.

13 MR. BORMAN: Next slide. As you're looking to the
14 summer view of this, you barely see the building at all. As
15 you're moving down University Avenue -- next slide, you're --
16 again, this is all trying to illustrate that you're barely seeing
17 the building over the top of the existing four-story. And then
18 next slide, literally with the foliage, it's pretty much
19 nonvisible. I'd be open for questions and further detailed
20 discussions later. Thank you.

21 MR. KARCHA: Next slide. So I'm Stephen Karcha with
22 Advanced Project Management. The campus plan maintains the
23 hilltop greens -- large green buffer from the surrounding
24 neighborhoods. Part of the process is to demolish the old
25 president's house by removing the driveway, the curb cut, and the



1 existing small parking lot there, and increasing the landscaping,
2 putting in a playground and infilling the president's house
3 footprint with more trees and such to screen the 2014 dorm and
4 the new university housing from today.

5 Over 50 percent of the campus is green space of --
6 excuse me. Over 50 percent of the campus is green space. There's
7 proposed, sidewalk improvements as requested by DDOT, which will
8 be a sidewalk from Wesley Circle coming up three blocks to Rodman
9 with crosswalks going across the Sedgwick and Rodman.

10 Next slide, please. And this exhibit details how far
11 the existing 2014 dorm is from the westside and closest
12 residences, which is over 200 feet, and then the proposed
13 university housing being over 300 feet or a football field length
14 away. Next slide.

15 MR. BROWN: For landscaping plan.

16 MS. LINK: Yes. So I can speak to this, and Travis
17 Frank is online if there's any questions. Based on the previous
18 conversation on this site, we increased the GAR score from 0.4
19 to 0.6. We are preserving a total of 177 existing trees, added
20 new landscape plantings. And then the tree placement ratio, this
21 was asked previously, is 4.5 new trees for everyone removed. If
22 there's any questions on that, Travis is on. The next couple
23 slides are the plans which show the preservations and the new
24 plantings, if you want to quickly flip through those.

25 MR. BROWN: Go back to the next -- previous slide. I



1 | just want to highlight. This shows the -- as part of landscaping
2 | plan, the neighborhood playground to a green open area
3 | (indiscernible).

4 | Next slide. Just keep -- actually, if you can go back
5 | one slide, Mr. Young. This shows the landscaping and highlights
6 | and -- new housing.

7 | Next slide.

8 | VICE CHAIR MILLER: You're breaking up, Mr. Brown. I
9 | don't know if anybody else --

10 | MR. BROWN: Can you hear me now?

11 | CHAIRMAN HOOD: Yeah. Mr. Brown, if you could talk
12 | louder.

13 | MR. BROWN: Is that better?

14 | CHAIRMAN HOOD: Mr. Brown, I did have a request. If
15 | you can talk louder and closer to the mic because it seems like
16 | you're breaking up.

17 | MR. BROWN: Is this better, Chairman Hood?

18 | CHAIRMAN HOOD: So far it is, but let's see. Let's
19 | keep it going, I bet.

20 | MR. BROWN: I'll just -- I'll lean in. Again, this
21 | slide shows the new landscaping particularly focused around,
22 | University Avenue and building -- new housing.

23 | Next slide. And I don't want to spend a whole lot of
24 | time on this. We submitted into the record, a final executed
25 | construction management Memorandum of Understanding with ANC 3E,



1 and the NLC, Spring Valley West United Citizens Association.
2 That's in the record, and it's robust and something that -- I
3 think all the parties work very hard to finalize.

4 CHAIRMAN HOOD: Mr. Brown, let me say something. I
5 keep hearing -- Mr. Brown, I keep hearing you say you don't want
6 to spend a lot of time on stuff. You need to make your case. I
7 would suggest you make your case because right now, you're
8 breaking up, and then you keep telling us you've said it about
9 five times since we've been on this hearing that you don't want
10 to spend a lot of time on. You need to spend time to make your
11 case to us, and I'll just leave it at that.

12 MR. BROWN: All right. First, make sure you can hear
13 me.

14 CHAIRMAN HOOD: You're going in and out. Maybe if you
15 get closer to the mic because and we've heard President McAll,
16 so we heard him fine. I don't know what he's doing different
17 from you, but we heard him exactly fine.

18 MR. BROWN: He's on the right side of the table. Is
19 this better, Chairman Hood?

20 CHAIRMAN HOOD: There you go. There you go.

21 MR. BROWN: All right. And on construction management,
22 the agreement is robust, but I think the important part to
23 remember is that one, it was heavily negotiated between the
24 parties. ANC 3D is not a party, but is amenable to it. With
25 limited work hours and workdays, limited the use of University



1 Avenue for construction purposes unless absolutely necessary.

2 The success of previous construction management
3 operations has been the construction management committee, which
4 is established and formalized to take the process from planning
5 to completion, focus on stormwater management and erosion
6 control, which are critical issues to the neighborhood, limits
7 and procedures for on street truck idling and keeping the trucks
8 to the greatest extent possible off the neighborhood streets,
9 University Avenue. And also, commitments for remediation of any
10 construction-related damages.

11 A complaint log for construction complaints that we've
12 maintained and also importantly reported and posted to the ANCs
13 involved so that there's transparency. And then I think, as
14 you've done in other cases, including conditions in the order
15 memorializing that parts of the construction management that are
16 within the Commission's jurisdiction is something that is
17 anticipated and desirable. And certainly, as we get closer, a
18 whole list of conditions that coincide with the hearing process,
19 would be provided, but certainly, construction management is an
20 important element. Without any questions, if we could move, next
21 slide. And this is a matter of interest, to many of the people.

22 Mr. Karcha.

23 MR. KARCHA: So there's a campus security plan that's
24 been developed. The new university having housing will have
25 access controls, systems at every egress store and point of egress



1 | to monitor and track people entering and exit, as well as to
2 | provide overall security to the building. Further to that, there
3 | will be cameras posted at each of those doors, and that system
4 | will be monitored 24 hours a day. There is on-site staff during
5 | the day for any issues that arise to -- with the residents there
6 | or people visiting the residents in the dorm.

7 | There are resident ambassadors typical to college
8 | dormitories across the country as well that would step in and be
9 | the adversaries for any issues that occur off hours from that on-
10 | site personnel. Landmark is proposing to have nighttime patrols,
11 | hiring security guards or off duty police officers or such to
12 | perform patrols of not only around the building, but around the
13 | campus as a whole, three to four times a week. Those would be
14 | unannounced, but primarily more focused toward the weekends when
15 | typical issues occur around dormitories on campuses.

16 | There's coordination with local law enforcement. Once
17 | the building's established, they will also be contacted to tour
18 | the building as well as the fire department, so that they know
19 | the layout of the building and such and understand the controls
20 | and such that are in place if issues were to arise. There is --
21 | Landmark has in their will have in their leases a three-strike
22 | policy for noise complaints, as well as addressing other
23 | complaints that arise. In addition to these features that are
24 | on surrounding the university housing, the camera system across
25 | the campus will also be developed further to monitor, whereabouts



1 of people coming and going, intruders and such, or incidents that
2 arise on campus. Those cameras wouldn't be monitored, but the
3 video would be there, for live action follow-up.

4 MR. BROWN: And can we go to the next slide. I want
5 to make one correction. And one of the new elements that were
6 added to the plan after the application as part of pre-hearing
7 statement is the adoption of the camera plan, which covers the
8 entire campus, but also that -- those cameras will be monitored,
9 24/7, through Landmark in a centralized system. So they would
10 be campus wide security monitoring using the camera system. And
11 if we could, I think go to the next slide.

12 And one of the things that -- in discussions with the
13 community was establishing a firm parking policy to keep the
14 students and residents on the Wesley campus off the neighborhood
15 streets. And the policy is simple. There's a prohibition of
16 anybody living, working on the Wesley campus, whether they're
17 Wesley affiliated or otherwise, from parking on the neighborhood
18 streets. That is a specific condition of that individual's
19 enrollment or employment, or in the case of residency on campus,
20 backed up by graduated enforcement measures, with the goal being
21 compliance, not being punitive, but to keep the neighborhood
22 streets for the neighbors.

23 Next slide. And I'll defer now to Mr. Solomon from
24 Gorove Slade.

25 MR. SOLOMON: Good evening, Commissioners.



1 Mr. Young, if you could go to slide 48, please.
2 Perfect. Thank you.

3 For the record, I'm Daniel Solomon, transportation
4 planner and principal at Gorove Slade. We've been working with
5 Wesley Theological Seminary, Landmark Properties, the project
6 team and DDOT related to the transportation aspects of this
7 further processing application. I'm going to touch on the
8 highlights of our review in coordination with DDOT. For this
9 further processing, we performed a comprehensive transportation
10 review, which was scope, reviewed, and approved by DDOT.

11 Our study concluded that the site will not have a
12 detrimental impact on the surrounding transportation network.
13 The project further minimizes impacts by implementing a robust
14 TDM and performance monitoring plan. We have coordinated
15 extensively with DDOT during the review. We're pleased to have
16 their support in the form of a no objection staff report. DDOT's
17 report did include a condition that the applicant commits
18 providing the Capital Bikeshare station and scooter corral that
19 were agreed to as part of the campus master plan prior to the
20 issuance of the Certificate of Occupancy for the residential
21 building, which the applicant has agreed to do. At this time,
22 we believe we have addressed all of DDOT's concerns, and that
23 will conclude my testimony, and I'll be available to answer any
24 questions. Thank you.

25 MR. BROWN: And if we could, to the next slide and



1 | introduce, Brandice Elliott.

2 | MS. ELLIOTT: Hi there. Good evening, Chair Hood and
3 | members of the Commission, and welcome back, Commissioner Stidham
4 | and Dr. Imamura. It's nice to see everyone here tonight. I'm
5 | Brandice Elliott with the law firm of Holland & Knight. The
6 | comprehensive plan evaluation has been provided in full at
7 | Exhibit 3-L in the record. And so in that document, we have
8 | identified all of the comp plan policies that would be advanced
9 | by this project. They are the same policies that you have seen
10 | previously, so we didn't set aside a lot of time to go through
11 | those tonight.

12 | But I did want to make sure that we did touch on the
13 | racial equity analysis tool that that was created by the Zoning
14 | Commission and make sure that we highlight this project will
15 | advance racial equity, first of all, as we talk about direct
16 | displacement. There would be no displacements of residents or
17 | anyone on this property. We would not -- we do not anticipate
18 | that there would be any indirect displacement. In terms of
19 | housing, I believe there's been a lot of discussion about housing
20 | and affordable housing that would be provided with this campus
21 | plan. So I won't go into details with that, but there will there
22 | would also be a lot of physical improvements, things that have
23 | been discussed tonight that include landscaping, stormwater
24 | retention, the preservation of trees, the neighborhood playground
25 | adjacent to University Boulevard.



1 In terms of access to opportunity, this is a property
2 that is near Metro. It is near a prominent corridor with lots
3 of services, you know, available to students and faculty. There
4 would be the installation of Capital Bikeshare which increases
5 mobility around campus. And finally, there has been, as also has
6 been discussed, a lot of work with the community to bring this
7 project to where it is. So I will end my presentation there,
8 but I'm happy to answer any questions you have. Thank you.

9 MR. BROWN: Chairman Hood, our next topic is the off-
10 site IZ, and I might ask if this would be a moment to take a
11 pause to allow Commissioner Duncan from afar to testify before
12 it gets much later.

13 CHAIRMAN HOOD: Thank you, Mr. Brown.

14 Ms. Schellin, is Commissioner Duncan available?

15 MS. SCHELLIN: I am looking right now.

16 Mr. Young, do you see her?

17 MR. YOUNG: I do not see her.

18 MS. SCHELLIN: Uh-uh. I do not either.

19 CHAIRMAN HOOD: Mr. Brown, do you know something we
20 don't know? Did she tell you she was available now, or?

21 MR. BROWN: No. I mean, it was she -- she said she
22 was going to be available at 5 p.m. our time.

23 MS. SCHELLIN: Yeah. And I just want to say again, we
24 have four people logged on as Ella. They need to log off and
25 log back on with their own names if they plan to testify because



1 | we do not know who you are.

2 | CHAIRMAN HOOD: Okay. You can go ahead and proceed,
3 | Mr. Brown.

4 | MR. BROWN: Yes. And I think we -- subject to the
5 | Commission's questions, we've come to the issue of the off-site
6 | IZ and compliance with that. And there are two elements to our
7 | proposal. One, having to do with the amount of a contribution
8 | and the other, how that contribution would be employed. Before
9 | I start that by way of background, we've reached the point of
10 | talking about making a financial contribution, because of the
11 | obstacles that Wesley faced in trying to create -- first, we
12 | wanted to create on-site student affordable housing. That was
13 | deemed not appropriate.

14 | And looking to create off-site IZ focused in on Ward
15 | 3, which has always been our focus. And we were not able to find
16 | a place to create directly that off-site IZ. There was a
17 | disconnect in timing, resources. People didn't want to add
18 | additional off-site IZ to existing projects or delay their
19 | projects, or upset their financing or marketing programs. So we
20 | fairly exhaustively looked for a place to actually directly put
21 | the IZ money in Ward 3, which made the challenge more difficult
22 | given the geographic limitation and the costs and challenges in
23 | Ward 3.

24 | So again, we're back to the contribution concept, which
25 | clearly was set forth as an option in the text amendment. One --



1 first, we've indicated an \$8 million contribution. We can speak
2 to that more specifically and give examples, but it's basically
3 a calculation of a per square foot cost for the level -- the
4 maximum level of IZ that would have been required in this
5 building. Without -- it's important to note, we've taken a gross
6 number. We haven't offset any of the exclusively Wesley beds
7 that might be occupied, and we had no benefit from the IZ bonus,
8 which is typically, the method for subsidizing on-site IZ. As a
9 result, we've come up with a contribution that we -- 11 percent
10 with the requirement being 10 percent. And I think, Mr. Leath
11 and perhaps Mr. Owen can put the \$325 square foot price in the
12 context closer to home, so I'd let them both do that.

13 MR. LEATH: Yeah. Again, this is Eric Leath from
14 Landmark Properties. I mean, we used admittedly rough
15 calculation of what we anticipate project cost to be both
16 influenced by other student housing construction in the DMV area,
17 specifically in College Park, and then our anticipated
18 construction cost for this building, to come up with this number,
19 so which we're anticipating right around. In actuality, \$315 a
20 foot, and so -- and then our architect, Jeff Borman, who you
21 heard from earlier, has done a significant amount of affordable
22 housing in this area.

23 MR. BORMAN: Right. Our office is based here in
24 Georgetown. And we are doing houses in the entire DMV area about
25 30 to 40 percent of our work is affordable housing. And for



1 clients, you know, probably most significant, Urban Atlantic, and
2 our affordable housing projects are ranging from 275,000 -- from
3 \$275 a square foot to \$325 a square foot depending on how the
4 parking is handled. So that's -- and we've done about 3000 units
5 in the last six to eight years, that are affordable, that are
6 LIHTC projects.

7 MR. BROWN: And Chairman Hood, the second element is
8 how those funds would be used to support inclusionary zoning in
9 Ward 3. And you may recall that our original proposal was a Ward
10 3 fund to be administered by LISC, Local Initiatives Support
11 Corporation, a well-established player in affordable housing
12 financing. And we were proceeding along that path and
13 coordinating with the various people involved in the process
14 including DHCD. We met with DHCD on November 3rd, a Friday, and
15 DHCD introduced their proposal for the off-site IZ program,
16 which, one, my compliments to, Maxine Brown-Roberts at OP, laid
17 out that proposal in good detail. But let me hit upon the key
18 points.

19 The advantage to a DHCD program is, one, they're the
20 city's experts in DHCD. They have a clear view of how they would
21 like to support Ward 3 affordable housing, and there are some
22 economies of scale and economies of administrative costs that
23 would all have been borne by others in a list-type proposal, but
24 would all be internal to DHCD. I expect somebody from DHCD is
25 here tonight to talk about it, but I think the program offers a



1 established player, DHCD, using the funds in a way that supports
2 affordable housing in Ward 3, both at the rental level, but also
3 in the affordable homeownership, which, this money can be
4 leveraged to support both subject to the covenants that would
5 ensure long term affordability.

6 And again, reminding the Commission that doesn't need
7 to be reminded, but DHCD is the one that administers the
8 inclusionary zoning program so that this would all be managed in
9 house by DHCD resources. And I think it's effective cost-
10 efficient approach to providing the off-site IZ that Wesley would
11 like to provide and is required to provide, but do so in a
12 meaningful enforceable efficient way. And I think for the time
13 being, I think we'll stand where we are now subject to questions
14 from the Commission and also rebuttal in the future.

15 VICE CHAIR MILLER: Mr. Chairman, I do see Tricia Duncan
16 in our attendees, if you want to bring her up.

17 CHAIRMAN HOOD: Okay. Thank you, Vice Chair.

18 Ms. Schellin, let's bring Ms. Duncan up now.

19 Ms. Duncan, when you're ready, you may begin.

20 VICE CHAIR DUNCAN: Thank you so much for accommodating
21 me. I'm just going to get right into it. ANC 3D has been
22 involved in this project for over four years now. Our Commission
23 had a regularly scheduled meeting last week where we voted 5-1
24 to transmit our overall support for the Wesley campus plan further
25 processing, specifically mentioning that we do not believe this



1 project will have an objectionable impact on the community if it
2 is approved.

3 We know that a construction management agreement, or
4 MOU, was negotiated and that the surrounding neighbors
5 represented by NLC and the Spring Valley Wesley Heights
6 Neighborhood Association have signed this, and we encourage the
7 Commission to include this in the final order if approved. We
8 also voted to commend ANC 3E's effort to maximize the affordable
9 housing contribution, and we appreciate the leadership they have
10 shown on this topic.

11 A few additional comments I would like to make in
12 response to some of the filings that were submitted in the last
13 week. First, regarding the ANC boundaries, I'd just like to
14 remind the Commission that the Wesley campus used to be inside
15 3D, but now is part of 3E. In 2020, the 3D Commission was on
16 its way to having 12 commissioners, and meetings were routinely
17 going past midnight. So it was recommended that the AU campus
18 blocks, which include Wesley, be moved over to 3E. The immediate
19 neighbors are represented by 3D, and we have provided numerous
20 opportunities for neighbors to come and object to this Wesley
21 building.

22 Second, this building will hardly be visible when one
23 is not standing in the Wesley campus. Furthermore, it is
24 immediately adjacent to two of the tallest buildings on AU's
25 campus. It sits right across the boundary from Leonard Hall,



1 | which I believe is eight stories. Occasionally, representatives
2 | from the Spring Valley Wesley Heights Citizens Association,
3 | NLC -- and the NLC have come to our meetings at our urging, but
4 | notably, they did not come to our meeting to discuss the further
5 | processing phase of this project.

6 | Let me assure you that except for these two
7 | organizations, concerns expressed by other neighbors have been
8 | rare. In short, based on our experience at the ANC, we can only
9 | conclude that their comments stem primarily not from neighbor
10 | concerns, but from their own philosophical views about the zoning
11 | regulations, which they have every right to express. It is
12 | therefore the strong and concerted view of our Commission 3D that
13 | there will be no objectionable impacts on the Spring Valley
14 | neighborhood which we represent.

15 | Lastly, regarding noise, the issue has never been
16 | brought up to ANC 3D. If it had, our own Commissioner Elkins,
17 | who you are familiar with, could have put the neighbors concerned
18 | about noise from this facility at ease since in his prior career,
19 | he was the Director of the National Noise Control Program and
20 | knows about noise and its propagation into neighborhoods. In our
21 | view, noise is a nonissue for this proceeding. And thank you
22 | for accommodating me. I am overseas. I'm going to stay on as
23 | long as I can, but I don't think I'll make it to the very end of
24 | the meeting. Thank you.

25 | CHAIRMAN HOOD: Thank you, Commissioner Duncan. And



1 let me ask. Now, who is -- Vernon Horn is the chair, correct?

2 VICE CHAIR DUNCAN: In our Commission, you're only
3 allowed to serve as chairman for so many terms, and then you roll
4 off. I'm Vice Chair, but I am the ANC Commissioner for the
5 immediate neighbors. That's my SMD02.

6 CHAIRMAN HOOD: Okay. I was just trying to make sure
7 I keep in line with what 3D, I mean, what you all are doing.
8 Okay.

9 VICE CHAIR DUNCAN: Yeah. Yeah. Yeah. We have a lot
10 of rules.

11 CHAIRMAN HOOD: There's a lot of rules everywhere. But
12 anyway, okay. Thank you. Let's see if we have -- and let me
13 just say this. We appreciate you taking the time where you are
14 and being able to come and give us that input because that was
15 very valuable what you said, and we greatly appreciate that. Let
16 me see what my colleagues have.

17 Commissioner Wright, any questions, comments?

18 COMMISSIONER WRIGHT: No. I would just say that I
19 really appreciate ANC 3D's work on this. I know one of our sort
20 of base rules is that we need to give the ANCs great weight in
21 consideration of cases. And I think you've come in a very logical
22 and helpful way, so I appreciate that.

23 VICE CHAIR DUNCAN: Thank you.

24 CHAIRMAN HOOD: Commissioner Imamura?

25 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.



1 Commissioner Duncan, you have been a common thread for
2 this entire case for ANC 3D, and I just want to thank you for
3 your sticktoitiveness, and for serving your neighborhood and as
4 well as jumping on while overseas. So please safe return home.
5 And again, thank you very much for carving out time to participate
6 in the public process for this very important case.

7 VICE CHAIR DUNCAN: Thank you.

8 CHAIRMAN HOOD: Okay. Commissioner Stidham?

9 COMMISSIONER STIDHAM: I'd just reiterate. Thank you
10 for your time especially being away and all of the ANC's work,
11 but no questions. Thank you.

12 CHAIRMAN HOOD: Okay. Thank you.

13 Vice Chair Miller?

14 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
15 you. I agree with all the comments of my colleagues and
16 appreciate Vice Chair Tricia Duncan's participation here this
17 evening and throughout this long running case and related cases.
18 And I appreciate your emphasis on that 3D does represent the
19 immediate neighbors. There are two affected ANCs and 3E
20 comprises, as you said, a AU and Wesley's campus, but 3D comprises
21 most of the neighbors who are immediately adjacent who has
22 tradition -- historically represented those neighbors in the
23 past. So I appreciate you bringing out that that point. So
24 thank you for being here from London at 10:27, I guess it is
25 there. Is that the right time?



1 VICE CHAIR DUNCAN: It is.

2 CHAIRMAN HOOD: Thank you.

3 Mr. Brown, do you have any questions of Vice Chair
4 Duncan?

5 MR. BROWN: No. Just thanks to her and Commissioner
6 Elkins and Commissioner Horn who --

7 CHAIRMAN HOOD: Good looking out, Mr. Brown. I see why
8 you wanted to make sure she got her testimony in. Good looking
9 out.

10 All right. Let me see. Ms. Schellin -- Mr. Clarkson,
11 do you have any -- no, the ANC. Chair Bender. Is Chair Bender
12 here? Do you have any cross of Vice Chair Duncan?

13 I think you said no. I think you're on mute, but you
14 said no. Just shake your head right now. Did you say no?

15 CHAIR BENDER: I don't have any.

16 CHAIRMAN HOOD: Okay. Good.

17 CHAIR BENDER: I'm sorry.

18 CHAIRMAN HOOD: No problem.

19 Mr. Clarkson?

20 MR. CLARKSON: Yeah. No cross-exam --

21 CHAIRMAN HOOD: All right.

22 MR. CLARKSON: -- from ANC.

23 CHAIRMAN HOOD: All right. Mr. Carter? Is it Blaine
24 Carter. Mr. Carter? He's representing NLC in Green Valley,
25 Washington Heights.



1 MR. BROWN: I do not see Mr. Carter online.

2 CHAIRMAN HOOD: Ms. Schellin, did I get the name right,
3 or did I mess his name up? Is it Blaine Carter?

4 MS. SCHELLIN: It is Blaine Carter. And we have --

5 CHAIRMAN HOOD: It may be Ella tonight, so let's wait --

6 MS. SCHELLIN: Well, I've asked all the Ellas to log
7 off and log back on with their names so we would know who they
8 are. I only see two on there, so. We could try them both and
9 see.

10 CHAIRMAN HOOD: Let's see if we can get Mr. Carter
11 because he has to have time to see if he's --

12 MS. SCHELLIN: Yeah. Let's see if one of them.

13 CHAIRMAN HOOD: Ella's becoming a popular name.

14 MS. SCHELLIN: No. Let me check my emails too.

15 CHAIRMAN HOOD: Are either one of those two Ella DCOZ,
16 Mr. Carter? If you are, could you unmute, please? I found that
17 very hard to believe Mr. Carter's not here for this hearing.

18 MS. SCHELLIN: Could we bring Alma Gates up maybe and
19 ask her?

20 CHAIRMAN HOOD: Yes.

21 MS. SCHELLIN: I see her. She is one of the members
22 there. Maybe she could shine some light to this or Dennis Paul
23 maybe. I think he represented --

24 VICE CHAIR DUNCAN: I just texted Dennis.

25 MS. SCHELLIN: Yeah. I was going to say maybe Dennis



1 Paul. He was the representative the last time, but my notes said
2 that Blaine Carter would be the rep tonight.

3 CHAIRMAN HOOD: Okay. Mr. Dennis Paul, if you could
4 let us know or Ms. Gates, somebody let us know what's going on.

5 MS. SCHELLIN: Mr. Paul?

6 CHAIRMAN HOOD: Either one, if you can unmute.

7 MS. SCHELLIN: Or Ms. Gates, either one of you.

8 CHAIRMAN HOOD: If you're on your computer, look down
9 and you'll see the mute, the word "mute," just unmute.

10 MS. GATES: Hi there.

11 CHAIRMAN HOOD: There you are. Okay, Ms. Gates.

12 MS. GATES: No questions other -- but again,
13 Commissioner, how often did you reach out to your constituents?

14 VICE CHAIR DUNCAN: I would say that Mr. Paul and I
15 have a one-on-one conversation at least once every two weeks. I
16 do a check-in, and he seems to be the leader of the street there.
17 And I communicate with Josie either through email or at the CLC
18 or going over to her house, I don't know, once every three weeks.

19 MS. GATES: Thank you. End of cross.

20 CHAIRMAN HOOD: Okay. Ms. Gates, is Mr. Carter going
21 to be representing you or is it Dennis Paul?

22 MS. GATES: I'm going to get on it right now.

23 MS. SCHELLIN: I was told that he's on, but I'm not
24 seeing him. He's logged on with his name.

25 VICE CHAIR DUNCAN: So I had put my name in too, but



1 | it switched it to Ella. I had to log back out and come back in
2 | and retype it.

3 | CHAIRMAN HOOD: Okay. Thank you, Vice Chair Duncan for
4 | letting us know that.

5 | MS. SCHELLIN: Okay. Let's see if we have two Ellas
6 | again then because we brought them both in last time.

7 | VICE CHAIR MILLER: It looks like there's three now.

8 | MS. SCHELLIN: That -- my goodness. Yeah, we could
9 | have done this.

10 | VICE CHAIR MILLER: But again, I don't know which one's
11 | which.

12 | MS. SCHELLIN: Yeah.

13 | CHAIRMAN HOOD: So we need to get that fixed as soon
14 | as possible.

15 | MS. SCHELLIN: Yes, we do.

16 | VICE CHAIR DUNCAN: Oh, wait. So I could -- I tried
17 | to log in by entering the meeting access number and that's where
18 | things went wrong. When I went back out and logged back in, I
19 | went into your email and I used the click on this link to get
20 | into the meeting, and that was more straightforward for whoever's
21 | listening --

22 | MS. SCHELLIN: Yeah, that switched to
23 | (indiscernible) --

24 | VICE CHAIR DUNCAN: -- and is trying to get in.

25 | MS. SCHELLIN: Yeah.



1 VICE CHAIR DUNCAN: Use the link.

2 MS. SCHELLIN: Use the link.

3 CHAIRMAN HOOD: All right. Let's see if we can get Mr.
4 Carter up. Thank you, Ms. Gates. And let me just say that we
5 have -- there has been an update here. So we're all having --
6 we're going through a few issues, but we'll get them corrected.
7 And then they'll probably update again, and we'll have some more
8 problems, so. Where is Archie when we need him?

9 VICE CHAIR MILLER: He's around.

10 MS. SCHELLIN: Mr. Young, have you tried bringing in
11 the other Ellas, please?

12 MR. YOUNG: I can bring all three of them in. I'm not
13 sure --

14 MS. SCHELLIN: Yes.

15 MR. YOUNG: -- which ones were the two.

16 MS. SCHELLIN: I don't know either. It was just quite
17 a bit. And then once he's up, I can change his name once I know
18 which one it is, if Mr. Carter is one of them.

19 CHAIRMAN HOOD: Mr. Carter --

20 MS. SCHELLIN: But the real Mr. Carter, please show
21 your face.

22 CHAIRMAN HOOD: Mr. Carter, if you can unmute and let
23 us know which one you are, we'll make an adjustment, please. If
24 you look down at the bottom of the computer, you see something
25 say "unmute, mute." This is, I think, most -- there you go.



1 | There you go. I see you. I know which one --

2 | MS. SCHELLIN: Okay.

3 | MR. CARTER: Do you see me? Can you hear me?

4 | MS. SCHELLIN: I can see you.

5 | CHAIRMAN HOOD: Yes, we see you.

6 | MR. CARTER: Okay. Guys, I'm sorry.

7 | MS. SCHELLIN: Okay. I'm going to change it right now.

8 | I got it.

9 | MR. CARTER: I've been logging in the whole time, and

10 | I logged back out and put my name in, and I don't know what

11 | happened.

12 | COMMISSIONER STIDHAM: I got you.

13 | CHAIRMAN HOOD: There you go.

14 | MR. CARTER: Okay. Thank you very much.

15 | CHAIRMAN HOOD: Do you have any cross, Mr. Carter? I

16 | know Ms. Gates asked the question, but do you have any cross?

17 | MR. CARTER: Commissioner Duncan, how many times have

18 | you talked to me about this case? Maybe a few.

19 | VICE CHAIR DUNCAN: Maybe one or two at a CLC meeting.

20 | MR. CARTER: Yeah. Yeah. Yeah. Okay. Thank you. No

21 | more.

22 | CHAIRMAN HOOD: Okay. I think we've covered everybody,

23 | right? Okay. So thank you, Ms. Duncan. We're going to let you

24 | get back to your trip, and again, safe travels home when you

25 | return. So thank you very much.



1 All right. Mr. Brown, we're going to go back to you.
2 You can finish up whatever you were doing because we stopped you,
3 I believe, or did you turn it over to us?

4 MR. BROWN: No, I turned it back over to you, Chairman
5 Hood.

6 CHAIRMAN HOOD: So I do want to -- let me just ask this
7 before I go to Commissioner Wright.

8 Mr. Brown, you mentioned that you met with DHCD. You
9 said November 3rd. Was that of this year, or was it of last
10 year?

11 MR. BROWN: It was this year. Well, let's put it this
12 way. The current proposal -- we've had discussions with DHCD
13 over --

14 CHAIRMAN HOOD: So my question --

15 MR. BROWN: -- extended period of time.

16 CHAIRMAN HOOD: -- all I want to know, you said Friday,
17 November 3rd. And I'm looking here at my account unless my
18 account was printed wrong, November 3rd was Monday. So I'm just
19 trying to get a -- I'm trying to make sure that I'm lining dates
20 and stuff up. So was it a Monday or was it a Friday?

21 MR. BROWN: My apologies. It was Friday, November 7th.

22 CHAIRMAN HOOD: Oh, November --

23 MR. BROWN: -- 3 p.m.

24 CHAIRMAN HOOD: Okay. All right. I just -- small
25 issue. I just wanted to make sure. I was just trying to see



1 | how long it was from a hearing date, so not a big issue. So let
2 | me ask --

3 | MR. BROWN: My apologies.

4 | CHAIRMAN HOOD: No problem. Let me ask Commissioner
5 | Wright if she have any questions or comments.

6 | COMMISSIONER WRIGHT: So I appreciate the information
7 | about the project. I think some of the photoshopped illustrations
8 | that you included were very helpful in terms of better
9 | understanding the impact of the project on the community. You
10 | know, again, we've talked about this project at length, so I
11 | don't know that I have questions specifically about the project
12 | itself. I think we have talked about it at length, and this
13 | evening, we got a very good, you know, summary refresh. We got
14 | good information to remind us of the project. The issue that I
15 | think we're all wrestling with is the contribution for off-site
16 | IZ. I would like to, understand a little bit more about how the
17 | \$8 million number was calculated. I also would like to understand
18 | if you have looked at any adjacent communities to see what their
19 | off-site affordable housing requirement financial rules are.

20 | For example, in Arlington, Virginia, they do allow off-
21 | site -- a contribution towards off-site affordable housing, and
22 | they have a specific per square foot set of rules. A certain
23 | per square foot amount for the first FAR, a different square foot
24 | amount for one through, I believe, it's three FAR of density and
25 | a third per square foot amount for above three FAR. I think the



1 highest amount that they require is \$13.11 per square foot. But
2 I'm not sure of that, but I wondered if you all had done any
3 investigation to give us a sort of order of magnitude comparison.
4 And if you haven't, I would like to ask that you do, do that.

5 Again, Arlington, Virginia is an area with pretty high
6 real estate values and probably has some similarity to the
7 neighborhood where this project is proposed. And so I think it
8 would be helpful to get a little bit of information about what
9 other similar kinds of neighborhoods do require financially for
10 off-site affordable housing. The second thing that I really feel
11 like we need to dive into is whenever we come to the point of
12 deciding how much the contribution is going to be, the whole
13 issue of who will administer that contribution and how it will
14 be administered.

15 I have to admit. I didn't know about the organization
16 LISC that you have proposed. I would like to learn a little bit
17 more about them. I do understand the community has a lot of
18 nervousness about DHCD being the entity to administer this fund.
19 I think we need to dive into that a little more deeply. I'd
20 like -- I think that we need to understand -- again, we've
21 certainly said this fund would be for Ward 3.

22 At this point, it's my understanding that the fund
23 would be for new construction affordable housing, not for buying
24 down existing apartment units. I'd like to understand a little
25 bit more if we're talking about a revolving loan fund or a grant



1 fund and really exactly how that would be administered. I mean,
2 I think for me at this time, I don't know that -- we need to --
3 I don't know if we need to discuss again, you know, the issues
4 of which trees are being saved or where is the playground being
5 located or, you know, even the transportation demand management
6 plan. I feel like we've really covered all of that quite
7 extensively.

8 But I think, again, the nub of the issue is the off-
9 site affordable housing contribution, how you've calculated it,
10 how it compares to what would be required in another jurisdiction
11 with a similar neighborhood, similar property values, which,
12 again, I think Arlington does fit that category. And exactly who
13 should administer the program and what the parameters of the
14 program would be. And I think that the parameters of the program
15 need to be articulated in conjunction with whoever would be
16 administering it, whether it's the LISC group or DHCD. I think
17 we need to understand how the group that would be administering
18 this would plan to administer it. So those are my comments at
19 this time, and I don't, again, even know that I'm expecting an
20 answer at this moment, but if you have some reactions, that'd be
21 great.

22 CHAIRMAN HOOD: Okay.

23 MR. BROWN: Thank you, Commissioner Wright.

24 CHAIRMAN HOOD: Mr. Brown, you have something you want
25 to --



1 MR. BROWN: I think she was posing a question to us,
2 maybe she was posing it to her fellow Commissioners.

3 CHAIRMAN HOOD: No, that was to you. We're not --

4 COMMISSIONER WRIGHT: No, it was to you.

5 CHAIRMAN HOOD: -- in this case.

6 COMMISSIONER WRIGHT: Yeah. And I'm saying you don't
7 have to answer it tonight. It may be that it's the information
8 you need to come back with, but if you have some of the
9 information tonight, I'm glad to hear it.

10 MR. BROWN: Well, one, previously, on the question of
11 local comparisons, you had asked us to look at that in the earlier
12 iteration of the campus planning, the underlying campus plan. We
13 didn't find anything that was added meaningfully to the
14 discussion because they were kind of apples and orange
15 comparisons. We can go back and look, but that was our initial
16 read previously.

17 COMMISSIONER WRIGHT: Yeah. I'm looking at the --

18 MR. BROWN: I mean, the project --

19 COMMISSIONER WRIGHT: -- Arlington website. Just go
20 back and look at the Arlington website.

21 MR. BROWN: And we will. I'm not cutting you off, but
22 again, we're trying to get a meaningful measuring stick. And
23 you'll see in one of our slides, which I don't necessarily think
24 we need to go over this moment, but we've broken down how we got
25 to the square foot number of IZ that would be required here. I



1 don't -- quite frankly, we've erred in the side of penalizing
2 ourselves by not taking deductions, and there's no offset for
3 lost bonus density. But we'll come back and see if we can revisit
4 Arlington. You mentioned a \$13 square foot price. That doesn't
5 reach a very large number.

6 COMMISSIONER WRIGHT: I realize that, and that would
7 be an interesting piece of information to add into the record.

8 MR. BROWN: We will we'll work that out for sure, but
9 yes, thank you.

10 CHAIRMAN HOOD: Okay. Thank you. I do want to ask
11 something, Mr. Brown, before I go to Commissioner Imamura. You
12 mentioned -- you talked about local support initiative
13 corporation LISC, Local Initiative Support Corporation, who I've
14 actually worked with in the past. I'm just curious. Now you
15 said you couldn't do anything with them, right? So that's why
16 DHCD was going to facilitate the off-site IZ instead of LISC.
17 Ain't that what you said?

18 MR. BROWN: No. To be clear, we were proceeding on a
19 LISC plan until November 7th. And our meeting with DHCD with
20 Director Green, Colleen Green, which is documented in the OP
21 report, made it clear that DHCD, who we were looking to, to be
22 supervisory in the LISC process, thought the better course of
23 action was through their agency. And that was adopted by OP,
24 and we've, embraced it, at least for discussion purposes now.

25 CHAIRMAN HOOD: So you support with OP -- you support



1 OP's recommendation?

2 MR. BROWN: OP has made a recommendation that we can
3 support.

4 CHAIRMAN HOOD: Okay.

5 MR. BROWN: And we're in a little bit of a difficult
6 position, but DHCD has offered a proposal that we think can work.

7 CHAIRMAN HOOD: Okay. I do know the LISC that I work
8 with -- it was very -- and I know things have changed. The young
9 lady I worked with passed since then, Susan, she was running
10 LISC, and I know she was very renowned in that. And I want to
11 just mention this. Let's just not take that off the chopping
12 block, DHCD, and if LISC would do it. But I'm also concerned
13 and I'm going to come to you, Commissioner Imamura, and I'm going
14 to be done. I'm also concerned about not being able to find
15 affordable units at new construction in Ward 3 that we cannot --
16 that would not take you, that you cannot add into to help defer
17 some of the cost of residents who may want to move in that area.

18 So I can tell you, I'm going to put that in the parking
19 lot, and I'm probably -- I'm pretty sure we'll to bring that back
20 up at a later time. I don't need to comment now, but I'm sure
21 that's going to come back up. Because I find it hard pressed
22 that we can't find somebody to work with. What we're trying to
23 do and to push that's going on over there on Rock Creek West and
24 in that area, in the Ward 3 area of trying to do affordable
25 housing, so Ward 3 can get their share or should have their share



1 | for people to have the opportunity to live in that area. So
2 | that's enough said on that for me for right now.

3 | Commissioner Imamura?

4 | COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'll
5 | be brief. I agree with Commissioner Wright. We've seen a lot
6 | of the renderings and all the highlights for the project. And
7 | I'd share her interest and I think some of my fellow Commissioners
8 | do too about the 8 million and how you penciled that out or how
9 | you -- the formula you use to reach that. And as Chairman Hood
10 | always says, show your math. So you know, I know that it's in
11 | the record that you all had provided some of that, but what I'm
12 | curious that's not in the record is can you tell us not on --
13 | and I'm not asking for you to do this tonight, but how far does
14 | that go for the 8 million in new construction versus existing
15 | stock? And so that way, have something to compare it against.

16 | So in addition to what Commissioner Wright has asked
17 | for I'm asking for some additional math for you all to show us
18 | your homework, and how you arrived at this number and that you've
19 | chased it down, both paths for us to come up with an informed
20 | decision here for the Commission. So that's all that I have,
21 | Mr. Chairman. Again, my focus is just on things that you've
22 | already asked for what applicants need to show their math.

23 | MR. BROWN: Chairman, Commissioner Imamura, I'm not
24 | responding. I just want to make sure I understand your ask.
25 | You'd like -- and we've laid out our calculations, but you'd like



1 a comparison between creating new housing --

2 COMMISSIONER IMAMURA: Yes, because you clearly have a
3 table here that that said that they have experience in affordable
4 housing where the work is up to 30 or 40 percent over the past
5 eight years, I suppose, of 3000 affordable units. So there's
6 experience here -- there at your table. I think that can give
7 us those calculations. I'd like to see it from your point of
8 view.

9 MR. BROWN: Okay. All right. Thank you.

10 CHAIRMAN HOOD: All right. Commissioner Stidham, any
11 questions, comments?

12 COMMISSIONER STIDHAM: The curse of going after
13 Commissioner Imamura, who he and I seem to think along the same
14 lines a lot of the time. Yeah. You know, my math's not the
15 greatest, but I need to understand your math. I think you're
16 saying \$325 per square foot, which if I understand the regulation
17 correctly, you're supposed to be using the gross square foot
18 residential. And I think that is sort of missing from your table,
19 like, what that calculation really is. So I think the table
20 needs to be tightened up. I think I need to understand how you
21 got to \$325 a square foot.

22 In your testimony, you talked about comparable -- no,
23 you didn't. You talked about other affordable housing that you
24 have done in the area, and they range from 275 to 325. Well,
25 we're talking about this property. So I think understanding how



1 | you got to that number and if that is based on total cost of the
2 | project or just your hard or soft cost. I think the clear
3 | delineation of how you got to that number and what was involved
4 | with it is going to be necessary into understanding if the \$8
5 | million is the right number or not.

6 | MR. BROWN: Thank you. Well, understood.

7 | COMMISSIONER STIDHAM: And Chairman Hood, that's really
8 | all I had. As I think others have said, we've talked about this
9 | project enough to under -- I think we all understand the project.
10 | We're really now to where the rubber meets the road, and we need
11 | to understand the fine details in order to determine what is the
12 | best way forward.

13 | CHAIRMAN HOOD: Thank you, Commissioner Stidham. Well
14 | said. I'd need to recapture that so I can repeat that back when
15 | we get ready to deliberate. So well said. Thank you.

16 | Vice Chair Miller.

17 | VICE CHAIR MILLER: Thank you, Mr. Chairman and thank
18 | you to the Wesley team and applicant for sticking to it and trying
19 | to make something work with the neighbors and with the Commission
20 | all these years. I think we want to get there too. And I shared
21 | the comments with my colleagues. I think we've exhausted the
22 | actual building that's -- and what's going on on the campus in
23 | terms of any adverse impacts and mitigations, whether it's
24 | transportation or setbacks that have occurred throughout the
25 | process. And we appreciate all those accommodations, you know,



1 all of them.

2 The TDM plan, the University Avenue, recognition of the
3 sidewalk and not allowing exit and entry there except for
4 emergency kind of situation. So anyway, that I agree. We've
5 covered, and it's not an issue. It's only what's been the main
6 issue throughout the affordable housing component of this
7 application, which has gone through various iterations. And I
8 appreciate your patience and my colleagues' patience in trying
9 to work through this for this unique case where you're building
10 university housing primarily not for Wesley, but for adjacent --
11 immediately adjacent AU, which triggers an affordable housing
12 requirement.

13 And we tried to accommodate it with our related text
14 amendment that I pushed for the alternative means other than an
15 on-site or a direct construction contribution that direct
16 construction component realizing that Wesley is not the
17 developer. So and the alternative means I was seeing that it
18 was a contribution that would produce the amount of housing, at
19 least the minimum amount of housing, hopefully more, of
20 affordable housing that would be required if this were a typical
21 IZ case.

22 So you've gotten to a calculation that you've come up
23 with at 10.9 percent. And the ANC 3E is pushing for -- well,
24 they -- I think they dispute the math, and my colleagues have
25 asked for more information on the math. But they're pushing in



1 general and others are -- other community members are pushing for
2 15 percent, which I think would be more appropriate in this case.
3 Despite what you said that you're not taking advantage of the --
4 you're not taking the deductions that -- for the Wesley units or
5 getting the bonus density that would come with a typical IZ case.
6 But I think the 15 percent would be closer to what's been
7 appropriate in this particular ANC and Ward 3, where the need for
8 affordable housing is so great.

9 So when I was pushing for the alternative means, which
10 is -- and I think I even said a contribution to it, somebody who
11 would produce that same amount of -- minimum affordable amount
12 of housing that would be required. And I guess the language we
13 used in our text was construction, not writing down existing
14 housing, market rate housing to purchase to make it affordable.
15 And that seems to be something that the community is divided on,
16 frankly, but ANC 3 wanted you to pursue that and said that you
17 didn't really pursue that with developers. But OP seems to be
18 in favor of allowing that option of the alternative means of
19 producing the affordable housing would be buying down existing
20 housing, not evicting people, but existing housing that's
21 available and making it affordable.

22 I guess I would want more information on the
23 exploration of that option. And that's a -- that would, I guess,
24 require a clarification to our text amendment that would allow
25 it if my fellow Commissioners wanted to allow for that



1 flexibility. I want -- I think a lot of people's goal is to just
2 get the affordable housing done, whichever way it's going to get
3 done, you know, an award that is lacking in availability of new
4 affordable housing.

5 I mean, the people who are in rent-controlled units
6 along Connecticut Avenue are very lucky to be in those rent-
7 controlled units all those years. But if there's a way, I
8 personally would support flexibility to get the housing built --
9 affordable housing built whatever way, whether it's the
10 contribution for a new construction or contribution for existing
11 writing down. And that seems to be Office of Planning's position
12 and ANC 3E's position to allow for that flexibility to make
13 existing housing that's market rate affordable.

14 Did you -- OP, it's in the both of the ANC and OP
15 recommendations. Do you have a comment on there? I mean, it's
16 going to delay -- it would delay what has already been a very
17 delayed process to have to go -- to wait for a text amendment to
18 the text amendment that we did, to facilitate this whole project.
19 But do you have a -- I don't know if you have a comment at this
20 time or if you want to comment later since you're going to be
21 providing further information in response to my colleagues on the
22 math and other things they'd ask for.

23 If you have any comment on that recommendation from
24 Office of Planning and ANC 3E to allow existing housing to be --
25 to buy down existing housing and make that available for as



1 | affordable housing in Ward 3. And did you -- and Sam from ANC
2 | 3E that you really didn't explore it because it wasn't -- you
3 | didn't think it was maybe an option. I don't know. Do you have
4 | any comment at this time or you want to just put it in with your
5 | future submission?

6 | MR. BROWN: Commissioner Miller, I mean, our goal is
7 | to take the contribution and make it -- create affordable
8 | housing. And if that means funding the construction of new
9 | housing or to buy down on a permanent basis, existing housing,
10 | we're creating affordable housing. If we need to do a text
11 | amendment to the text amendment, I think that can be done
12 | basically, immediately, if not sooner or one word or less being
13 | deleted. But we need to -- and this is the problem with Ward 3
14 | affordable housing. It doesn't get done. And we want to get it
15 | done, and do so quickly through the means that are available.
16 | And that's our objective.

17 | MR. MCALLISTER-WILSON: I would simply --

18 | VICE CHAIR MILLER: And I agree with that objective.
19 | So you had something to say --

20 | MR. MCALLISTER-WILSON: I'd simply add that I'd simply
21 | add that delay is a huge factor now in our calculation. And for
22 | the reasons that Pat just described, I would say let's not make
23 | the perfect enemy of the good. We roll along in Ward 3 and it
24 | doesn't get done. Here's an opportunity to get it done with a
25 | big number. Let's look for the best way to do that quickly.



1 VICE CHAIR MILLER: That's one of my favorite
2 expressions. So about -- I'm making the perfect enemy of the
3 good. So that's certainly something that I gave great weight to.
4 And on terms of whether it's DHCD or Local Initiative Support
5 Corporation, I think our language in the text amendment allows
6 either. Whatever it's going to get -- it says to an organization
7 that's going to facilitate the -- it says construction of
8 affordable housing. So I don't think that that needs a text
9 amendment. And whatever way, whether it's DHCD or LISC or some
10 other organization, whatever way we get it done, and I think our
11 language currently in the text amendment provides that
12 flexibility.

13 And DHCD would -- whether they're the ones doing it
14 directly or through their programs or supervising it from an
15 outside organization, they'd be involved. They are our
16 administrative body that does low income -- low and affordable
17 and economic development housing, you know, for whatever
18 deficiencies they have. That is our entity, and all of our
19 entities can be improved. But I personally don't have a problem
20 with DHCD being the one that would try to get this done, as you
21 said. If that's the -- that is the goal.

22 And they certainly are accountable through various
23 processes with the council and elections of the people who appoint
24 them. So did you have a comment on the -- so yeah, I wanted an
25 information on that that the cost of getting to that 10.9 percent



1 | didn't include the comment from community organizations in ANC 3
2 | that it didn't include land acquisition or soft costs that it
3 | just was -- that it really didn't take into account the -- all
4 | of the costs available to the 8 million really wouldn't cover as
5 | much housing as you're saying it's covering.

6 | So I think I want -- I do want more information on the
7 | math that my colleagues have also asked for on that issue, and
8 | would encourage you to try to get to the 15 percent, whatever
9 | calculations and assumptions we're using to try to get to the 15
10 | percent level since that's kind of been a benchmark that this
11 | Commission has adopted with developer and ANC projects -- ANC
12 | supported projects that have come forward in recent times. So
13 | that would just be my comment.

14 | If you want to make any comment in reaction to that, I
15 | understand that you said it was the max -- 8 million is the
16 | maximum, but I would ask you to reconsider that our landmark.
17 | They're the ones who are making the -- I mean, coming out of
18 | everybody's revenue, I guess, but I ask you to reconsider that.

19 | MR. BROWN: We'll go back and look at it. It is coming
20 | out of everybody's pocket.

21 | VICE CHAIR MILLER: I understand.

22 | Thank you, Mr. Chairman. I think that's it for me for
23 | now.

24 | COMMISSIONER STIDHAM: Chairman Hood, I did have one
25 | go back --



1 CHAIRMAN HOOD: Sure.

2 COMMISSIONER STIDHAM: -- when it's appropriate.

3 CHAIRMAN HOOD: Sure.

4 COMMISSIONER STIDHAM: Okay. So I think the other
5 piece, and Commissioner Miller had me thinking about this more
6 as he was speaking. So I think, you know, in the record,
7 there's -- there are statements about LISC related to their work
8 in the district and even some work that suggested in Ward 3. I
9 think understanding -- I know that Commissioner Wright asked for
10 some additional information related to them as an opportunity.
11 I think understanding their track record and which projects
12 they've been involved with in the district and how successful
13 those projects have been in relation to sort of a comparison of
14 OP's suggestion. I think would be really helpful in
15 understanding -- I mean, from an amendment standpoint as
16 Commissioner Miller pointed out, you're -- the text amendment
17 covers whichever. But there are those in opposition questioning
18 one over the other. And I think understanding the opportunities
19 that one provides over the other and the track record associated
20 would be helpful in everyone understanding which is the better
21 option. Does that make sense?

22 MR. BROWN: I understand the question. I think we'll
23 have to include that in our follow-up.

24 COMMISSIONER STIDHAM: Understood. I just wanted to
25 be -- provide a little more detail on what I was looking for in



1 relation to LISC or -- yeah, LISC.

2 MR. BROWN: And if I could. The fact that OP and DHCD
3 have made their recommendation in no way undermines the
4 confidence we had in LISC. But an alternative was offered that
5 was compelling in the circumstances. But we certainly think
6 highly of LISC in what they do and what we would we're thinking
7 of having to do.

8 COMMISSIONER STIDHAM: Okay. Showing us more of that
9 homework related to why you think that would be helpful.

10 MR. BROWN: Okay. Thank you.

11 COMMISSIONER STIDHAM: Okay. Chairman Hood, thank you.

12 CHAIRMAN HOOD: Okay. Thank you. I don't have any
13 questions other than what I've already said. I don't know how
14 many more questions we could ask, but I don't have any.

15 My colleagues, any second rounds, anybody? Okay. All
16 right. Let's go to the ANC. Do they have any cross, Ms. Schellin?
17 I think -- well, who's representing -- let's go to 2, what is it,
18 3E. Mr. Bender, any cross?

19 MS. SCHELLIN: Mr. Bender. Jonathan Bender is here for
20 (indiscernible).

21 MR. BENDER: Good afternoon, Commissioners. So can you
22 hear me now?

23 CHAIRMAN HOOD: Yes. We can hear you.

24 MR. BENDER: Okay. Good. I have maybe one or two
25 questions. I think this might be best directed to Mr. Leath as



1 the Landmark resident. But in the calculation that you guys
2 offer, you use the term, "proposed total gross floor area." And
3 I and I wanted to get some clarity on that. Is that essentially
4 the total interior space in the portion of the building dedicated
5 to residential use? So exclusive of parking and maybe basement,
6 but it's the whole space to dedicated to residential use; is that
7 correct?

8 MR. BROWN: Yep. I believe that is correct.

9 MR. MCALLISTER-WILSON: That is.

10 MR. BROWN: Yeah.

11 MR. BENDER: Okay. And net residential gross floor
12 area then is just the total interior space dedicated to actual
13 units, right, or is it being (indiscernible) units?

14 MR. BROWN: Correct. Backing out corridors, common
15 areas, mechanical, et cetera.

16 MR. BENDER: Okay. Thanks. That's all I have for now.

17 CHAIRMAN HOOD: And Ms. Schellin, who do we have for
18 the other ANC? Was it Mr. Elkins or Ms. Duncan?

19 MS. SCHELLIN: Ms. Duncan.

20 CHAIRMAN HOOD: She left, I think, didn't she?

21 MS. SCHELLIN: Right. She was the named
22 representative.

23 CHAIRMAN HOOD: Okay. She's still here.

24 MS. SCHELLIN: Uh-huh.

25 CHAIRMAN HOOD: Okay. All right.



1 Ms. Duncan, do you have any -- sticking with us?

2 VICE CHAIR DUNCAN: Well, I stayed online to ask the
3 Commission if Commissioner Elkins could be our representative
4 moving forward, but we have no cross at this time, and then I'm
5 going to log off.

6 CHAIRMAN HOOD: Okay. Thank you, Vice Chair Duncan.

7 So Ms. Schellin, remember, Commissioner Elkins will be
8 the representative in 3D.

9 VICE CHAIR DUNCAN: Thank you so much.

10 CHAIRMAN HOOD: Okay.

11 MS. SCHELLIN: Yes.

12 CHAIRMAN HOOD: All right. Let me put that down in my
13 notes. Okay. Let's go to -- hold on a second. Let's go to Mr.
14 Clarkson.

15 MR. CLARKSON: No questions.

16 CHAIRMAN HOOD: And Mr. Carter. Mr. Carter. Yeah.
17 The mute button down at the bottom of your computer. There you
18 go. We're back on mute.

19 MR. CARTER: Am I -- you got me?

20 CHAIRMAN HOOD: Yeah. I got you now. Yep.

21 MR. CARTER: Great. I apologize for the earlier
22 technical. I logged in under my name. I don't know what
23 happened. I have a number. Wesley, are you proposing a condition
24 in further processing on the use of Wesley University Avenue's
25 exit?



1 MR. BROWN: Yes. I don't think we testified
2 specifically about it tonight, but the University Avenue exit
3 driveway currently is vehicle going out, turning right only. Our
4 proposal is that University Avenue be closed to vehicular traffic
5 except limited-service emergency vehicles, so that University
6 Avenue, that driveway, would no longer be used for vehicular
7 purposes.

8 MR. CARTER: Okay. Where is that going to be
9 memorialized since the order --

10 CHAIRMAN HOOD: Let me interrupt, Mr. Carter.

11 MR. CARTER: Yep.

12 CHAIRMAN HOOD: Mr. Brown, is that in your submissions?

13 MR. BROWN: Yes.

14 CHAIRMAN HOOD: Okay. That's in your submission. Okay.
15 So he can question you on that. Whatever's in your submission,
16 whatever you testified to tonight, he can cross-examine you on.
17 Go right ahead, Mr. Carter.

18 MR. CARTER: Okay. I just want -- where is that going
19 to be memorialized since the campus plan order hasn't been issued?

20 MR. BROWN: Well, that was a condition in the draft
21 conditions that we submitted as part of the draft order for the
22 underlying campus plan.

23 MR. CARTER: Okay. Great. To you and Landmark, page
24 9 of the pre-hearing statement states, use of the ground lease
25 property is strictly and perpetually limited to first class



1 university housing. What is it that limits the property being
2 used perpetually for first class university housing? What's the
3 mechanism?

4 MR. BROWN: The contractual agreement between Wesley
5 and Landmark?

6 MR. CARTER: What contractual agreement?

7 MR. BROWN: There are a series of contractual
8 agreements. The ultimate will be the recorded ground lease for
9 the property, which will limit it to first class university
10 housing, period. End of discussion.

11 MR. CARTER: Okay. That's going to be in a ground
12 lease that doesn't exist yet, correct?

13 MR. BROWN: Ground lease that hasn't been recorded yet.

14 MR. CARTER: That nobody has seen. I got it. Okay.
15 What concept -- this is more the landmark --

16 MR. BROWN: Mr. Carter --

17 MR. CARTER: Yeah.

18 MR. BROWN: -- Mr. Carter, you're not a party, that's
19 a private agreement between parties and -- well, we can talk
20 about it, but we're not going to be providing copies of our
21 contractual --

22 MR. CARTER: No, I get --

23 MR. BROWN: -- agreement.

24 MR. CARTER: You know, I get that it's a private
25 agreement, but you understand that it impacts the neighborhood.



1 | So there's -- it's included in a private agreement that you're
2 | testifying to that, you know, should it be a condition of the
3 | campus plan?

4 | UNIDENTIFIED SPEAKER: Well, the campus -- there's a
5 | condition in the campus plan that requires it be limited to
6 | student housing, so.

7 | MR. CARTER: Okay. That's the answer.

8 | UNIDENTIFIED SPEAKER: We've got --

9 | MR. CARTER: That's the answer.

10 | UNIDENTIFIED SPEAKER: That's not the question you were
11 | asking.

12 | MR. CARTER: Well, I'm asking what's limiting it. If
13 | the campus plan limits it, yep. To Landmark, what constitutes
14 | first class university housing?

15 | UNIDENTIFIED SPEAKER: I mean, the way we think about
16 | purpose-built student housing is really around the way unit
17 | configurations work as opposed to what is typically market rate
18 | multifamily housing where you see a preponderance of studios one
19 | and twos on personal student housing as we kind of just showed
20 | unit layouts earlier. We're designing the units to be occupied
21 | by more individuals in a higher bed unit ratio, and that's --
22 | yeah. That's the punch line.

23 | MR. CARTER: Okay. Does Landmark consider the College
24 | Park building first class university housing?

25 | UNIDENTIFIED SPEAKER: Yeah. First class, I mean, I



1 | would say it is institutional quality student housing.

2 | MR. CARTER: Are you aware of online complaints from
3 | residents of the Landmark College Park building about poor
4 | maintenance, noise and poor construction?

5 | UNIDENTIFIED SPEAKER: I'm not personally, but I also
6 | would like to note that there is a building in College Park named
7 | the Landmark that is not ours.

8 | MR. CARTER: Assuming approval of the further
9 | processing, is there anything that would prevent Wesley from
10 | leaving the property? That's really to you, Pat.

11 | MR. BROWN: One, I don't understand the question and
12 | who is it directed to?

13 | MR. CARTER: It's directed to you. Assuming that the
14 | further processing application is approved, is there anything
15 | that would prevent Wesley from leaving the property with a 99-
16 | year ground lease between Landmark?

17 | MR. BROWN: I still don't understand the question. I'm
18 | not being difficult. I just don't understand.

19 | MR. CARTER: Okay. Well, then let me say, when the
20 | ten-year campus plan term is completed, is there anything in
21 | Wesley's ground lease agreement with Landmark that legally
22 | requires Wesley to stay on the property?

23 | MR. BROWN: Again, I don't --

24 | MR. CARTER: It's pretty straightforward. When the
25 | campus plan is up and there's a 99-year ground lease, what if



1 Wesley decides to depart the property?

2 MR. BROWN: Well, the campus plan will remain in place
3 until it was replaced by something and the ground lease would
4 remain recorded in place.

5 MR. CARTER: Even though it's with Wesley and Landmark?

6 MR. BROWN: Yeah. Yes.

7 CHAIRMAN HOOD: Mr. --

8 MR. CARTER: What protections are in place?

9 CHAIRMAN HOOD: Hold for a second.

10 Mr. Brown, are you understanding the question? Just
11 don't say yes to because you like you're predicting the future.

12 MR. BROWN: I'm trying to be helpful, Mr. Hood, but at
13 the same time, I think he's going well beyond the scope of our
14 presentations or quite frankly, what's relevant to this matter.

15 CHAIRMAN HOOD: So what he's asking you is a what if
16 question. I agree to that point, but I think that -- I can't
17 answer it for you. But just to say yes, just to get away from
18 the question, this may not be material. But I can see some other
19 factors coming into play if that -- if what Mr. Carter just asked
20 you. And we got to think about the question, other than just
21 saying yes. What he just asked you was a question, what happens
22 if Wesley leaves -- the problem, what's going to happen with the
23 land? I'm sure that there are some legal ramifications that will
24 happen. I don't know all the nuances, but I'm sure that that
25 something will come into place, and it will have to -- it won't



1 | be just straightforward. It's going to be something. So
2 | everybody's going to have to deal with or the city's going to
3 | have to deal with or Wesley or whoever has the property or
4 | ownership of the property at time, we're going to have to deal
5 | with.

6 | So just a yes is not necessarily an answer, but yes,
7 | he is going far. I think he's going far. He's going to what if
8 | or hypothesis, and I think we need to Mr. Carter want to ask you
9 | to help us to help you. Because right now, this is what's in
10 | front of us. We cannot predict the future because if I could,
11 | I'd go down to the lottery right now and play the biggest and
12 | most amount of money I have and play the number.

13 | MR. CARTER: Sir, I'm not under -- I'm not asking to
14 | predict the future. However, there's been this implication that
15 | this will solve all of the problems, and it's a 99-year ground
16 | lease between Wesley and Landmark. What if something happens and
17 | Wesley has to depart? Let's assume they have to. You know, I'm
18 | not asking you to predict what, but if it does, you know, this
19 | goes, you know, the next question is --

20 | CHAIRMAN HOOD: Mr. Carter, I'm going to give you back
21 | your time, but I believe you asked us to predict the future. Now
22 | take a look for the applicant, but I'm going to get you to ask
23 | your questions the way you need to ask them, and I'm going to be
24 | quiet. Go right ahead.

25 | MR. CARTER: Okay. Given that Wesley is threatened



1 throughout the proceedings to leave the property, what assurances
2 is Wesley prepared that it will stay at this property for at
3 least the ten-year length of the campus plan?

4 MR. MCALLISTER-WILSON: Well, you know, Blaine, I don't
5 know how to answer that other than to say that this institution
6 and its board is committed to thriving in place. That's the
7 whole reason we spent five years and millions of dollars to put
8 this plan forward. Can I guarantee the future? There is not an
9 institution in Washington that can say where it's going to be ten
10 years from now for sure. Instead, this property, I think, is a
11 campus. I can't imagine with this building there required to be
12 student housing that the property will be anything other than a
13 campus, whoever is occupied.

14 MR. CARTER: Okay. Does Landmark have --

15 MR. MCALLISTER-WILSON: No. Can you imagine any other
16 action in the Zoning Commission that requires a guarantee a
17 perpetuity --

18 MR. CARTER: No. I'm not looking for a guarantee. I'm
19 asking the what if, you know. You're committing to a 99-year
20 ground lease. Landmark's committing to it. That's a long, long
21 time. And all we're saying, we're looking at a ten-year horizon.
22 And you've testified that this ensures financial stability.

23 MR. MCALLISTER-WILSON: Yeah.

24 MR. CARTER: You know, you're telling me, hey, this
25 call -- this will solve our problem. Well, if it'll solve your



1 | problem, you know, then maybe it's commitment --

2 | MR. MCALLISTER-WILSON: Well, nothing solves my problem
3 | in perpetuity. I don't have a long enough spreadsheet for that.
4 | Instead, this is our best chance of thriving in twice. What I
5 | would say is that we're not just committed to a ten-year plan.
6 | We are -- by proposing this, we're saying in many significant
7 | respects that this piece of property, eight point whatever it is
8 | acres, is really going to remain an academic hilltop because we
9 | are dedicating a whole lot of the property to this building. And
10 | so we're making a big choice here that locks in not just Wesley,
11 | but any future use of the property. And I would suspect that if
12 | something terrible happens 20 years from now, your successors
13 | will see to it that it remains the same basic configuration it
14 | was when we decide this issue.

15 | MR. CARTER: Okay. These are to Landmark. Does
16 | Landmark have any experience providing IZ at other properties?

17 | UNIDENTIFIED SPEAKER: Not IZ explicitly as it is
18 | defined in the district, but yes, we do on-site affordable housing
19 | in many of our project.

20 | MR. CARTER: Who is paying the \$8 million IZ
21 | contribution, Landmark or Wesley?

22 | UNIDENTIFIED SPEAKER: Neither. Technically, it would
23 | be the project budget.

24 | MR. CARTER: Okay. Okay. Why did Wesley or Landmark
25 | drop its plan for student IZ program that Wesley had the support



1 | of the DHCD? This was a while ago.

2 | MR. BROWN: Can I answer that?

3 | MR. CARTER: Yeah.

4 | MR. BROWN: One, we didn't have the -- we did not have
5 | the support of DHCD. We did not have the support of ANC 3E. And
6 | there was opposition to a in-house student only affordable
7 | housing program. That's what led to the text amendment process.

8 | MR. CARTER: Okay. Okay. Under parking, page 30 of
9 | the pre-hearing statement states that Wesley and Landmark will
10 | implement and enforce the good neighbor parking policy in which
11 | all student residents on campus will be expressly prohibited from
12 | parking on the neighbor streets. Is there a condition you are
13 | proposing to include as part of the further processing that
14 | memorializes this commitment?

15 | MR. BROWN: We'd be happy to have a condition that
16 | included the good neighbor parking policy.

17 | MR. CARTER: Yeah. I think that should be a condition
18 | included. What enforcement measures will Wesley take to address
19 | unauthorized parking in the neighborhood streets?

20 | MR. BROWN: Well, the first would be to identify that,
21 | there is unauthorized parking. And two, then identify who's
22 | doing it; and two (sic), a graduated system of fines, and
23 | ultimately leading, as we said in the policy, to the death
24 | penalty, either termination of employment or enrollment --

25 | MR. CARTER: Okay. Who --



1 MR. BROWN: -- that will (indiscernible) come to --

2 MR. CARTER: Who's enforcing that?

3 MR. BROWN: What?

4 MR. CARTER: Who's enforcing that?

5 MR. BROWN: Who is involved, but if it's a Wesley
6 employee, where there'd be absolutely no reason for a Wesley
7 employee to park on the neighbor's streets. But if it's somebody
8 belonging to Wesley, it would fall in the first sense to Wesley.
9 If it's somebody under the responsibility of Landmark in their
10 building, it would fall to them. And they're not going to work
11 together --

12 MR. CARTER: Will Wesley require all students, faculty
13 and staff to register vehicles with Wesley?

14 MR. BROWN: They do already.

15 MR. CARTER: Okay. Is this memorialized somewhere in
16 the further -- I'm sorry. You're going to memorialize the good
17 neighbor parking policy in the further processing, correct?

18 MR. BROWN: Well, I think what you are asking for is
19 in the conditions, and we're happy to do that.

20 MR. CARTER: Okay. Who will be charged for parking on
21 the campus?

22 MR. MCALLISTER-WILSON: Everybody.

23 MR. BROWN: Yeah. Everybody will be charged except for
24 perhaps visitors. People who come --

25 MR. CARTER: Okay. Where will the student --



1 MR. BROWN: I do not -- be charged at the library of
2 the campus.

3 MR. CARTER: Where will the students, faculty, and
4 staff park during construction? Where will the workers park
5 during construction?

6 MR. LEATH: Well, for the construction standpoint --
7 sorry. It's Eric Leath with Landmark. I mean, we are
8 anticipating having to lease off-site parking and arrange
9 transportation. Yeah.

10 MR. CARTER: Okay. Where's that? We've been at this
11 for years.

12 MR. LEATH: I believe that's already identified in the
13 construction management plan.

14 MR. CARTER: Is it? Can you help me out if it is? You
15 know, actually, I went through the construction -- I did not see
16 a specific area in the construction management plan. It alluded
17 the off-site parking.

18 MR. BROWN: I didn't identify a site, but it identified
19 a requirement.

20 MR. CARTER: I understand that. But I'm just saying
21 after all these -- after all this time, we don't have a site
22 identified.

23 MR. KARCHA: So this is Stephen Karcha can speak to
24 that. It's extremely difficult to identify sites for off-site
25 parking for construction vehicles greater than six months or four



1 months in advance of construction. Most property owners,
2 churches, and things of that nature is typically where you go to,
3 don't want to look that far ahead. And if they do, they're
4 looking for who's going to occupy it sooner so they could start
5 a revenue stream for leasing that parking. So it's very premature
6 to identify a location at this point.

7 MR. CARTER: What if you can't, identify a location?

8 MR. KARCHA: I've been in this business for 40 years,
9 and I've never been never failed to find a location for
10 construction workers to park.

11 MR. CARTER: Okay. Does Wesley or Landmark envision
12 any other uses other than housing on the Wesley campus that may
13 fall into the commercial use restrictions that are applied to
14 other universities across the city, but would not apply to Wesley
15 because of the tax amendment that were approved in this case?

16 MR. BROWN: We have not requested any commercial
17 activity beyond what the further processing provides for in the
18 campus plan and new university housing. And if we -- if Wesley
19 wanted to undertake a commercial activity, like open up a
20 Starbucks coffee shop, we'd have to come back to the Zoning
21 Commission for approval.

22 MR. CARTER: Okay. Will all Wesley students, including
23 commuter students, have access to the Landmark building
24 amenities?

25 MR. BROWN: Yes.



1 MR. CARTER: Okay. Will the windows at the Landmark
2 building be operable? Will they be able to open up?

3 MR. MCALLISTER-WILSON: I don't know.

4 MR. CARTER: Okay.

5 MR. MCALLISTER-WILSON: I know that we're not planning
6 any exterior facing balconies to address concerns from the
7 neighborhood, but I don't know that we've gotten that far.

8 MR. CARTER: Okay. Will there be amplified sound in
9 the courtyard or any other outdoor location on the Wesley campus?

10 MR. KARCHA: No. Well, movie night --

11 MR. CARTER: No, I'm not talking about movie night.
12 I'm talking about in the building amenities.

13 MR. KARCHA: I think I know what you're asking and the
14 answer is no.

15 MR. CARTER: Okay. The center courtyard will feature
16 an outdoor pool and entertainment area; isn't that correct?

17 MR. MCALLISTER-WILSON: There is currently programming
18 for a pool in the courtyard, correct.

19 MR. CARTER: Okay. What type of noise reduction
20 materials are being taken into account to limit sound
21 transmission to the neighborhood?

22 MR. MCALLISTER-WILSON: It's fully enclosed on all
23 sides by double loaded corridors of residential units will be
24 insulated, and meet legal sound standard.

25 MR. BROWN: And 300 feet away from the nearest property.



1 MR. CARTER: Well, I'm really talking about noise
2 transition down into the neighborhood, not so much in the
3 building. I don't care about in the building.

4 MR. MCALLISTER-WILSON: I just don't see how that could
5 be possible given the way we've set up the building and located
6 amenities either interior -- completely interior to the building
7 or interior to the courtyard.

8 MR. BORMAN: This is Jeff Borman, the architect. I
9 mean, the courtyard is surrounded by housing that at its lowest
10 point is just under 70 feet high. So you have a courtyard that
11 is clearly totally encircled six to seven story building and the
12 materials and the shape and form of the exterior of the facade
13 because it's not totally flat. Well, obviously, you know, have
14 some absorptive as well as, you know, the higher up, you go to --
15 the less the sound's going to progress and I don't think it's
16 going to be an issue.

17 MR. CARTER: Wesley's security plan indicates a
18 security officer will conduct patrols of Wesley's property in
19 public spaces three to four times a week during nighttime hours
20 to deter a crime and address any immediate concerns, correct?

21 MR. BORMAN: Correct.

22 MR. CARTER: Okay. Why is it this be a seven day a
23 week patrol and how much is -- you know, how frequent are the
24 patrols on this campus?

25 MR. BORMAN: If it became obvious that there was a



1 significant problem, the number of days would increase. We would
2 respond to the level of problem that presents itself by
3 experience.

4 MR. CARTER: Did you anticipate AU security conducting
5 patrols on the Wesley campus?

6 MR. BROWN: Could you repeat the question?

7 MR. CARTER: Do you anticipate AU security conducting
8 patrols on the Wesley campus, and if so, when and how much?

9 MR. BROWN: So AU has informed us that their campus
10 police do not have jurisdiction off their campus.

11 MR. CARTER: Okay. Well, security -- the security plan
12 says that neighbors should contact the answering service or MPD
13 for after hour disruptions or problems, correct?

14 MR. BROWN: I don't think --

15 MR. CARTER: I mean, you know, more importantly, how
16 is -- how are calls going to be responded to and what constitutes
17 after hours?

18 MR. LEATH: Our form -- like our actual management
19 offices are typically open from 10 a.m. to 6 p.m., Monday through
20 Saturday, and then more abbreviated hours on Sundays. But we do
21 have 24-hour community support. I mean, that's the typical
22 program.

23 MR. CARTER: Well, explain that 24-hour support. In
24 other words, there's an answering service or it's off -- it's
25 after hours off campus, correct?



1 MR. LEATH: Correct.

2 MR. CARTER: How responsive is that?

3 MR. LEATH: I mean, I haven't done a regression analysis
4 test myself, but I would say generally pretty responsive.

5 MR. CARTER: Okay. You showed in further processing
6 or the -- or what you showed the final schematic drawings for the
7 playground?

8 MR. MCALLISTER-WILSON: They are the plans for the
9 playground, but we did state that we would work with the community
10 on the final selection of the equipment to be installed.

11 MR. CARTER: Yeah. No, I'm not going --

12 MR. MCALLISTER-WILSON: They're at the playground --

13 MR. CARTER: -- just general skip -- general concept,
14 general schematic concept.

15 MR. MCALLISTER-WILSON: Yes.

16 MR. CARTER: Okay.

17 MR. MCALLISTER-WILSON: Yes.

18 MR. CARTER: Is there a security camera that's
19 monitoring the playground?

20 MR. MCALLISTER-WILSON: No.

21 MR. CARTER: Okay. Approximately 78 percent of
22 Wesley's master's students are commuters who do not live on
23 campus; is that correct?

24 MR. MCALLISTER-WILSON: I think that's correct. I
25 don't have the numbers in front of me, but that's a number that



1 | changes with each semester and each year. The number of resident
2 | students has increased since COVID.

3 | MR. CARTER: Okay. Well, I think your number is 181
4 | of 248 are commuters according to the October 20 response that
5 | you guys provided. And your doctoral students are rarely on
6 | campus, correct?

7 | MR. MCALLISTER-WILSON: They're on campus for two-week
8 | intensives, three or four times a year.

9 | MR. CARTER: Okay. If the units reserved for Wesley
10 | students are not used, is it correct that Landmark will be able
11 | to make those available to AU students?

12 | MR. LEATH: There won't -- we've indicated there are
13 | no reserved units. But Wesley will have first priority in units.
14 | And if they use more, they can have more. If they use less,
15 | they'll be available to be leased by Landmark.

16 | MR. CARTER: Okay. Isn't it possible there will never
17 | be Wesley students housed in the new residence hall given Wesley's
18 | enrollment and limited demand for on campus housing?

19 | MR. MCALLISTER-WILSON: No.

20 | MR. CARTER: Okay. You do know your numbers show an
21 | extremely low level?

22 | MR. MCALLISTER-WILSON: And I know my numbers show a
23 | growth over time and one of the reasons we are doing this plan
24 | is that Washington is a destination city and the quality of this
25 | housing is going to attract student.



1 MR. CARTER: Well, that's my next question. Does Wesley
2 think the Landmark housing will attract and retain new students
3 and help Wesley grow its enrollment?

4 MR. MCALLISTER-WILSON: Yes.

5 MR. CARTER: Okay. You know, this is the same rationale
6 you used for the 2014 residence hall. So if it didn't work in
7 2014, why do you think it's going to work now?

8 MR. MCALLISTER-WILSON: So you asked me what has
9 changed over the last ten years?

10 MR. CARTER: Well, I'm just saying, it did -- you know,
11 your plan through '14 was supposed to do exactly what you're now
12 saying it will do. And what has changed about seminary education
13 in Wesley since then that makes Wesley say it's going to be
14 different this time?

15 MR. MCALLISTER-WILSON: Well, actually, it did help us
16 that when it first went up, but we had, on the rest of the campus,
17 substandard housing. The other thing that has happened is -- one
18 of the other things that happened is an increase in online
19 education prompted by COVID. What we're modeling now is what it
20 will look like for Wesley to be one of the premier seminaries in
21 the United States that has this destination location, and what
22 does that mean for the kinds of students we can attract? And
23 they -- another factor that's affecting us and many other schools
24 of higher education, we hope temporarily, is the barriers being
25 put up by the current administration, international students. So



1 | there's a lot of variables here, Blaine, that we take into account
2 | that cause us to be very hopeful about the future.

3 | MR. CARTER: Okay. So given that this building is
4 | going to be primarily for AU students, do you have a written
5 | agreement with AU identifying areas of cooperation?

6 | MR. MCALLISTER-WILSON: No.

7 | MR. CARTER: Okay. Is there a draft or do you expect
8 | there will be an agreement in the future?

9 | MR. MCALLISTER-WILSON: That's hard to say. I think a
10 | lot depends on what AU's own future looks like and how it
11 | intersects with their own plans or lack thereof for the building
12 | of future housing.

13 | MR. CARTER: Okay. Has there been any discussion with
14 | the AU about taking over management of the new residence hall at
15 | any point?

16 | MR. MCALLISTER-WILSON: No.

17 | MR. CARTER: You mentioned that AU will allow Wesley
18 | access to the AU shuttle. Will there be a shuttle stop on the
19 | campus?

20 | MR. BROWN: No. And to be clear, AU has repeated their
21 | shuttle policy that it's open to the community, which includes
22 | Wesley, but there's no stop on Wesley's campus --

23 | MR. CARTER: Okay.

24 | MR. BROWN: -- post.

25 | MR. CARTER: Will AU Security be able to enforce AU



1 student conduct in the Landmark building?

2 MR. BROWN: No.

3 MR. CARTER: Okay. Will AU play any role in Wesley or
4 Landmark's good neighbor parking enforcement? Yeah. I'm just
5 looking for cooperation here. Will you be sharing parking
6 enforcement information with AU?

7 MR. BROWN: I would hope so but there's no agreement
8 to that effect at this point.

9 MR. CARTER: Okay. Is there an agreement to open up
10 the pedestrian gate between Wesley and AU campuses at the moment?

11 MR. BROWN: No.

12 MR. CARTER: Will AU consider the Landmark housing as
13 part of its on-campus housing for purposes of meeting their on-
14 campus housing requirements?

15 MR. BROWN: No.

16 MR. CARTER: Okay. Is there a marketing agreement
17 between Landmark and AU or Wesley and AU to market the Landmark
18 apartments?

19 MR. BROWN: No.

20 MR. CARTER: Okay. I just want to what -- I just want
21 to make sure. I want to get it on the record. Okay. How will
22 Landmark building be marked --

23 MR. BROWN: I'm trying to be clear.

24 MR. CARTER: Yeah.

25 MR. BROWN: I'm trying to be clear.



1 MR. CARTER: No, I appreciate the emphatic. That's
2 fine. How will Landmark building be marketed? It's really the
3 Landmark.

4 MR. LEATH: I mean, we kind of have a variety of ways,
5 right? I mean, we use social media. We use on -- you know,
6 physical, like, you know, personal interactions, if we're allowed
7 to on campus. Some schools allow that, some don't. You know, a
8 lot of all marketing nowadays is social media based, candidly.
9 I'm not on our leasing and marketing team, so not necessarily my
10 area of expertise.

11 MR. CARTER: Okay. Does Landmark believe that AU's new
12 2025 housing policies that all freshmen and sophomores must now
13 live on campus will impact its ability to achieve full occupancy
14 of the Landmark building?

15 MR. LEATH: No.

16 MR. CARTER: Okay. Let me -- okay. What's your
17 breakeven occupancy for this building? I mean, you know, what
18 keeps it viable?

19 MR. LEATH: I actually haven't ran a true breakeven
20 analysis.

21 MR. CARTER: Okay. After three years of pushing this,
22 we don't know what the minimum occupancy need is?

23 MR. LEATH: I mean, not -- how do you -- can you tell
24 me what rents are going to be in four or five years?

25 MR. CARTER: You're setting the rents and you know your



1 | operating expenses and you know your lease -- your ground lease.

2 | MR. LEATH: No, I mean, and I can look from underwriting
3 | perspective, right, we are making assumptions, yes, on what the
4 | financial impact of the building would be and are using that to
5 | guide our decision-making process. But I don't know definitively
6 | what the breakeven occupancy is because that also affects how
7 | much OpEx you have and, you know, trickles down to other things.

8 | MR. CARTER: Right. You certainly got a pro forma in
9 | place though, right?

10 | MR. LEATH: We do.

11 | MR. CARTER: So we got to have an inkling of where the
12 | minimum what you're looking for.

13 | MR. BROWN: Chairman Hood, we're getting pretty far
14 | field here. We certainly haven't testified about anything along
15 | these lines.

16 | MR. CARTER: Okay.

17 | MR. BROWN: Your guidance would be helpful.

18 | CHAIRMAN HOOD: Well, let me just say, Mr. Carter, let
19 | me ask, how many more questions do you have?

20 | MR. CARTER: I'm done. I'm done.

21 | CHAIRMAN HOOD: All right.

22 | Mr. Brown, that takes care of your issue. I don't even
23 | have to rule on it.

24 | MR. BROWN: Thank you.

25 | CHAIRMAN HOOD: Okay. All right.



1 MR. CARTER: Thank you. Thank you for bearing with me.

2 CHAIRMAN HOOD: And Mr. Carter, I understand you were
3 trying to get that on the record, so thank you. I understand.

4 All right. Let's take a few minutes break. How many
5 minutes do we want to take, 10 minutes or 15, 10 or 15? 10?
6 Okay. 10? Okay. We'll take a 10-minute break. We'll actually
7 be back at 7 o'clock.

8 MR. BROWN: Thank you.

9 CHAIRMAN HOOD: We'll be back at 7 o'clock. Thank you.

10 (A brief recess taken.)

11 CHAIRMAN HOOD: Ms. Schellin, can we bring up Office
12 of Attorney General? I think you said Ms. King was here.

13 MS. SCHELLIN: Yes. Alexandra King.

14 VICE CHAIR MILLER: I do not see her on.

15 MS. SCHELLIN: I got a note from Ella advising that she
16 had signed up. Okay.

17 CHAIRMAN HOOD: What about DDOT? Mr. Ozberk. I think
18 I saw him. Mr. Ozberk, you may --

19 MS. SCHELLIN: I don't see her either, but I did see
20 DDOT on earlier, yes.

21 CHAIRMAN HOOD: So Ms. Ozberk, you may begin.

22 MR. OZBERK: Thank you. Good evening, Chairman Hood
23 and members of the Commission. For the record, I'm Erkin Ozberk,
24 Development Review Program manager with the District Department
25 of Transportation. DDOT is supportive of the applicant's



1 | proposal in our November 14th, 2025, report, which is in the
2 | record as Exhibit 19. We recommended approval on the condition
3 | that the 19, that capital fare station and scooter corral noted
4 | in the transportation demand management plan for the approved
5 | 2022 to '23 to Wesley Theological Seminary campus plan, be
6 | installed in conjunction with this project prior to issuance of
7 | a Certificate of Occupancy. As you heard earlier in the
8 | applicant's presentation, they have agreed to the condition as
9 | requested in DDOT's report. DDOT has no objection to the approval
10 | of this application. We look forward to continuing to work with
11 | the applicant on the design of the streetscape, sidewalks, and
12 | bike share station as they go through public space permitting.
13 | Thank you, and I'd be happy to answer any questions.

14 | CHAIRMAN HOOD: Okay. Thank you, Mr. Ozberk. Let's
15 | see if we have any questions. My colleagues, I'm looking. Any
16 | questions with DDOT? See any questions. Okay.

17 | VICE CHAIR MILLER: None. Thank you for your testimony.

18 | CHAIRMAN HOOD: Okay. Mr. Ozberk, we thank you. As
19 | the Vice Chair said, he's the best person for thank you, so I
20 | just we'll echo what he what he just said.

21 | MR. OZBERK: Everyone's welcome.

22 | CHAIRMAN HOOD: Thank you. Let's hold tight. We may
23 | have some questions for you, or others.

24 | Mr. Brown? Mr. Brown, you're on mute.

25 | MR. BROWN: There we go. Chairman Hood, thank you to



1 DDOT. No questions.

2 CHAIRMAN HOOD: Okay. Let me go through my list.

3 Commissioner Elkins.

4 COMMISSIONER ELKINS: Mr. Chairman, we have no
5 questions.

6 CHAIRMAN HOOD: Thank you.

7 Chair Bender?

8 CHAIR BENDER: No questions, Mr. Chair.

9 CHAIRMAN HOOD: Okay.

10 Mr. Clarkson?

11 MR. CLARKSON: No questions, Mr. Chairman.

12 CHAIRMAN HOOD: Okay.

13 And Mr. Carter? Mr. Carter, go right ahead.

14 MR. CARTER: No. I'm sorry, sir. I have no questions
15 for DDOT.

16 CHAIRMAN HOOD: It's okay. All right. Thank you, Mr.
17 Ozberk. We appreciate it.

18 Let's go to Office of Planning. Ms. Brown-Roberts.

19 MS. BROWN-ROBERTS: Good evening, Mr. Chairman, members
20 of the Zoning Commission. Maxime Brown-Roberts of the Office of
21 Planning. The Office of Planning recommends approval of the
22 requested further processing application for new dormitory and
23 the campus improvements with conditions pursuant to Subtitle X-
24 101 and Subtitle C-1006.10. Art Rodgers from DHCD is also here
25 or was also here. He stepped away. He was at his office, and



1 in the break, he tried to get home. So I'm going to ask if you
2 could hold for him to come on if he isn't ready by the time I'm
3 finished my testimony, but he's going to address the IZ
4 discussions with the applicant.

5 So the main features of the campus plan is the
6 demolition of two existing dormitories in a parking lot to
7 accommodate a new building to house Wesley, as well as neighboring
8 AU students and their immediate families, as well as to demolish
9 the old president's house to accommodate the provisions and
10 construction of a small park play area for public use. Regarding
11 the new building to house the student, this is an unusual
12 situation where the Zoning Commission has addressed under the
13 campus plan and in Zoning Commission Case 24-9, and in particular,
14 Subtitle C-1006.10, which allows Wesley to waive the IZ off-site
15 requirements if the requirements can be met by alternative means.

16 To this end, Wesley has offered an to donate \$8 million
17 to provide IZ units within Ward 3. The implementation of
18 providing the off-site units from the donation has gone through
19 several reiterations, and there have been many discussions
20 between Wesley, the ANC, and community organizations, as well as
21 between Wesley, OP and DHCD regarding how to structure and
22 administer the donations.

23 The latest proposal is that the donation be made to
24 DHCD who will administer the program. As I said, my colleague
25 Art Rodgers from DHCD will address the options to have the



1 | donations given to DHCD for the affordable units in Ward 3. It
2 | is also OP's thought that the tax amendment may be necessary to
3 | allow DHCD the option to provide the units in buildings that are
4 | not new construction and allow the possibility of using the funds
5 | to convert existing residential to either affordable rental or
6 | homeownership opportunities.

7 | This amendment seems that it would require -- that it
8 | would be required under DHCD recommendation or any other option
9 | that has been offered so far. As demonstrated in the OP report,
10 | the proposal meets the standards of the campus plan and further
11 | processing. The further processing proposal would not be
12 | inconsistent with the FLUM, the generalized policy map in the
13 | Rock Creek West area elements. Again, OP recommends approval of
14 | the proposal with the applicable condition.

15 | Thank you, Mr. Chairman, and I'm available for
16 | questions. And I'm not sure if Art is up at this time. But
17 | again, if you could reserve the time for him to talk about the
18 | DHCD proposal, I'd appreciate it. Thank you.

19 | CHAIRMAN HOOD: Okay. Thank you. As soon as -- Ms.
20 | Schellin and Mr. Young, as soon as Mr. Rodgers, comes back, let's
21 | go right back to him so we can ask that question. So let's just
22 | go with Ms. Brown-Roberts' testimony.

23 | Colleagues, any questions or comments? I'm looking.
24 | My colleagues.

25 | Commissioner Wright?



1 COMMISSIONER WRIGHT: So I do understand that you are
2 supporting the idea of the funding being administered by DHCD,
3 and I understand -- I'm not supporting another City agency in
4 that way. Did you have concerns about the funding being
5 administered by LISC? Did you see that as problematic, or is it
6 simply that DHCD came in and said, we'd like to do it, and you're
7 being supportive of that?

8 MS. BROWN-ROBERTS: That's correct. We did have a
9 problem of it going through LISC. When DHCD told us that, you
10 know, they would be able to administer it -- because even if we
11 go through LISC, it still has to be administered by DHCD. So we
12 thought that that was a good option. We also thought that when
13 it comes to -- because LISC, I'm sure, would be charging an
14 administrative that would be an administrative cost, which may
15 come out of that \$8 million. And so if it went through DHCD,
16 the whole \$8 million or whatever the donation is would more than
17 likely that whole amount or even -- or a major part of that amount
18 would be -- would go towards the housing and not to administrative
19 work.

20 COMMISSIONER WRIGHT: But you have no basic problem
21 with LISC?

22 MS. BROWN-ROBERTS: No, we don't have any basic
23 problem. No, Commissioner.

24 COMMISSIONER WRIGHT: Okay. The other question that I
25 had is I understand that DHCD would like as much flexibility as



1 possible to use any funds provided in this pool for any kind of
2 affordable housing, whether it be building new, buying down
3 existing units, building for sale affordable. They would like
4 as much flexibility as possible to do any of those things. And
5 I think what I heard you say is that flexibility may not be clear
6 cut from the existing text amendment and might require a text --
7 an amendment to the text amendment.

8 Does that amendment have to happen now? I mean, is
9 that something where -- if it's DHCD, they could proceed and make
10 an effort to use the funding with new construction. And if they
11 find that it's a problem and they find that they're not getting
12 new construction opportunities, they could come back and request
13 a text amendment to have additional flexibility; is that
14 possible?

15 MS. BROWN-ROBERTS: Yes, it's possible, but DHCD --
16 speaking to DHCD, their main objective is to provide
17 homeownership over, say, rentals. And from their calculation,
18 there may be some obstacles in getting as fast, getting the units
19 onboard fast if they are to wait on new construction. If new
20 construction -- if there's an opportunity for new construction
21 right away, yes, they will take it, but it's just to give them
22 that flexibility there. And that's something, I think, that that
23 Art wanted to talk about in his presentation some more to give
24 you a little -- because they presented three options of three
25 ways that they could do it. But their -- again, their main focus



1 | is on doing homeownership.

2 | COMMISSIONER WRIGHT: Okay. Thank you for that
3 | information.

4 | CHAIRMAN HOOD: Any other questions, comments.

5 | VICE CHAIR MILLER: I appreciate Commissioner Wright's
6 | questions with Maxine Brown-Roberts. Thank you, Ms. Brown-
7 | Roberts, for your report. And when Art Rodgers joins us, I'll
8 | have a couple questions.

9 | MS. BROWN-ROBERTS: Yes.

10 | VICE CHAIR MILLER: Or for him if after if he doesn't
11 | answer them, whatever he's going to present on the IZ option.

12 | MS. BROWN-ROBERTS: Okay.

13 | CHAIRMAN HOOD: Okay. Let's go through and see if
14 | there are any other questions from Ms. Brown-Roberts.

15 | Mr. Brown?

16 | MR. BROWN: No. Thank you to OP.

17 | CHAIRMAN HOOD: Commissioner Elkins?

18 | COMMISSIONER ELKINS: No questions.

19 | CHAIRMAN HOOD: Chair Bender?

20 | CHAIR BENDER: No questions. Thank you.

21 | CHAIRMAN HOOD: Mr. Clarkson?

22 | MR. CLARKSON: No questions.

23 | CHAIRMAN HOOD: All right. And Mr. Carter.

24 | MR. CARTER: Yes. Two very quick questions.

25 | Ms. Brown, when developing your reports, were you aware



1 | that only 50 Wesley students are on average are physically on the
2 | Wesley campus at any day of the week?

3 | MS. BROWN-ROBERTS: I think, as part of the campus
4 | plan, I did -- that there was some information about the number
5 | of students that were on campus. I didn't look at it again for
6 | the for the further processing.

7 | MR. CARTER: Okay. This is relatively new data, though.
8 | So that's why I'm asking about 50 versus whatever number you
9 | might have been working with. Okay. And then finally, are you --
10 | were you aware that 79 percent of Wesley's master students are
11 | commuters?

12 | MS. BROWN-ROBERTS: Again, I had looked at that and
13 | that's not an issue. I think DDOT was the -- may have looked at
14 | that, but I did not look at that.

15 | MR. CARTER: Okay. This not -- so I'm not concerned
16 | about transportation. I'm kind of getting to the point of how
17 | many people are on campus and the demand for that dorm from
18 | Wesley?

19 | MS. BROWN-ROBERTS: I think that -- the demand for that
20 | was already addressed in the campus plan. So the need for the
21 | dorm has been established by what the Zoning Commission approved
22 | under the campus plan. This is a little different on the further
23 | processing, so we didn't -- at least I didn't go back through
24 | that process.

25 | MR. CARTER: Okay. Thank you.



1 CHAIRMAN HOOD: Okay. We will come back when Mr.
2 Rodgers and we'll do another round of his presentation, and then
3 we'll ask questions. So thank you, Ms. Brown-Roberts, as always.

4 MS. BROWN-ROBERTS: Okay. You're welcome, Mr.
5 Chairman.

6 CHAIRMAN HOOD: Okay. Let's move on. Let's go to --
7 hold on a second. I saw somebody just picked up. Mr. Rodgers.

8 All right. Ms. Schellin, we go -- I think we go to --

9 MS. SCHELLIN: ANCs?

10 CHAIRMAN HOOD: Oh, that's right. The ANCs.

11 MS. SCHELLIN: Uh-huh.

12 CHAIRMAN HOOD: Let's go to ANC 3E first.

13 Chair Bender.

14 MS. SCHELLIN: And Chairman Hood, they have an expert
15 witness they would like for the Commission to consider.

16 CHAIRMAN HOOD: Okay. Let me pull that back up.

17 MS. SCHELLIN: Uh-huh.

18 CHAIRMAN HOOD: Chair Bender, help us -- let's go to
19 your expert witness.

20 MS. SCHELLIN: Yes. That's at Exhibit 32.

21 CHAIRMAN HOOD: Let's call -- let's go to the expert
22 witness.

23 MS. SCHELLIN: And his name is -- or the name is Kris
24 Adhikari. I'm sure I messed that one totally up. They're
25 proffering this expert in real estate, finance and modeling.



1 | There is a duplicate request it looks like at Exhibit 38 maybe.

2 | CHAIRMAN HOOD: Okay. Exhibit 38.

3 | MS. SCHELLIN: Uh-huh.

4 | COMMISSIONER IMAMURA: Mr. Chairman.

5 | CHAIRMAN HOOD: Yes.

6 | COMMISSIONER IMAMURA: I don't know. Is there a
7 | precedent where in the past we've granted expert status for
8 | somebody that's outside the realm of architecture, planning,
9 | engineering, or sustainability? This seems like this is -- this
10 | might be a first for us, and I'm not certain that we would need
11 | to grant expert status in real estate, or if we've done that
12 | before, I just can't recall.

13 | CHAIRMAN HOOD: So to my recollection, we did not. We
14 | did have this request previously. Real estate is a couple of
15 | others that we don't usually do it because it's not in the realm
16 | of what we actually do. Real estate is real estate, and I can't
17 | remember exactly the reason, but I think it goes to what you said
18 | at Commissioner Imamura. But let me hear from others. Let me
19 | let Chair Bender make his case. And Chair Bender, I will tell
20 | you this, even if we don't give him expert status, we still will
21 | hear from him.

22 | CHAIR BENDER: Okay. I mean, if I could ask, what
23 | would expert status change? Because, I mean, I'm familiar with
24 | the court system where a witness basically can't test testify if
25 | they're not a fact witness and they're not qualified as an expert.



1 CHAIRMAN HOOD: What was the -- I mean, it's just if
2 they were qualified, their testimony will be expert testimony.
3 All testimony is relevant. It's up to the Zoning Commission and
4 legal folks who help me with this, so I'm out of my realm here.
5 All testimony is relevant. And then with others that are not
6 experts, we don't give it -- you know, we give it a different
7 way even though we listen to everybody, we still consider it. I
8 guess that's -- I know that's probably not helpful. But in the
9 court system, it's a big deal. But here, I think we evaluate
10 everything that we have in front of us.

11 CHAIR BENDER: Okay. I mean, I do know -- I am not an
12 expert in experts at the Zoning Commission. I've noticed that,
13 for instance, Brandice Elliott has -- is considered an expert,
14 and I think her expertise comes just from her time at OP.

15 COMMISSIONER IMAMURA: No, that's not true. It's
16 actually she's an American -- she's a certified planner from the
17 American Institute of Certified Planners, so that's inaccurate.

18 CHAIR BENDER: So that's the basis.

19 COMMISSIONER IMAMURA: That's a lot like being a
20 professional architect or a landscape architect or an engineer.
21 So but as Chairman Hood said, we'd still, listen to the testimony
22 of your witness.

23 CHAIR BENDER: Well, I mean, that's fine. I do think
24 he has expert -- demonstrated expertise in the field, but it's
25 not based on a certification or a specific educational



1 qualification. And if that's the standard, perhaps he can just
2 testify.

3 CHAIRMAN HOOD: Why don't we just do that unless I hear
4 from other colleagues. Why don't we just -- because we want to
5 make sure that expert status, the way the Commission is always
6 handle -- we handle it carefully. Why don't we just listen to
7 his testimony, and we'll go from there; is that okay?

8 CHAIR BENDER: Yes.

9 CHAIRMAN HOOD: Okay. Good.

10 MR. BROWN: Chairman Hood, can I just have a moment,
11 please?

12 CHAIRMAN HOOD: Yes.

13 MR. BROWN: And while we were going to object to the
14 expert status, I also more fundamentally object to he's
15 testifying about a report that was filed after this hearing began.
16 And quite frankly, I haven't had a chance to look at it. I've
17 been busy. And that's not appropriate, and that's not how the
18 Zoning Commission should work. So I object to his testimony,
19 because I'm not going to be able to cross-examine him because I
20 haven't seen his testimony.

21 CHAIRMAN HOOD: Were you --

22 MR. BROWN: This case has been --

23 CHAIRMAN HOOD: Mr. Brown, let me just say this. You
24 we we're going to hear from the community's person. We didn't
25 give them expert status. We're going to hear from them, and you



1 will have a chance because you have the final say in this case,
2 period. So even when it's all said and done, you have a chance
3 to respond to whatever he says if you think it's needed. If it
4 may not even need a response. Who knows? So let's go through
5 that first. And I appreciate you bringing that up, but I'm going
6 to rule that -- I'm not going to rule it out of order. I'm just
7 going to let you know that we're going to hear from the ANC --
8 the community's person. Okay. All right. And I would tell you,
9 that's very unusual that communities bring a person or at least
10 try to get them expert status. So I want to commend ANC 3E. So
11 anyway, we're going to hear from him. Okay. Unless my colleagues
12 disagree.

13 Okay. All right. Chair Bender, you can go right ahead.

14 CHAIR BENDER: All right.

15 MS. SCHELLIN: I'm sorry. Chairman Hood, just to
16 clarify for the staff so we can update our records. You did give
17 them expert status or did not?

18 CHAIRMAN HOOD: We did not give them expert status.

19 MS. SCHELLIN: Okay.

20 CHAIRMAN HOOD: It will be part of Chair Bender's
21 presentation.

22 MS. SCHELLIN: Presentation. Okay. I just want to
23 make sure so that we update our list. Thank you.

24 CHAIRMAN HOOD: All right. All right.

25 CHAIR BENDER: Thank you, Mr. Chair. And if he's being



1 just treated as a regular witness, then we weren't required to
2 provide anything in advance, I don't think. We did provide the
3 testimony in advance. But in any event, good afternoon, Mr.
4 Chair and fellow Commissioners. I'm Jonathan Bender, ANC 3E03
5 and chair of the ANC 3E. I'm here to present the testimony of
6 ANC 3E.

7 Thanks for the opportunity to speak to you this
8 evening. As you know, our primary concern with this project has
9 been affordable housing, both the amount of the fee the developer
10 has to pay in lieu of providing on-site IZ and how that fee would
11 be spent. Today, I'm going to briefly review the case background,
12 then I'll address how much in fairness Landmark should pay as an
13 in-lieu fee and introduce the testimony of Kris Adhikari, who I
14 believe is an expert in valuation even though he won't be formally
15 treated as such.

16 After that, I'll discuss an option for where the in-
17 lieu fee should go and introduce the testimony of Patrick McAnaney
18 from Somerset Development, an affordable housing developer who,
19 with the right assistance, has the opportunity to build 75 units
20 of housing at 50 percent AMI in our neighborhood in the relatively
21 near term. Finally, I'll say more about the Somerset project as
22 well as an alternative option.

23 To review, after it became clear that Landmark's PUD
24 wouldn't succeed, along with the novel proposal to provide
25 student IZ, we suggested to Landmark that it consider funding



1 off-site IZ. We worked with Wesley and Landmark and OP to explore
2 options for producing off-site affordable housing in Ward 3. We
3 suggested that one option could be the establishment of a
4 revolving loan fund for the Ward. We spoke to LISC about this,
5 and we asked them to draft a brief proposal for such a fund,
6 which we shared with LISC and Landmark.

7 We also expressed particular interest in LISC funding
8 the Somerset project as an initial low interest loan. We worked
9 with the applicant to explore options for buying down market rate
10 housing units as well in either new construction or existing
11 buildings to IZ. This would have been the most straightforward
12 approach for Landmark to realize IZ off-site requirements at
13 whatever level you ultimately set. It would let the market
14 determine the cost of producing comparable off-site IZ, and
15 eliminate this quandary we have now with valuation.

16 Unfortunately, Wesley and Landmark didn't take much
17 initiative to explore this option. So far as we know, the few
18 developers of new construction they spoke with were solely those
19 we identified. To our knowledge, at least, one of the developers
20 was open to trying to do a deal with Wesley and Landmark, and
21 they abandoned discussions with this developer for reasons they
22 didn't share. That's the UIP. Wesley and Landmark also spoke
23 to another developer, Donohoe. They say that Donohoe told them
24 that adding IZ units beyond the level already -- that they already
25 intended to provide could harm the viability of the project. And



1 Landmark generalized from this that developers in general don't
2 want to consider adding additional IZ.

3 That project, though, already included 33 percent IZ.
4 So that project stood for the proposition that a developer in
5 Ward 3 can build or market a viable project with at least one-
6 third of the units subject to IZ. Given how few attempts Wesley
7 and Landmark made to try to buy down market rate units to IZ,
8 one could infer that \$8 million is just not enough to buy down
9 comparable market rate housing in Ward 3 to IZ levels. Now, I'm
10 going to speak more later about OP's 11-hour recommendation to
11 give the in-lieu fee to DHCD, but I need to highlight now a
12 sentence from OP's report about this.

13 The report lists three different uses DHCD is
14 considering to create rental housing at 60 percent AMI or
15 ownership units at 80 percent AMI. And with regard to all of
16 them, the report states, begin, "DHCD concluded that it will be
17 necessary to blend the funds with additional subsidies in order
18 to achieve the required square feet. Mr. Chair, this is proof
19 positive that \$8 million would never have been enough to buy down
20 comparable market rate housing in Ward 3 to IZ levels.

21 Whatever other difficulties finding a suitor, Landmark
22 might or might not have faced doesn't matter because the
23 insurmountable difficulty is that they weren't offering enough
24 money to create the minimum amount of IZ required. There's no
25 good reason to indulge their desire to offer this insufficient



1 sum. Landmark is a publicly traded REIT, and Wesley, though it
2 is a nonprofit, is getting a tremendous benefit accorded to no
3 other nonprofits in the city.

4 Many of whom could argue that they provide a greater
5 service to the public good. The only reason to single out Wesley
6 for this remarkable privilege requiring a literal change to D.C.
7 law comes down to mere chance. They have some extra land next
8 to another educational institution. Instead, the Zoning
9 Commission should be requiring more than the value of the minimum
10 value of IZ. Precisely because it is singling out one nonprofit
11 from the large universe of nonprofits in D.C. for unique financial
12 benefit. It is not a counterargument that this is just a so-
13 called dorm because it's not.

14 Wesley and Landmark's own evidence in the PUD
15 proceeding demonstrated that their proposed apartment building
16 to be built using educational zoning by a text amendment will be
17 without precedent in D.C. in its sister jurisdictions of Maryland
18 and Virginia, and in fact, in any state near D.C. Indeed, out
19 of nearly 6000 post-secondary schools in the United States,
20 Landmark and Wesley in the PUD proceeding could apparently locate
21 only two schools with dorms that serve students other than their
22 own.

23 The minute number of exceptions proves the general rule
24 that dormitories are buildings operated by or at the behest of
25 an educational institution to serve its students alone. Rather



1 | than a dorm, this is a commercial residence that serves students.
2 | If Wesley owned property across from AU as an investment and sold
3 | it to Landmark for use as an apartment building primarily serving
4 | AU students, there would be no question that it was an apartment
5 | building and not a dorm.

6 | There is no metaphysical transformation of the building
7 | by moving it across the street to Wesley's campus. Only a
8 | substitution of permissive institutional zoning for stricter
9 | residential zoning. Note also that repeatedly, AU has made clear,
10 | albeit politely, that it doesn't want much less need such an
11 | arrangement. Rather, AU has stated that it already requires its
12 | freshmen and sophomores to live on campus and is spending over
13 | \$100 million to make living on campus in its housing attractive.

14 | Landmark's apartment then will compete with actual AU
15 | student housing. The likely source of Landmark's \$8 million
16 | proffer is worth considering. During and after Landmark's PUD,
17 | 3E objected to the amount of underground parking proposed to be
18 | built. We believed that they were building many more spaces than
19 | would be needed just to avoid objections from neighbors.
20 | Ultimately, after it was clear that the PUD would not be approved,
21 | Wesley and Landmark agreed with the ANC to eliminate a level of
22 | parking or about 95 spaces.

23 | Soon afterwards, Landmark shared its proposal to spend
24 | \$8 million for off-site affordable housing. At a public meeting,
25 | a participant asked the obvious question, where did the \$8 million



1 | come from? Landmark's counsel replied without hesitation that
2 | the \$8 million represented the savings from eliminating the level
3 | of parking. Now days after the meeting, Landmark's counsel tried
4 | to walk that back saying that the number didn't include offsetting
5 | fees for the spaces, which would make it a wash. But that doesn't
6 | seem right. The space would be unlikely to have been used, at
7 | least without substantial discounts.

8 | Indeed, this is evidenced by their removal. So we have
9 | an idea how Landmark came up with its \$8 million offer, and we
10 | know from DHCD's finding that it will be necessary to -- "it will
11 | be necessary to blend the funds with additional subsidies in
12 | order to achieve the required square feet." We know from those
13 | two things that \$8 million is less than the bare minimum value.
14 | But what is the value of IZ at different levels? The answer to
15 | that question, ANC had little choice but to engage, what we
16 | believe was an expert witness, but certainly a witness who is
17 | able to testify to these issues. That's Mr. Adhikari, Kris
18 | Adhikari. And I would like to turn the floor over to Mr. Adhikari
19 | and then retake it and move on.

20 | MR. ADHIKARI: Thank you, John. And it's nice to be
21 | here today. I have some slides that I intended to share. Is
22 | there a how does the Zoning Commission, like, to approach that?

23 | CHAIRMAN HOOD: Chair Bender, did you submit those
24 | slides or his presentation in?

25 | CHAIR BENDER: Yes, we did.



1 CHAIRMAN HOOD: Okay.

2 Mr. Young, do you have?

3 MR. YOUNG: I do not have them. If you can tell me
4 what exhibit number they are, I can get them.

5 CHAIR BENDER: I'm looking. It's Exhibit 44,
6 PowerPoint presentation, Kris Adhikari.

7 CHAIRMAN HOOD: Mr. Brown, it's in the record. If you
8 don't have an Exhibit 44.

9 MR. BROWN: Just filed in the record, wasn't it,
10 Chairman?

11 CHAIRMAN HOOD: It's the last thing down. So I'm not
12 sure when it was filed, but it was relatively new because it was
13 just -- it's the last one, at least in my category, it's the last
14 one there. But again, you can respond, Mr. Brown, you know, when
15 you do your closing or whatever.

16 MR. BROWN: Thank you.

17 MR. ADHIKARI: And I see it here. So thank you, Paul
18 Young, for showing the screen here. And good evening,
19 Commissioners. Thank you for having me here today. My name is
20 Kris Adhikari. Everyone has done a great job pronouncing my last
21 name. I'm a real estate finance and development professional,
22 and I appreciate you allowing me to be here to present testimony
23 on the financial analysis that I did on the potential value of
24 inclusionary zoning for the proposed student housing project
25 subject to discussion today. I am a little bit under the weather,



1 | so please forgive me. I just removed the cough drop I was using.
2 | So if I need to sneeze or take a sip of water, I want to give
3 | you a heads up.

4 | Let me preface by just saying that if an in-lieu fee
5 | was set below what it costs to construct the units on-site, of
6 | course, nobody would ever build on-site affordable units with IZ.
7 | My testimony aims to just offer an analysis aligned with the cost
8 | or value of producing an equal amount of affordable units, whether
9 | on-site or off-site.

10 | Next slide, please. To orient you, I'll just first
11 | share my qualifications, which I may not be an expert, but I
12 | think I'm qualified. I'll submit my key findings, describe the
13 | two valuation methodologies used, and finally, I will also be
14 | available for questions.

15 | Next slide. I have spent years developing housing
16 | firsthand for nonprofits or profits in government agencies. My
17 | experience runs from early feasibility analysis to post
18 | construction, stabilization, and asset management. This includes
19 | projects that I manage from early feasibility all the way through
20 | full stabilization, plus only place seen here in the upper middle.
21 | It includes leading complex projects for entitlements in
22 | challenging jurisdictions like the Buena Vista, a hybrid
23 | development in Palo Alto, California that was approved for both
24 | affordable rental housing and low-income ownership on the same
25 | site.



1 And it includes modeling projects in pre-acquisition
2 feasibility stages that have subsequently been built, like the
3 project at 1178 Sonora Court in Sunnyvale, California, a seven-
4 story structure that uses both wood frame and concrete and steel
5 construction. Just received its temporary certificate of
6 occupancy this November, November 2025. And I did the modeling
7 for that back in 2020 just upon acquisition, so. Yeah, I just
8 wanted to share that's my background and why I feel comfortable
9 to speak on these matters.

10 Next slide, please. My analysis concluded that the
11 approximate value of inclusionary zoning at the proposed project
12 falls between 9.9 million and \$15.1 million. This range
13 represents the potential value for a 10 percent IZ and 15 percent
14 IZ using two distinctive methodologies. I understand D.C.
15 typically uses what I'm offering as the production cost method.
16 And keep in mind that these are estimates intended to offer a
17 range that the Zoning Commission and other partners involved in
18 the project can use to establish a fee.

19 Next slide, please. This is a production cost method.
20 It showed a fee range from about \$10.1 million for 10 percent IZ
21 to \$15.1 million for 15 percent IZ. Show your math was a common
22 refrain that we heard in the previous question. So say that,
23 for this, it's basically either 10 percent or 15 percent. So
24 0.1 or 0.15 times the square footage used times 358. And 358 is
25 the per square foot cost of construction that I estimated that



1 is a hard cost estimate. It is exclusive of soft costs. That
2 figure is pretty objective. It uses a number offered by DHDC
3 (sic) as the 2024 maximum cost for new construction affordable
4 housing, which is \$407 per square foot.

5 And it basically takes out Davis-Bacon prevailing
6 wages, which pay many construction trades a little bit higher
7 wage rates. And to adjust for that, I reduced the cost by 12
8 percent. So it's \$407 less 12 percent, and that's 358. And
9 certainly, this actually is a relatively straightforward
10 methodology that aligns roughly with what the developer proposed
11 in their 10/24 pre-hearing statement. The key difference between
12 this range and the dollar amount showed by the developer is
13 primarily by using a different square footage that I think better
14 reflects D.C. statute as identified here, as well as in the
15 report, pages 2 and 3 as identified, and a modestly higher per
16 square foot construction cost.

17 And of note, on that construction cost, again, of 358,
18 it was again pegged to the DHDC standard, reduced a little bit.
19 And I find that to be particularly defensible because it was a
20 figure published in 2024, and it does not include any time
21 escalation, which anybody construction knows can really increase
22 things over time. And so in our usual climate, that could be a
23 4 percent increase to hard cost year over year. And in the
24 climate with booming construction or tariffs, it can be as high
25 as 12 percent annually, which I have seen actually before. So



1 | yeah, so that's basically the first method summary.

2 | And if you can go to the next slide. And the next
3 | value is a property value method. And that showed a fee range
4 | from 9.9 million for 10 percent IZ to 15.1 million for 15 percent
5 | IZ. This methodology is similar to calculating the net present
6 | value of the property when it's fully stabilized. In models,
7 | anticipated net operating income, which I determined using
8 | research data in my experience as a real estate development
9 | professional. And then I used a market cap rate to determine
10 | the property value at that point when it is fully stabilized,
11 | which is a common method used to determine value in lieu of a
12 | full appraisal.

13 | After calculating the property values with a zero
14 | percent IZ, so just fully market rate, 10 percent IZ and 15
15 | percent, they subtracted the IZ property values from the fully
16 | market rate property value to estimate the value of those two
17 | percentages, which you see here are 9.9 million and 15.1. And
18 | here are some of just the inputs assumptions that I made that
19 | the market rate per square foot rent was determined based off of
20 | using five comparable and new construction properties in this
21 | market, which are cited in my report. The amount of designed
22 | equity returns, which is 12.1 percent was based on 31 years of
23 | REIT data.

24 | And the cost and size of a long-term loan was based on
25 | what's currently available, such as 6.5 percent interest, 30-



1 year terms, and 1.2 -- and a debt service coverage ratio of 1.2.
2 The revenue -- so that kind of, you know, backed into a lot of
3 the revenue and costs there. Revenue for affordable rents, on
4 the other hand, was established in a manner that would fairly
5 demonstrate the value difference between affordable and market
6 rate rents, and \$3.60 was used there. That is based on 60 percent
7 of the market rate income. And that is a that figure was used
8 purposefully to be -- to create a reasonable -- to create a
9 conservative fee range because these rents could have reasonably
10 been modeled based on the current unit mix that has been provided
11 by the developer.

12 And the '24 -- 2024, '25 DHDC published rent schedule
13 for 60 percent MFI units. And running the numbers that way,
14 those have been used, the difference in value would actually go
15 from 9.9 million on 10 percent IZ to 18 million. And from 15.1
16 million on 15 percent IZ to 24 million. Again, those numbers
17 were not used in the primary analysis offered here because if
18 projects like this actually incorporated on-site IZ may choose
19 to modify its unit mix to try and modestly decrease the cash flow
20 impacts of the affordable units. And this is just being shared
21 to shed light on the valuation considerations and reasonableness
22 of this methodology.

23 And next slide, please. That's essentially it. I know
24 that this group is particularly attuned to the purpose and value
25 of IZ, but I think it's worth sharing that. The point of IZ is



1 | to strike a balance, and I appreciate your time. And I'm -- any
2 | questions. Thank you.

3 | CHAIR BENDER: Thanks, Kris. Is it okay if I continue
4 | the -- my testimony, or do you want to ask a question?

5 | CHAIRMAN HOOD: No. We'll ask of your whole
6 | presentation. And once you all finish, we can go to our Art
7 | Rodgers.

8 | CHAIR BENDER: Okay. All right. And I just wanted to
9 | emphasize; Kris cited one section of the regulations. In 1003.1,
10 | it also says that you're supposed to the set aside should be the
11 | greater of 10 percent of the gross floor area dedicated to
12 | residential use with the word "use." And I clarified on cross-
13 | examination of Mr. Leath that that is, in fact, the larger number
14 | of the two numbers they used, 281, 911 square feet. That's use,
15 | he confirmed, whereas units were the net residential gross floor
16 | area.

17 | And my back of the envelope calculation shows that
18 | using that number even at the 325 yields an in-lieu fee of over
19 | 9 million. Anyway, we can talk more about that. And at any
20 | event, Mr. Adhikari's findings are consistent with DHCD's
21 | findings. \$8 million is just not enough. Even the bottom
22 | estimate, Mr. Adhikari described is almost \$2 million more than
23 | what Landmark has offered, and that value is for the minimum 10
24 | percent without any adjustment for the extraordinary relief that
25 | Landmark would receive.



1 Having presented expert or testimony as to the
2 valuation of in-lieu payments, let's turn now to the question of
3 who should get the payments. For more than a year, Landmark has
4 told you that they and the ANC have been looking into funding
5 either or both of two affordable housing providers. That is
6 after Landmark decided that they couldn't buy down rents in new
7 units. One of these two would be a revolving loan fund for Ward
8 3 affordable housing administered by LISC.

9 The other would be an all-affordable building right in
10 our ANC to be built by Somerset Development across from a metro
11 station. This would be the first all affordable building in our
12 ANC available to non-seniors. Funding for this project would
13 likely have to come through LISC, and it would likely have been
14 paid back over time to allow LISC to revolve the funds to other
15 projects. The point person for this project at Somerset, Patrick
16 McAnaney, has kept in touch with us and Landmark for a long time
17 about this project.

18 The project has faced a variety of difficulties, but
19 Mr. McAnaney tells us now that his modeling shows that Somerset,
20 if it receives certain funds from DHCD, could complete the full
21 project with an additional payment of about \$10 million. Mr.
22 McAnaney is here today, hopefully, and still, and will now testify
23 about the project.

24 And do you do you see him listed? There he is. Okay.

25 MR. MCANANEY: All right. Can you all hear me? Great.



1 Good evening, members of the Zoning Commission. My name is
2 Patrick McAnaney. I'm here testifying on behalf of Somerset
3 Development Company, a D.C. based affordable housing developer
4 located at 5101 Wisconsin Avenue, NW in Friendship Heights. We've
5 been invited to testify today by ANC 3E to discuss an affordable
6 housing project we are currently pursuing within the ANC's
7 boundaries that could serve as a partner project for the case
8 currently under discussion tonight.

9 We understand that part of this case involved an
10 exemption from the city's inclusionary zoning requirements in
11 exchange for supporting nearby off-site affordable housing equal
12 to or above what would normally be required on-site. Our project
13 is well suited to provide a solution for this requirement. Our
14 proposed project is located at 5211 to 5223 Wisconsin Ave, NW,
15 just down the street from our office in Friendship Heights and
16 across from the metro station.

17 The site currently consists of one- and two-story
18 buildings with a mix of retail and office uses. We intend to
19 redevelop the property into a seven-story mixed-use building with
20 ground floor retail and affordable housing. The new building
21 will be about 70,000 gross square feet with approximately 54,000
22 square feet of residential area containing 75 apartments. All
23 permanently affordable at 50 percent of area median income or
24 below, with the majority of units being two- and three-bedroom
25 apartments for families.



1 We originally went under a contract to purchase the
2 property in 2023 with the intention of applying to the city for
3 low-income housing tax credits and housing production trust fund
4 financing in the 2023 consolidated request for proposals for
5 affordable housing or RFP. However, due to the district reaching
6 its maximum capacity to issue tax exempt bonds needed for
7 accessing those low-income housing tax credits, we are ultimately
8 unable to move forward with an application in 2023.

9 In 2024, the district also announced that due to severe
10 challenges involving rent delinquency in existing affordable
11 housing projects. They would no longer provide housing
12 production trust fund loans to new projects for an undetermined
13 period of time. This meant we are also unable to proceed with
14 an application for the project in the 2024 RFP cycle. We are
15 still working closely with the property owner to find a path
16 forward to finance the project and proceed with the
17 redevelopment.

18 Since March 2024, we've engaged with the Landmark team,
19 ANC 3E, and community groups to explore potential partnership
20 with the Wesley Seminary Project. This summer, congress made a
21 series of changes to the low-income housing tax credit program
22 that have now removed the constraint of the district's bond
23 capacity, giving us an opportunity to now move forward despite
24 the continuing challenges facing the city's housing production
25 trust fund.



1 In order to proceed with our project, we would need to
2 utilize three funding sources. Four percent low-income housing
3 tax credits, which are awarded through issuance of tax-exempt
4 bonds from the D.C. Housing Finance Agency, 9 percent low-income
5 housing tax credits, which are awarded on a competitive basis by
6 DHCD, and the contribution funded by the Wesley Seminary Project
7 for all affordable housing -- for off-site affordable housing.
8 Sorry.

9 The estimated total development costs for our project
10 are 53.3 million with \$15.7 million funded by a first mortgage,
11 \$21 million funded by federal low-income housing tax credit
12 equity, \$3.4 million funded by D.C. tax credit equity and \$3.3
13 million funded by a deferred developer fee loan. This leaves us
14 a gap of about 9.77 million that could be significantly funded
15 through the Wesley projects -- the Wesley project.

16 Linking two projects, one market rate and one
17 affordable, together in this way is fairly complex from a
18 logistical timing and financing perspective. However, we have
19 done two similar projects in recent years in the district.
20 Portner Flats and the Sonnet at 1440 V Street, NW, and 1441 U
21 Street, NW in the U Street corridor, and the Faircliff and Novel
22 14th at 2641 14th Street, NW, and 2601 14th Street NW in Columbia
23 Heights.

24 In both projects, we worked together with the market
25 rate development team to support our affordable housing projects



1 and created a novel cross subsidy that allowed for more housing
2 overall, as well as dedicated affordable housing for the
3 community. Based on this experience, we know that this is
4 possible to do despite the significant hurdles and risks
5 involved. We understand that in the Office of Planning's hearing
6 report, DHCD has proposed several options for administering and
7 distributing the funds.

8 Our project is an excellent fit for option two, which
9 proposes new construction affordable housing, merging the funds
10 with applications for low-income housing tax credits, housing
11 production trust fund, or other DHCD sources. Because our project
12 entails the use of these tax credits, we will need to apply to
13 DHCD and be selected for funding regardless. So there is a clear
14 path forward based on the hearing report for us to proceed in
15 the event that option two is selected.

16 If we are able to move forward, we anticipate beginning
17 predevelopment design work in 2026 and starting construction in
18 2028. I should also mention that our project plans are based on
19 the proposed rezoning of the Wisconsin Avenue corridor pursuant
20 to Case 25-13, which, as you all know, is still ongoing. In the
21 event that Case 25-13 does not proceed, we would then need to
22 proceed with our own map amendment for the site. Thank you for
23 your attention today, and I'm happy to answer any questions you
24 may have.

25 CHAIR BENDER: Okay. Thank you very much, Patrick.



1 ANC 3E and the community it serves strongly want to see the
2 Somerset project happen. It could provide about 75 desperately
3 needed units at 50 percent AMI on our ANC's main street. The
4 affordable units diagonally across from a metro station and on a
5 major bus route would be as transit oriented as one could imagine,
6 and the project would drive economic development in Friendship
7 Heights, an area hurt badly by the pandemic and just start --
8 just now starting to recover.

9 Moreover, Mr. Chair, this -- and Commissioners, the
10 zoning regulations require that off-site IZ be built close to the
11 project responsible for the off-site IZ. Although the text
12 amendment waived that requirement to allow flexibility, the
13 policy intention of the regulation remains. For this reason,
14 among others, the ZC should prioritize actual construction of
15 affordable housing inside the boundaries of ANC 3E, and we know
16 of no other candidate right now besides the Somerset project.

17 The \$10 million it would take to make the Somerset
18 project happen is at the very low end of the estimates you heard
19 provided today. It would involve no actual premium for the
20 extraordinary relief the Zoning Commission has bestowed on
21 Landmark and Wesley. But we believe that if, if we can make this
22 project happen in relatively short order, it's a reasonable
23 compromise. We raised this proposal with Wesley and Landmark
24 last week. They said they'd give the proposal serious
25 consideration and wanted to talk to Mr. McAnaney.



1 Subsequently, Mr. McAnaney told me he had a good
2 conversation with Wesley and Landmark. I followed up with Wesley
3 and Landmark. Landmark's counsel responded that they'd
4 subsequently spoken to OP and DHCD who saw no reason to -- and
5 this is the language within the email, "complicate the situation"
6 by tying Monday to the Somerset project and that Somerset was
7 free to apply for DHCD assistance in January. Landmarks counsel
8 also then made clear that they did not intend to offer more than
9 8 million.

10 The combined stance of OP, DHCD, and Landmark greatly
11 reduces the possibility that the Somerset project will happen.
12 Two of the three options DHCD is considering, including their
13 preferred one, wouldn't involve supporting new development at
14 all. Even under the other option, DHCD might decide another
15 project or projects elsewhere in the Ward should receive the
16 money. And that's the thing. DHCD's sudden decision to
17 substitute itself for LISC and not to consider an option in which
18 the Somerset project would take priority disregards and
19 disrespects the ANC and the community in which Wesley -- the
20 Wesley-Landmark project will be located.

21 The Landmark project was originally styled as a PUD.
22 The ANC and the community it represents typically get the
23 opportunity in PUD negotiations to work out amenities and
24 mitigation with the applicant if possible. I've done so myself
25 on numerous occasions over the years in consultation with



1 community members. Amenities are also supposed to be located in
2 the relevant ANC boundaries as is affordable housing. The text
3 amendment in this case occurred only because the PUD alone wasn't
4 enough for the Landmark project to go forward.

5 If anything, the emphasis on community decision making
6 should be stronger now. That isn't how things played out. The
7 first we heard about DHCD's desire to direct the in-lieu payment
8 to itself was on November 9th, two weeks before this hearing.
9 All DHCD communicated about its intention was a couple of vague
10 paragraphs sent to Landmark's counsel who forward them to us.
11 Then on November 14th, one week be or so, before the hearing in
12 this matter, OP filed its report.

13 There, OP recommended that Landmark's in-lieu payment
14 go to DHCD. Ironically, OP preferences this recommendation by
15 stating the implementation of providing the off-site units from
16 the donation has gone through several reiterations, and there
17 have been many discussions between Wesley, 3E, 3D, the community
18 organizations, as well as between Wesley, OP, and DHCD regarding
19 how to structure and administer the donation. We take issue with
20 the word "donation," but otherwise, that's true, what OP said
21 until now.

22 OP had absolutely no discussions with ANC 3E about the
23 money going to DHCD before formally recommending that the money,
24 in fact, does so. DHCD had no discussions with us either. DHCD
25 has come in at the very last moment and with OP's blessing, seeks



1 to decide by itself how this money will be allocated despite what
2 the community wants and what more than a year of work and
3 negotiation has promised. We respectfully urge you, Mr. Chair
4 and fellow Zoning Commissioners, to listen to the community and
5 its representatives and ensure that one of the following two
6 options is adopted.

7 The first option is the one we just discussed involving
8 Somerset. Under this option, Landmark would make a \$10 million
9 contribution through DHCD that would be earmarked for Somerset's
10 project through DHCD. With the understanding that it would be
11 paid back to DHCD under negotiated terms that allow Somerset's
12 project to pencil, and that DHCD would in turn use the repaid
13 money solely for one or more of the purposes outlined in the
14 recent OP report.

15 And that Somerset's project would also receive
16 sufficient other funding from DHCD to make the project to pencil.
17 We've already discussed the great and concrete benefits
18 completion of the Somerset project would confer on our community
19 and people who are in less than 50 percent AMI who want to join
20 our community as well as how reasonable an in lieu-fee of \$10
21 million would be to Landmark.

22 Now on the other hand, as you've seen in submitted
23 testimony and as you will likely hear more during citizen group
24 testimony, several of our citizens groups are deeply skeptical
25 of DHCD and urge that it have no part in administering these



1 funds. Press reports suggest that DHCD recently may have
2 forfeited tens of millions of dollars of federal housing funds
3 for no good reason. The HPAP program that -- they appear to
4 favor for using this money has come in for particular criticism.
5 And indeed, D.C.'s counsel chair has stated, "DHCD is a mess."

6 We believe that if and only if we can, as a community,
7 see the Somerset project go forward in the relatively near term
8 that Patrick has sketched, that it's reasonable for the funds to
9 be administered by DHCD. Among other things, Somerset's project
10 cannot go forward without DHCD funding beyond Landmark's in-lieu
11 contributions. We share the community's general concerns about
12 DHCD's recent missteps, but we believe that the benefit the
13 Somerset project would confer would outstrip the risks involved
14 in the money being paid back to DHCD.

15 Based on conversations we've had with representatives
16 of citizens groups, we believe that most or all will ultimately
17 support this option, again, if and only if it leads to the
18 Somerset project going forward soon. If the first option can't
19 go forward, then we join these community groups in urging that
20 the money go to LISC. Furthermore, we ask that you direct
21 Landmark to provide an at in-lieu fee at or close to the value
22 of 15 percent IZ as one or more commissioners -- Zoning
23 Commissioners have already suggested because that's a figure that
24 is frequently seen in PUDs.

25 It's clear the parties will need time to finalize



1 whatever option is selected. In the meantime, we ask this
2 Commission to weigh in clearly on where the money should go and
3 how much should be spent. Otherwise, momentum will probably
4 ensure that \$8 million, some insufficient to provide by itself
5 in the even the minimum IZ will go to DHCD whose priority for
6 the funds will likely take little or no account of this
7 community's priorities. That would be a bad outcome. Please
8 don't let it happen.

9 Thank you again, Mr. Chair and Commissioners, for the
10 opportunity to testify tonight. I'd be pleased to respond to any
11 questions you might have.

12 CHAIRMAN HOOD: Thank you, Chair Bender and Mr.
13 Adhikari. Hopefully, I didn't mess your name up. I hope
14 everybody had a hundred percent record of pronouncing your name
15 correctly, and I hope I can join with them as well.

16 Mr. Bender, I applaud your effort. I applaud what
17 we're trying to do, and I'm there with you. But I can tell you,
18 I have great pause and calls, and the calls is, to me, I think
19 this whole discussion should have been held with not OP, not us.
20 It seems like you're extending our role, maybe the deputy mayor
21 for playing economic development. I see what you're trying to
22 do, but I'm also thinking, I just hear so many other developers
23 shouting foul because they didn't get an opportunity or
24 affordable housing developers didn't get the opportunity to do.

25 So I don't know if we can direct. And I'm not



1 | discounting. I just want to make sure I'm on legal standing
2 | ground, and I'm sure that the legal folks will help me with this
3 | and help us with this. Because to direct someone to do a work
4 | with -- and that's something misunderstand. To direct someone
5 | to work and put money towards some so another person to get it,
6 | to me, that's a foul.

7 | CHAIR BENDER: A what?

8 | CHAIRMAN HOOD: It's a foul. That means something's
9 | wrong with that because we have -- you have -- everything in
10 | this -- everything when out there has to be competitive. It has
11 | to be competitive. If we go to Somerset and we got the Anthony
12 | Hood developer want to do something in Ward 3, then that's a
13 | problem. So I just want us to be caught now. Now, don't get me
14 | wrong, Chair Bender, I agree with what you're saying, but it's
15 | how we get there. I don't know if the Commission's role can
16 | direct us somebody who can work with a specific affordable -- I
17 | just see us running the file -- and let me just say this, we get
18 | in enough trouble by ourselves. We don't need any help. But
19 | I'm just thinking, the way I'm looking at this, I see some
20 | problems, some potential problems. And it will be people who
21 | have more of a legal mind than Anthony Hood to make sure all the
22 | statutes are covered and make sure everything's done. I don't
23 | know if this Commission's job is to be able to facilitate that.

24 | Now I think the deputy mayor could facilitate something
25 | like if Wesley is amenable to it because I just see running a



1 file to direct them to work. Put the money here for Somerset.
2 No. That, to me, the dots are not connecting. And working in
3 the government and procurement and stuff being in the competitive
4 bid, I just don't see that happening that way. But I get to
5 where you're trying to get to, but we got to figure. I think
6 from my standpoint, I don't know if the Zoning Commission can
7 help you get there, and we can direct somebody to work with
8 somebody. I don't -- that's totally out of our realm, but what
9 we can do is ask.

10 I just wanted to throw that out there where I'm -- I
11 want to hear from other colleagues, but I just wanted to throw
12 that out there because I don't want to run afoul. I think with
13 your intentions are spectacular. I actually agree with your
14 intentions, and hopefully, we can work that out, but I think that
15 we have to be competitive in how this is done. I don't think
16 the Zoning Commission's role is to be able to direct anything,
17 but we can sure try to see if it can be done, not necessarily in
18 the Somerset. Because I don't want to outpoint anybody out, but
19 a group to work along to do exactly what we're trying to achieve,
20 I think, is the way to go. I agree with you. But I just think
21 what I've heard, I think we may run afoul. But let me hear from
22 others and Commissioner --

23 CHAIR BENDER: Can I just respond briefly?

24 CHAIRMAN HOOD: Sure. Sure.

25 CHAIR BENDER: No. No. I take your concern, and I'm



1 not sure what I said. I didn't mean to suggest that you would
2 direct them. More that you would say if this is the community,
3 the community should have a major role here just as they do in
4 PUDs. And that if the community would like to see this, it would
5 be a good -- you would encourage Landmark and Wesley to work with
6 the community and DHCD to work with the community on their
7 priorities. Ultimately, I don't know if this will work out
8 without it being a competitive process, but certainly we
9 anticipated that if DHCD was working this, that they would set
10 the terms of the loan such that there would not be any windfall
11 profits for Somerset.

12 We're not trying -- I mean, to be clear, I hear you.
13 We're not trying to give any special profits to Somerset. We
14 would like this project a pencil, you know, and not a penny more.
15 We'd like to see it go forward. And in that regard, DHCD, could
16 ensure that. So that's -- it's not -- it wouldn't be a
17 competitive process, but it would potentially ensure that the
18 max -- we're getting the maximum amount of affordable housing for
19 our buck. We're not enriching Somerset. And in terms of the
20 Somerset piece, I realized that -- I mean, DHCD -- Somerset would
21 need to compete for the other DHCD funds. But you know, we have
22 been talking about money going from a developer. We often have
23 money from a developer go to a specific purpose in PUDs. So in
24 that regard, it's similar. Anyway, I certainly take your point.

25 MR. MCANANEY: If I could just add very quickly. I'd



1 | just like to say, from our perspective on record, has a good
2 | governance matter. We're invited here today to explain our
3 | project as kind of a possibility, but we do not at all want to
4 | put our fingers on the dial for ourselves either. We make no
5 | statement over who should administer the funds, what the size of
6 | contribution should be. All we can say is we have an affordable
7 | housing project that we are trying to move along, and we'll be
8 | happy to work to help provide a solution.

9 | But I agree from a good governance perspective. Even
10 | to apply for the funds from DHCD, which we would need, there is
11 | a competitive allocation process, which we've always advocated
12 | for to be as transparent and open. And so we certainly don't at
13 | all want to be seen here tonight pushing to say give us the money.
14 | We are just here to say we are one project out there that could
15 | help be part of the solution and that we think that there is a
16 | path or -- and again, that is outlined under the option two
17 | presented in the OP report. So we don't think that it goes
18 | against what is already being proposed.

19 | CHAIRMAN HOOD: Okay. Again, Chair Bender, I hear what
20 | you're saying. I actually agree with how -- I agree with the
21 | final outcome. My issue is how do we get there. So that -- I
22 | agree with everything you've said. I agree with affordable units,
23 | more affordable units in Ward 3. Believe me, I agree with that.
24 | I just want to make sure that how we get to that point is
25 | definitely in decency and in order and totally correct. So



1 that's -- let's put that in the parking lot now. I know others
2 have some questions. And then I want to come back, Mr. Brown.
3 When you said you couldn't find nobody, I want to know why they
4 show up tonight and they say, hey. So I want to make sure that
5 you remember. I want to ask you that question, Mr. Brown. Not
6 right now, but I'm a come back to you.

7 Commissioner Wright, any questions or comments?

8 COMMISSIONER WRIGHT: The last thing you said was my
9 first thought about a question, which is we sat here and heard
10 from the applicant that they just could not find any project --
11 any way that they could work on in a partnership to do an
12 affordable housing project. And it really is very concerning to
13 me that, you know, the community found the project, put the
14 numbers together, put the deal together, and they're handing us
15 the solution on a silver platter. And that really, really does
16 concern me because I do feel like maybe the applicant didn't try
17 very hard. And that you know, I've been a supporter of this
18 whole project for Wesley, but this really is raising a lot of
19 concerns for me that they just have not been trying very hard.

20 MR. MCANANEY: Commissioner Wright, if I -- I'm sorry.
21 If I could just --

22 COMMISSIONER WRIGHT: I'm sorry.

23 MR. MCANANEY: I just want to jump in very quickly to
24 say, the Wesley and Landmark team have engaged us in very good
25 faith for a year and a half. And so as soon as they heard about



1 us as a potential partner, they've reached out. We've been
2 talking for a year. I will say part of the challenge that we
3 were having on our end was that bond capacity issue that I
4 mentioned that that had become a fundamental constraint on our
5 project, that the district reached its bond capacity. They
6 couldn't provide the tax credits that would still be needed. And
7 it was only this summer when congress made the changes to the
8 tax credit program that that became a possibility again. And so
9 we did reach out to Landmark and Wesley after that, and we have
10 been talking. So I do want to give them credit that they have
11 been engaging us for sure and haven't -- there's, I think,
12 goodwill on both sides to try and make things work.

13 COMMISSIONER WRIGHT: Thank you for saying that because
14 that that actually makes me feel better that, you know, there has
15 been effort being made. I think that it is -- the whole process
16 is a challenge for how to get to the outcome that I think we all
17 want to get to. And I know we're going to hear from the director
18 of DHCD, and perhaps they can offer some thoughts about how to
19 make this process work. I share the concern about making this,
20 frankly, more complicated by simply giving a certain amount of
21 money, whatever the amount we end up agreeing to DHCD.

22 And then saying, oh, but we need to do a text amendment
23 to give them flexibility to use it, you know, as they see fit
24 without ragging this all out for a longer period of time. So
25 none of those are questions, but just comments, and I'm not quite



1 | sure what the solution is. But it does feel like the original
2 | kernel of an idea that was there when we started this conversation
3 | about off-site IZ has the potential to work out. And that's very
4 | exciting and gratifying that there is that potential. We just
5 | have to figure out how to make the steps all work in a fair and
6 | legal process. And I appreciate the work that the ANC did to
7 | pull together some numbers. I think the numbers presented by the
8 | consultant, whose name I probably will mess up, so I'm not even
9 | going to try. I'm just going to call him the consultant. I
10 | think that those numbers had a really good logic to them, and I
11 | think they're well worth considering. So that's my only comments
12 | at the moment.

13 | CHAIRMAN HOOD: Okay. Thank you.

14 | Commissioner Imamura?

15 | COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

16 | I am in agreement with the comments that you've made
17 | and the comments that Commissioner Wright has made and appreciate
18 | the presentation that you all gave tonight to help us make a more
19 | informed decision. And so I think that there's -- we've got some
20 | deliberation to do ahead of us here and certainly not something
21 | that we'll reconcile tonight. But again, just thank you for
22 | giving us a bit more to chew on and think about. So for right
23 | now, I'm sort of digesting what you shared and interested to hear
24 | what my peers, Commissioner Stidham and Vice Chair Miller also
25 | have to say.



1 CHAIRMAN HOOD: Thank you.

2 Commissioner Stidham.

3 COMMISSIONER STIDHAM: Thank you and thank you for your
4 testimony. It really did give me a lot to think about in terms
5 of what I've already reviewed in addition to everything that you
6 shared. You know, the map, you showed your homework, you showed
7 the map, and I'm expecting the applicant to do the same. And so
8 I appreciate that, and I appreciate the work of the community to
9 bring this information forward. And you know, just to reiterate,
10 Commissioner Imamura, you know, there is -- I think there's a lot
11 for us to deliberate over and to process. So again, thank you
12 very much. It is greatly appreciated.

13 CHAIRMAN HOOD: Commissioner Stidham, remember your
14 point. I don't know if the applicant heard you when you said
15 you want them to show their homework as well. So unless we
16 already asked for it, just remember that point because I know
17 they were having a discussion. I want to make sure. I think
18 that was a good point as well, what you and Commissioner Imamura
19 mentioned. I just want to make sure they heard it and heard what
20 you say. We're going to be looking for as we continue to digest
21 some of this. All right.

22 Vice Chair Miller.

23 COMMISSIONER STIDHAM: I think in my earlier statements
24 about showing their work.

25 CHAIRMAN HOOD: Oh, okay. You did. You already --



1 COMMISSIONER STIDHAM: I think that was clear, but the
2 way that this particular testimony went through and described
3 where their numbers were coming from in detail, that's the
4 expectation from the applicant to be clear.

5 CHAIRMAN HOOD: Okay. Thank you for repeating that.
6 Appreciate it.

7 Vice Chair Miller.

8 VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank
9 you, Jonathan Bender, ANC 3 Chair for your whole Commission for
10 doing all the work that is trying to fulfill, really, what are
11 the -- so many policies that are set forth and so many documents,
12 laws, comprehensive plan, housing equity, Ward 3 vision
13 framework, Wisconsin Avenue development framework, to try to get
14 affordable housing in Ward 3, which is what this case has a very
15 important component to try to deliver.

16 And so I think you've importantly presented a
17 realistic, like, you know, a possible path forward that could be
18 accomplished without a text amendment, without a further text
19 amendment, but maybe are directing a higher -- slightly higher
20 dollar commitment than what's previously been committed to the
21 10 million versus 8 million. I don't know if it was 10.1. I
22 think it was might have been 10.1 versus 8. And see if that new
23 construction, all affordable housing could be developed in
24 conjunction with all the support that would be needed by our
25 district agencies with additional subsidies that always are a



1 part of all affordable or subsidized affordable projects. So I
2 thank you for all the work you've done. I think that's it's very
3 commendable.

4 And you know, we're not -- yeah. I agree with every --
5 I share all the comments that my colleagues have made. We're
6 not the MPAD. We're not the CFO that is evaluating finance --
7 we're not financial experts even if you have a financial expert,
8 which we haven't even grand expert status. We can't make that
9 determination, but you've prevented a -- presented a path forward
10 under our current rubric of this case that could possibly work,
11 which is hopeful and optimistic, which I appreciate. I haven't
12 felt very optimistic about a lot of things lately, so thank you
13 for bringing it forward. I have no questions. I might ask -- I
14 think I will have questions of Office of Planning to respond to
15 what you presented tonight. So I appreciate you bringing it
16 forward.

17 MR. MCANANEY: Thank you, Commissioners.

18 CHAIRMAN HOOD: Okay. Thank you. Again, let's not
19 take it off the table. Let's just make sure it proceeds correctly
20 when we get this. So I thank all my colleagues for their
21 comments.

22 Okay. Let's run through Commissioner Elkins. Do you
23 have any cross?

24 MR. ELKINS: No, Mr. Chairman. But I would like to
25 say, if you would allow me to say that I'm very proud of the



1 contribution of our colleagues at ANC 3E for their contribution.
2 I commend them for all their work.

3 CHAIRMAN HOOD: Okay. Thank you, Commissioner Elkins.
4 Let's go to Mr. Clarkson. Any cross?

5 MR. CLARKSON: No questions. I'd just like to echo
6 what others have said and thank Chairman Bender and ANC 3 for
7 all their efforts to try to find a path forward here.

8 CHAIRMAN HOOD: All right. Mr. Carter?

9 MR. CARTER: No. I don't have any questions. Very
10 nice presentation.

11 CHAIRMAN HOOD: Okay. All right.

12 Thank you both, Chair Bender and Mr. Adhikari.

13 MR. BROWN: Chairman Hood, do I get to cross-examine?

14 CHAIRMAN HOOD: Oh, you know what? I forgot you. I
15 was about to say something because it's getting late. I was
16 about to say I forgot you here, but go right ahead, Mr. Brown.
17 Go right ahead.

18 MR. BROWN: I'm still here. And I could put Patrick
19 McAnaney, and I really appreciate your testimony here tonight.
20 And quite frankly, we spent a lot of time together, talking about
21 this. And your project has changed ebb and flow over time. And
22 there was a time when your project was no longer viable, and now
23 it is; is that correct? And if we could support your project,
24 would there need to be some intermediary to kind of administer
25 the transaction?



1 MR. MCANANEY: Yes, that's correct. From your first
2 question, it was -- there was a period where it wasn't viable,
3 as you mentioned, due to that bond issue, and now it is. And
4 yes, there would need to be an intermediary, whether it's LISC
5 or DHCD. And as I mentioned, we would need other DHCD funding
6 regardless, and we would have to win that funding on an open
7 competitive basis regardless.

8 MR. BROWN: So as much as we've expressed an interest
9 in your project, and I mean, it's in my neighborhood, it'd be a
10 great addition to Friendship Heights. But you can't guarantee
11 us that your project will be viable or able to go forward?

12 MR. MCANANEY: That's correct. We still need -- there
13 needs to be essentially a backup plan. And then that we --

14 MR. BROWN: So working with LISC or DHCD to look at
15 other opportunities is not unreasonable?

16 MR. MCANANEY: That's correct. Yeah. That's
17 reasonable.

18 MR. BROWN: And those opportunities for -- let's say,
19 for instance, LISC was administering the money and you had an
20 opportunity come up that was viable at that moment, then you'd
21 be eligible for that and could benefit from it.

22 MR. MCANANEY: That's right.

23 MR. BROWN: Yep. And we would very much like to see,
24 support for your project, but we can't put all that in one basket.
25 You understand that?



1 MR. MCANANEY: Yes.

2 MR. BROWN: Thank you. We're going to make it work
3 somehow, hopefully.

4 Mr. Adhikari, just quick questions. You showed your
5 end result numbers, but like Commissioner Stidham have and others
6 have said, could you show us the math? Because I don't understand
7 it, and that would be greatly appreciated. There's no report
8 that I've seen other than your slides, so a report would be
9 helpful. Do you have any experience or background in student
10 housing?

11 MR. ADHIKARI: Specifically, student housing, no.
12 However, as a housing development professional, I regularly and
13 routinely evaluate new types of housing. Like, I wasn't able
14 to -- I didn't have experience in senior housing either until I
15 evaluated it and did it. So it's kind of how --

16 MR. BROWN: Would you have had any experience, you
17 haven't brought that to the table, yes or no?

18 MR. ADHIKARI: Not specifically, but like, part of the
19 skill is the flexibility, if you get what I'm saying.

20 MR. BROWN: All right. And your experience --

21 CHAIRMAN HOOD: Mr. Brown, you asked him a question.

22 MR. BROWN: Yeah.

23 CHAIRMAN HOOD: Let him answer.

24 MR. BROWN: Well, but I asked him a question, and he
25 answered it and then continued on with the necessary --



1 CHAIRMAN HOOD: I didn't hear it that way.

2 Mr. Carter, if you could go ahead and answer his
3 question, please. Did you want to add to that answer, Mr. Carter?

4 MR. ADHIKARI: Oh, me. Sorry. Adhikari. Yeah.

5 CHAIRMAN HOOD: I mispronounced your name and then
6 messed up. It's getting late, so.

7 MR. ADHIKARI: You can call me Kris, to be honest.
8 It's no --

9 CHAIRMAN HOOD: Okay. Well, thank you, Kris. Could
10 you please answer the question?

11 MR. ADHIKARI: I think I was -- essentially, I got out
12 what I wanted to.

13 CHAIRMAN HOOD: Okay. All right.

14 Go ahead, Mr. Brown.

15 MR. ADHIKARI: Thank you.

16 MR. BROWN: Does your analysis factor in the revenue
17 from the ground lease as a factor in the costs for the housing?

18 MR. ADHIKARI: Yes. Essentially, it has a cost of land
19 baked in, yeah.

20 MR. BROWN: It doesn't reflect the impact of the revenue
21 to Wesley.

22 MR. ADHIKARI: I don't know the terms of your ground
23 lease, so it's not possible for me to model your ground lease
24 specifically. However, it does include a value for the cost of
25 land, correct. So it's captured. The idea of a ground lease



1 that value to Wesley is captured, yes.

2 MR. BROWN: And most of your experience is in
3 California, isn't it?

4 MR. ADHIKARI: That's right. Most, yeah.

5 MR. BROWN: And costs are higher in California for just
6 about everything including construction?

7 MR. ADHIKARI: Construction costs are higher in
8 California, in general, perhaps, but I've done some work in
9 Philly. I've done some work in New York, upstate, and Ithaca as
10 well, evaluating different sites. So you know, I wasn't using
11 the construction cost from California as a standard. I was using
12 the DHCD number as a standard. So yeah, I wasn't referencing
13 California at all in that estimate.

14 MR. BROWN: And you referenced a \$358 per square foot
15 price. But you heard the testimony earlier from Jack Borman, and
16 others that the actual costs were in the 275 or slightly above
17 that range. How do you explain the difference?

18 MR. ADHIKARI: Are those actual costs? Those are
19 estimated, right?

20 MR. BORMAN: This is Jack Borman. I stated it in a
21 range, 275 to 325, and that range is there because it has to do
22 with the type of project, the size of the project, and the
23 location of the project, all of which changes the cost per square
24 foot. So we're doing projects in Prince George County, and it's
25 275. We're doing projects here in D.C., and the construction



1 numbers that we're getting from Clark or Davis is in the 325
2 range. These projects are --

3 MR. BENDER: Mr. Chair, I want to object. This is
4 cross-examination of Kris, not testimony from additional free
5 testimony from an architect on Wesley's team who was not actually
6 supposed to be offering testimony on this material. Certainly,
7 there were -- this party was supposed to disclose the
8 testimony -- summarize the testimony in their filing. This is
9 new. This isn't something that was on -- that was that was
10 previously disclosed. The ANC doesn't have that obligation. But
11 also, his -- I mean, we're going into new testimony now.

12 CHAIRMAN HOOD: Going to file. I was going to let him
13 finish responding to answer the question. But with that, I'm
14 going to set that and rule that out of order. So we're definitely
15 out of the range of what we are.

16 Mr. Brown, do have any other questions?

17 MR. BROWN: No, Your -- Mr. Chairman. We were trying
18 to be helpful, but we'll leave it at that. But we will, as you
19 indicated, leave the door open for us to, one, get his math and
20 to respond at an appropriate time.

21 CHAIRMAN HOOD: Okay. So again, I know my colleagues
22 have asked for that to Commissioner Stidham and, I think,
23 Commissioner Imamura. So this follow their lead, and then --

24 MR. BROWN: Can I ask one question of Commissioner
25 Bender?



1 CHAIRMAN HOOD: This is your cross. Yeah. Go ahead.

2 MR. BROWN: Commissioner Bender, I'm -- there you are.
3 You've referenced the UIP project. You were referring to the
4 project in Tenleytown?

5 CHAIR BENDER: Yes.

6 MR. BROWN: And hasn't that project sat incomplete for
7 the -- for better part of twelve months or longer?

8 CHAIR BENDER: Well, it has -- yeah. It has sat
9 incomplete, and that was because, in fact, as I understand from
10 the developer, that that they really sort of needed an infusion
11 of capital to -- because of -- you know, they had not anticipated
12 rates or whatever, but. So yeah, as a matter of fact, you're
13 being able to get to give them -- to buy down 8 percent -- buy
14 down the IZ there probably would have enabled or very, very well,
15 could have enabled that project to have gone forward sooner. I
16 don't know what happened between you, but I presume that \$8
17 million wasn't enough. I do know that that developer who told
18 me personally was interested in talking -- trying to see if a
19 deal could come through.

20 MR. BROWN: But a troubled project is not something you
21 would advise us to invest the scarce Ward 3 IZ funds in, would
22 you?

23 CHAIR BENDER: The project is going forward now.
24 Developers often -- and we had this discussion, Pat. The
25 developers not infrequently, and we have a number of projects in



1 our ANC that are stalled. It's not infrequent that developers,
2 especially in an environment like this, have some problems
3 completing projects. That would, in our estimation, make them
4 ideal candidates to try to buy down IZ because they're cash poor.
5 And so, you're asking me as an ANC commissioner who not a
6 developer, but somebody who's been working with developers for
7 well over ten years and has consummated several -- a bunch of
8 PUD's and special exceptions. Yeah, I would think those would
9 be the ideal candidates to buy down IZ because they need the
10 cash. You know, Donohoe's got a project that's stalled. There's
11 a project on the old dancing crab site that's -- there are a lot
12 of projects that are stalled, and they would be -- those
13 developers would be logical ones to try to want to make a kind
14 of creative deal where they made more IZ units, got cash up front,
15 and can make their, in theory, could make their development
16 happen.

17 MR. BROWN: All right. I'll leave it at that. Thank
18 you.

19 CHAIRMAN HOOD: Okay. Thank you.

20 Let's circle back. Mr. Rodgers, I believe is back with
21 us. We're going to go through that series and back to OP and
22 then we will -- if we have any, cross OP and then we will come
23 to you Commissioner Elkins.

24 All right. Mr. Rodgers? And thank you all, Chair
25 Bender and Kris. Thank you both.



1 MR. RODGER: Hi, Commissioner. Can you hear me?

2 CHAIRMAN HOOD: Yes, we can hear you. Go right ahead.

3 MR. RODGERS: Great. And hopefully, now you can see
4 me. Good evening, Chairman Hood and members of the Zoning
5 Commission. My name is Art Rodgers, housing preservation officer
6 for the Department of Housing and Community Development. I'm
7 here to express DHCD's interest in receiving Wesley Theological
8 Seminary's \$8 million contribution for affordable housing in Ward
9 3. DHCD is excited by the unique opportunity presented by the
10 campus plan process and believes it's an appropriate leverage of
11 the IZ requirement. D.C. estimates, it would raise approximately
12 \$267,000 per typical IZ unit. Now, I didn't go into the level
13 of analysis that was presented just now, but this is -- I will
14 say this is comparable to the average equity generated by a 9
15 percent tax credit DHCD has awarded to affordable housing
16 developments over the past several years.

17 And this ranges across a variety of different projects,
18 both existing buildings that we're converting to affordable
19 housing and new construction. And so that's the average across
20 many different types of projects. DHCD believes that the best
21 use of the funds would actually be to create a special pilot home
22 ownership fund to help supplement DHCD's existing home purchase
23 assistance program and offer the chance of home ownership in Ward
24 3 to low-income families.

25 As difficult as it is to finance affordable rental



1 housing in Ward 3, homeownership is even more difficult. Yet
2 low-income families and their children would benefit from the
3 opportunities to own a home close to the ward's good schools,
4 playgrounds, and other amenities. In addition, only 15 percent
5 of IZ units across the city are ownership units. An ownership
6 approach enabled by the Zoning Commission's authority would
7 permit DHCD to shift this and increase the number of opportunities
8 for affordable homeownership.

9 DHCD believes this approach distinguishes itself from
10 the original proposal, which was focused on rental housing. DHCD
11 envisioned the homeownership fund would be made available through
12 a lottery process to qualified households who have received an
13 HPAP notice to proceed. The HPAP applicants would then be given
14 time to find a home and get a contract of sale. And this is a
15 slight correction from OP's report where it says that DHCD would
16 acquire the properties. So the recipients of HPAP would identify
17 a home that they would wish purchase and the funds would be used
18 to fill the gap between what the buyer can contribute toward the
19 purchase and the cost of the home.

20 A long-term covenant similar to the IZ covenant would
21 be placed on the property to ensure the opportunity remains for
22 future homebuyers. If the Zoning Commission chooses, DHCD is
23 equally well suited to administering the funds for an affordable
24 rental housing. DHCD publishes regular Notices of Funding
25 Availability or NOFAs for developers to submit applications for



1 financial subsidies.

2 DHCD would announce the availability of the \$8 million
3 Ward 3 fund in a similar manner. This would potentially lead to
4 a wide range of applications for both owners of existing rental
5 buildings who wish to convert to affordable housing, as well as
6 those proposing new construction. However, to implement DHCD's
7 preferred homeownership option, we request the Commission grant
8 or relief -- grant relief or amend Section 1006.10, which calls
9 for the fund to facilitate the construction of new affordable
10 housing.

11 This relief would also be necessary for DHCD's third
12 option presented in OP's report which involves the conversion of
13 existing rental properties to long term affordability. In
14 closing, simply DHCD commits to the fundamental requirement of
15 delivering a minimum of 22,436 net square feet of affordable
16 housing at 60 percent of the median family income for rental or
17 80 percent of the median family income for home ownership units
18 for the life of the project and located in Ward 3. Thank you
19 for the opportunity to testify and I'd be happy to answer any
20 questions you may have.

21 CHAIRMAN HOOD: Thank you, Mr. Rodgers. Let's see if
22 we have any questions of DHCD or either OP. Hoping Ms. Brown-
23 Roberts is still around just in case.

24 Commissioner Wright, any questions?

25 COMMISSIONER WRIGHT: I'm interested in learning more



1 | about your home ownership idea. Is that a program that has
2 | operated successfully in any other part of the District of
3 | Columbia?

4 | MR. RODGERS: In fact, most of the units are required
5 | in other parts of the District, and fewer are in Ward 3.

6 | COMMISSIONER WRIGHT: No. I guess my question is, do
7 | you have currently at DHCD a homeownership program where you buy
8 | down the cost of a house that a family wishes to purchase?

9 | MR. RODGERS: We have our home purchase assistance
10 | program, which is a down payment and closing cost assistance
11 | program. It currently offers up to \$202,000 toward the purchase
12 | of a house, and that generally fills the gap for many properties
13 | in many neighborhoods of the District, whether it's a condo or a
14 | single-family home.

15 | COMMISSIONER WRIGHT: So single-family homes and condos
16 | are very expensive in Ward 3 as you know. And so I'm wondering
17 | with X number of millions of dollars, let's call it 8 million
18 | for the moment.

19 | MR. RODGERS: Uh-huh.

20 | COMMISSIONER WRIGHT: What you had talked about in your
21 | testimony a minute ago was actually buying down the cost. So if
22 | you have a family who can afford a mortgage that would be, you
23 | know, again, you know \$450,000, and that's generous, that's a
24 | family of four, you know, making, like, maybe \$150,000 a year,
25 | you'd have to then buy down the rest of the cost of that property



1 that they want to purchase. I think there are not a lot,
2 honestly, of even, like, two-bedroom condos in Ward 3 that are
3 in the range of 450 to \$500,000. So you'd be buying down a lot
4 with each project. Don't you think that that would eat up the
5 money pretty quickly, and it would be gone for good? It wouldn't
6 be a revolving fund. The money would be used up pretty quickly.

7 MR. RODGERS: So I'd be happy to share how I approached
8 the idea that this would work. I pulled sales prices of one
9 bedroom and two-bedroom condos and three-bedroom single-family
10 homes, and looked at the average sales price in Ward 3. I then
11 looked and used the IZ control prices, which are based on what
12 household at 80 percent of AMI can afford with a mortgage. And
13 then I also layered in the existing down payment assistance
14 program. So the combination of what household at 80 percent of
15 AMI could leverage in terms of a mortgage debt combined with the
16 assistance from the existing HPAP program and then supplemented
17 by this Ward 3 fund, I was able to document that in general there
18 would be a supply of homes out there that this could serve.

19 And so, for instance, the average sales price in Ward
20 3 for a three-bedroom house was 1.2 million or I'm sorry, 1,5
21 million but the 40th percentile was about 1.2 million. I even
22 looked at the properties underneath a million, but we're
23 concerned about those because they seem to need more repairs than
24 I think was appropriate for the program. So I did a fair amount
25 of market analysis to understand the dollar amount that would be



1 needed. And we feel pretty confident that combined with the
2 mortgage that the homeowner would qualify for. The existing HPAP
3 program and this supplemental fund, we could deliver on the 22,000
4 square foot requirement. And these would have a covenant on them
5 for the life of the property, and so that any future sale would
6 have to be affordable to a comparable household at 80 percent of
7 AMI.

8 COMMISSIONER WRIGHT: So with 22,000 square feet as the
9 goal, how many properties did you estimate you'd be able to help
10 with? I mean, 10, 12, somewhere in that range?

11 MR. RODGERS: It was the 40th to the average -- I
12 understand your concern and --

13 COMMISSIONER WRIGHT: I'm just saying the size of the
14 properties would be -- assuming the house is about 2000 --

15 MR. RODGERS: So the average -- yeah. The average
16 three-bedroom house was about 2,000 square feet. And so if it
17 was all three-bedroom houses, it would be difficult to achieve
18 the 22,000 square feet. But through a combination of one-bedroom
19 and two-bedroom condos and a few three-bedroom houses, we could
20 deliver on the 22,000 square feet.

21 COMMISSIONER WRIGHT: And that sounds great. It sounds
22 like you've done a lot of the -- you know, we've all been saying,
23 you know, show your math. Sounds like you've done a little bit
24 of a study. Would that be something you could share with us?

25 MR. RODGERS: Yeah. If there's any questions the Zoning



1 Commission has that would require a supplemental report from OP,
2 we'd be happy to provide our numbers.

3 COMMISSIONER WRIGHT: That'd be great. I'd be really
4 interested in seeing the numbers. That would be very helpful.

5 CHAIRMAN HOOD: Okay. Are you finished, Commissioner
6 Wright?

7 COMMISSIONER WRIGHT: Yes. That's it.

8 CHAIRMAN HOOD: All right. Thank you.

9 Commissioner Imamura.

10 COMMISSIONER IMAMURA: I have nothing further to add.
11 Thank you, Mr. Chairman.

12 CHAIRMAN HOOD: Thank you.

13 Commissioner Stidham.

14 COMMISSIONER STIDHAM: Nothing further from me either.
15 I think Commissioner Wright covered my concerns.

16 CHAIRMAN HOOD: And Vice Chair Miller.

17 VICE CHAIR MILLER: Thank you, Mr. Chairman and thank
18 you, Art Rodgers, for your testimony here tonight and all your
19 work on the inclusionary zoning issue throughout the years. We
20 cannot see you if you thought we could see you just for your
21 information. We could hear you very clearly. That's good to
22 hear you. So yeah, I think Commissioner Wright's questions would
23 be helpful to have a supplemental report. I think also I would
24 like to have your reaction either here right now or in that report
25 to the suggestions by ANC 3E and others in the community that



1 the calculation, not that we're financial experts, I really don't
2 think we are, but since we have all this testimony in the record,
3 that the calculation of the 10 percent minimum, it's a minimum
4 set affordable housing requirement is based on accurate
5 assumptions that it would include the appropriate other land
6 acquisition and other soft costs that might be involved in an
7 off-site contribution.

8 But more importantly, I would like your general
9 reaction to the ANC 3E hypothetical, which Somerset was here to
10 support if it could happen, of a higher contribution leading to
11 a new construction, all affordable housing in Ward 3 with,
12 obviously, have to have additional subsidies from DHCD and
13 housing finance agency and low-income housing tax credits
14 probably a lot of the typical combined subsidies. But I would
15 like your reaction to that.

16 I mean, we can do -- I generally support the text
17 amendment that you -- that OP is suggesting in ANC 3E, in their
18 written report did suggest to allow the flexibility to allow
19 existing housing to be wrote -- written down to provide
20 affordable housing in Ward 3 in addition to new construction.
21 I'm not sure we really meant it to in -- exclude that when we
22 said alternative means of providing off-site -- a contribution
23 to off-site affordable housing production in Ward 3, although we
24 did say construction in that text amendment. But I just -- I
25 guess I would want your reaction to the three Somerset



1 hypothetical that we could -- that there's a possibility of
2 getting an all-affordable unit at Friendship Heights, 75 units,
3 I think it was.

4 That's pretty without doing any text amendment. So do
5 you have any comment on that? I mean, we were not directing as
6 the Chairman said, we're not the MPAD, we're not directing any
7 particular development, but we are looking at how to implement
8 our own off-site housing contribution that we put forward in the
9 text amendment in this further processing. And so we presented
10 with a scenario that a couple extra million dollars might produce
11 a lot more housing than -- affordable housing than other possible
12 alternatives. So I'd be interested in your reaction to it.

13 MR. RODGERS: So as the Commission knows, I've
14 testified before that in general, I think the one thing I would
15 point out is that most subsidized affordable housing requires
16 multiple different subsidies. And Somerset's testimony on their
17 project documented that by itself, right. I mean, not only were
18 they going to get or ask for 9 percent credits, but they were
19 also going to look to get 4 percent credits and a tax-exempt fund
20 and that there was still a gap financing. So obviously, more
21 is -- always makes it easier.

22 But I think what the Commission is challenged with is
23 what's fair and appropriate given the value created or provided
24 to Wesley and the site. I think that's a different calculation
25 than what does it take to make the affordable housing pencil.



1 | You know, that's what I can, I think, offer right now without
2 | further deeper analysis.

3 | VICE CHAIR MILLER: Okay. Well, if you're going to be
4 | providing a supplemental report, I would be interested in more
5 | of the justification for the -- that it come -- that it pencils
6 | out to 22,000 at 10 percent -- the minimum 10 percent since we
7 | have testimony that didn't take into account other assumptions
8 | of what that would require, but.

9 | MR. RODGERS: As I said in my testimony, I would add
10 | that as a proxy for what seemed like an appropriate contribution
11 | was to compare it to what we leverage in a 9 percent tax credit,
12 | and the numbers came out very similar. I think, you know, we
13 | were estimating that \$8 million would be about 267,000 unit and
14 | the average tax credit per unit is about 261,000. And so that --
15 | so just to put it in context with one of the most powerful tools
16 | for financing affordable housing, it is a comparable contribution
17 | toward financing the affordable housing as the federal 9 percent
18 | tax credits.

19 | VICE CHAIR MILLER: Okay. And even though OP is
20 | preferring at this point as others are, as some others are that
21 | DHCD be the recipient of this particular further processing to
22 | off-site housing contribution payment. I think OP doesn't see
23 | the need for a text amendment to direct it to DHCD. The existing
24 | language, it says the contribution to an organization that would
25 | facilitate that construction or if we need to do a text amendment



1 | to provide it for existing housing being written down. But you're
2 | not necessarily directing that it -- or are you? Is OP direct --
3 | recommending to the -- to us that we change the language of the
4 | existing text amendment from organization, which provides a lot
5 | of flexibility to either a nonprofit, for profit, or DHCD to get
6 | that affordable housing done. Are you suggesting that we change
7 | that to -- is OP suggesting that we change the word "organization"
8 | to DHCD instead of organization?

9 | MR. RODGERS: I'm sorry. Is that question to Office
10 | of Planning, or would you like me to weigh in?

11 | VICE CHAIR MILLER: Are you now with DHCD?

12 | MR. RODGERS: I'm now with DHCD, yes. I'm the housing
13 | preservation officer. And I actually manage the housing
14 | preservation fund of which LISC is one of my lending partners.

15 | VICE CHAIR MILLER: Okay. That question would really
16 | be to OP, which you were affiliated with for many years.

17 | MR. RODGERS: As of six months ago, so it's been pretty
18 | recent, and this is the first time I've come before the Zoning
19 | Commission. So I totally understand.

20 | VICE CHAIR MILLER: That's why was confused. Okay.

21 | MS. BROWN-ROBERTS: Mr. Vice Chair, this is Maxine
22 | Brown-Roberts from the Office of Planning. No. We thought that
23 | the language covers DHCD or any other organization, so that was
24 | not a recommendation. The recommendation for the change was
25 | regarding where it says new construction in the --



1 VICE CHAIR MILLER: Right. That's it. That's what I
2 thought. So I appreciate you interjecting there, Brown-Roberts,
3 so thank you. Thank you.

4 That's it, Mr. Chairman.

5 CHAIRMAN HOOD: All right. I don't have any questions
6 for you, Mr. Rodgers. I do know that you have moved over to
7 DHCD. So it's good to see you.

8 Let's see if we have any other questions, comments from
9 those.

10 Mr. Brown, I know you're here now. So Mr. Brown, do
11 you have any cross?

12 MR. BROWN: No. I think we'll pass. We appreciate the
13 OP and DHCD's efforts.

14 CHAIRMAN HOOD: Okay. Chair Bender? Chairman Bender?

15 CHAIR BENDER: Nothing right now.

16 CHAIRMAN HOOD: Okay.

17 Commissioner Elkins?

18 COMMISSIONER ELKINS: Yes, Mr. Chairman.

19 Mr. Rodgers, I believe maybe before you joined the
20 hearing, we've heard from Wesley that essentially time is of the
21 essence with regard to getting a decision from the Zoning
22 Commission that would allow them to go forward with this project.
23 You're suggesting as others have that maybe a text amendment
24 would be helpful. Would it be possible, in your view, for the
25 Zoning Commission to essentially allow -- if this is the final



1 view, that Wesley go forward with giving the money to DCHD --
2 DHCD, but that the text amendment -- and that they could go
3 forward with their construction and that any text amendment could
4 take place after that or does the text amendment have to take
5 place before the money moves over to DCHD (sic)? I think this
6 has a lot to do with the timing for Wesley and their ability to
7 stay financially stable in order -- and in time to produce this
8 dormitory?

9 MR. RODGERS: I'm not familiar of what would the process
10 would be, whether or not this is the right venue or whether it
11 would have to be a separate case. I'll defer that to OP and the
12 Commission. I think it's up to Wesley as to whether they're
13 concerned about how much time that would add to the process.
14 That I think that's of their concern. I think DHCD is well suited
15 to either create our pilot home ownership fund or through our
16 normal process of lending for affordable rental housing to
17 administer the \$8 million.

18 COMMISSIONER ELKINS: So if I understand your answer,
19 so you would be able to make good use of the Wesley money without
20 a text amendment although the text amendment would give you more
21 flexibility. Is that -- am I interpreting that correctly?

22 MR. RODGERS: I think the text amendment would be
23 necessary for our either our home ownership fund because these
24 would be home buyers trying to buy an existing unit. I would
25 also point out that enabling it to be applied to existing rental



1 housing might leverage more because new construction is more
2 expensive. We have a number of housing preservation fund projects
3 that I believe were part of LISC's proposal that only have short-
4 term affordability covenants, and they need permanent financing
5 for long term affordability. And so that actually might provide
6 the best leverage in the most number of units for the same amount.
7 So I think there's value there. I think that's what I would
8 raise the most perhaps.

9 COMMISSIONER ELKINS: Good. Thank you very much, Mr.
10 Chairman. That's all the questions I had.

11 CHAIRMAN HOOD: Okay. Thank you.

12 Mr. Clarkson.

13 MR. CLARKSON: No questions, Mr. Chairman.

14 CHAIRMAN HOOD: Okay. And Mr. Carter, Blaine Carter?

15 MR. CARTER: No question.

16 CHAIRMAN HOOD: Okay.

17 Thank you again, Mr. Rodgers. We appreciate you coming
18 and providing your testimony.

19 MR. RODGERS: Thank you for the opportunity.

20 CHAIRMAN HOOD: All right. Good to see you. Thank
21 you.

22 Thank you, Ms. Brown-Roberts as well.

23 All right. Let's go to Commissioner Elkins.

24 COMMISSIONER ELKINS: Mr. Chairman with Commissioner
25 Duncan presented the testimony on behalf of ANC 3D and we have



1 nothing else to add at this point.

2 CHAIRMAN HOOD: Okay. That's right. You may have
3 questions, but I wanted to go through that, so thank you.

4 All right. Ms. Schellin, we can go to Mr. Clarkson
5 now.

6 MS. SCHELLIN: Yes, sir. Yes, sir.

7 CHAIRMAN HOOD: Mr. Clarkson.

8 MS. SCHELLIN: He has, I think, it's 10 minutes which
9 is --

10 CHAIRMAN HOOD: Ten minutes.

11 MS. SCHELLIN: -- left on the clock.

12 CHAIRMAN HOOD: Okay. Mr. Clarkson. Go right ahead.

13 MR. CLARKSON: Thank you. I'll be less than ten
14 minutes. Chairman Hood and Commissioners, my name is William
15 Clarkson, and I'm testifying on behalf of the Spring Valley
16 Neighborhood Association. SVNA is composed of residents of
17 Spring Valley, the neighborhood immediately bordering and
18 adjacent to the Wesley Theological Seminary. And SVNA has been
19 an active participant in the seminary's community liaison
20 committee. We have also participated as a party in multiple
21 Zoning Commission cases involving Wesley. So we appreciate being
22 back before the Commission and being granted party status in this
23 important proceeding.

24 SVNA has and continues to support Wesley's application.
25 We greatly appreciate the Seminary's ongoing efforts to engage



1 in good faith with our organization, with other neighbors, with
2 the ANCs, ANC 3E and ANC 3D, throughout this process, which has
3 been, I think, Vice Chair Duncan said it was about four years.
4 I think I've been working on that as for the same amount of time,
5 but we really appreciate their efforts. We know that this is a
6 critical, you know, life or death issue for the Seminary to remain
7 in place on their site, and we think this project is the way to
8 do that.

9 We also, in particular, you know, and we've said this
10 before. We really appreciate Wesley's support for commitment to
11 community focused amenities associated with the project,
12 specifically the children's play area along University Avenue and
13 also importantly, the proposed new sidewalk on University Avenue,
14 which will be a great resource and help with pedestrian safety.

15 We also appreciate Wesley's efforts to come up with a
16 robust rational security plan. And you know, our organization
17 has discussed this with Wesley, and we are committed to working
18 with Wesley and other stakeholders and parties on this important
19 issue moving forward. You know, we also look forward to
20 continuing to work with ANC 3D and 3E, and the other community
21 affected stakeholders on this matter. I think there's still a
22 lot of work to be done. I will say that -- in Spring Valley,
23 I'm a resident, and Ms. Duncan is our ANC representative.

24 And she and Commissioner Elkins, in particular, have
25 been incredibly accommodating and engaging with our neighbors



1 throughout this process, through the multiple cases, the campus
2 plan, the PUD amendments. And I just want to thank them for
3 their transparency and their real -- their active involvement in
4 this and providing a forum for the community to express their
5 concerns, you know, make their suggestions. And you know, and
6 also, I'd like to -- I haven't been to AMC 3E meetings, but I'd
7 like to thank Chairman Bender and his colleagues as well for
8 their active involvement in this.

9 Finally, and I think this could be, you know, as
10 important and not more important, I've said this in previous
11 testimony. Others have as well. I think moving forward, it's
12 critical that American University, actively and substantively
13 engage with Wesley and the other parties and affected
14 stakeholders in this case. From their November, I think it was
15 the 18th, their November 18th filing, it appears they've started
16 doing that. I think that's a positive development, but we really
17 appreciate, the Zoning Commission's continued support for AU's
18 engagement on this because they are right next door. They're a
19 critical partner in this effort. Again, I'll be brief. It's
20 been a long evening, but I'd like to thank you for your
21 consideration. I hope you look favorably upon Wesley's
22 application. Thank you.

23 CHAIRMAN HOOD: Thank you, Mr. Clarkson. Let's see if
24 you have any questions for my colleagues. I'm looking at
25 everybody now. Any questions, anybody? I'm seeing all hands



1 going that way. So thank you, Mr. Clarkson. We don't have any
2 questions of us, but we want to thank you for all the work that
3 you all have been doing.

4 You know what, I'm going to let the Vice Chair do that.
5 Go ahead, Vice Chair. Thank you.

6 VICE CHAIR MILLER: Thank you, Mr. Clarkson, for your
7 active involvement for your -- in this case and other cases in
8 Spring Valley representing your fellow neighbors. Thank you.

9 MR. CLARKSON: Thank you.

10 CHAIRMAN HOOD: Right. I'll tell you where I got that
11 from Vice Chair. I was on BZA the other day, and Fred Hill --
12 Chair Hill said you were the best at it. So I'm going to start
13 utilizing that, so anyway. All right. Let's --

14 MR. CLARKSON: I've watched a lot of Academy Awards, I
15 guess.

16 CHAIRMAN HOOD: All right. Let's go to see if anybody
17 has any questions with Mr. Clarkson.

18 Commissioner Elkins. Oh, no. You know what, hold on.
19 Hold on a second.

20 Mr. Brown.

21 MR. BROWN: Thank you, Chairman. No. Thank you to Mr.
22 Clarkson for all his work and look forward to continue.

23 CHAIRMAN HOOD: Okay. Thank you.

24 Commissioner Elkins, do you have any questions of Mr.
25 Clarkson?



1 COMMISSIONER ELKINS: No, Mr. Chairman. We have
2 appreciated Mr. Clarkson's associations work with us and -- but
3 I have no questions for him.

4 CHAIRMAN HOOD: Thank you.

5 Chairman Bender. There you go.

6 CHAIR BENDER: No questions but I want to give my thanks
7 to Mr. Clarkson and also some belated thanks to 3D for all the
8 work that they've done.

9 CHAIRMAN HOOD: Okay. Thank you.

10 And Mr. Carter.

11 MR. CARTER: No question.

12 CHAIRMAN HOOD: Okay. Thank you.

13 Ms. Schellin, do we have anyone here who's in support?

14 MS. SCHELLIN: Let me check. Let's see what we've got
15 on our list. For support, I think we may have caught all of the
16 support, but let me just check one more time. That's all of the
17 applicant's team. We have completed the proponents.

18 CHAIRMAN HOOD: Okay. Let's go over to --

19 MS. SCHELLIN: So we are ready for the opposition.

20 CHAIRMAN HOOD: -- party in opposition, NLC/SVWHCA.

21 MS. SCHELLIN: Uh-huh.

22 CHAIRMAN HOOD: Mr. Carter, you may begin. I think
23 you're on mute, Mr. Carter.

24 MR. CARTER: Got me?

25 CHAIRMAN HOOD: Yeah. There you go.



1 MR. CARTER: Chairman Hood and Commissioners. When
2 Wesley first brought this case before the Zoning, the Commission,
3 in March '22, I never would have imagined testifying before you
4 again nearly four years later about its plan to enter into a
5 ground lease with commercial developer Landmark properties to
6 house more than 600 AU students on the Wesley campus. And the
7 words that Yogi Berra made famous is deja vu all over again. The
8 last four years, Wesley has cited a need to thrive at
9 justification for giving Landmark property access to Wesley's
10 land to house AU students.

11 This comes after several proceedings before the
12 Commission from 2011, 2019, in which Wesley said it needed to
13 modify its 2005 campus plan because financial condition was dire.
14 In 2011, Wesley said modifications to its campus plan, which were
15 approved by the Commission, would ensure its financial well-being
16 for 50 years. The modifications include the construction in 2014
17 of a new 75-bed style dormitory that Wesley said will be the last
18 piece of construction on this site for a generation. Just 11
19 years later, we're at it again.

20 Chairman Hood, you were the only remaining Commissioner
21 from that time, and you might recall that NLC and Spring Valley
22 hit the site, Citizens Heights Association appeared routinely
23 before the Commission to support Wesley's request. In fact,
24 there was even one hearing where we sparred with the Commissioners
25 and DOT to encourage a relaxation of traffic monitoring



1 requirements that would have cost money, which Wesley said it did
2 not have.

3 Yet in this case, our two organizations find themselves
4 for the first time in our histories in a disquieting position of
5 opposing Wesley's latest plan to secure its financing. The case
6 records over the last four years show that Wesley has advised the
7 Commission that its enrollment had stabilized and is even
8 growing, that its housing is fully subscribed. With data we were
9 able to get from Wesley, albeit incomplete, suggests otherwise.
10 As part of this further processing, we requested more data from
11 Wesley, and Wesley provided it. That data leaves us surprised,
12 if not alarmed.

13 You'll have to refer to Attachment A on this -- on my
14 testimony that's been submitted. This is the type of data that
15 Office of Planning should have collected as part of the overall
16 analysis of Wesley's application. Wesley was authorized in 2005
17 to provide 172 beds in three buildings to house its students on
18 campus. Wesley has only been using two of the three buildings
19 with a housing capacity of 117. Wesley now reports that only 45
20 beds are occupied on campus by Wesley students, families, and
21 visitors, including only 24 beds in the 76-bed dorm that opened
22 in 2014.

23 The 2014 building will continue to operate as a
24 residence hall under the campus plan approved in July 2025 by the
25 Zoning Commission. This tells only part of the story. Wesley



1 volunteered that on average, only 50 students are on campus each
2 day, Monday through Thursday, with a high of 88 on Tuesday and a
3 low of 25 on Wednesdays. This is averaged over a four-day week
4 because there are no classes on Friday, Saturday or Sunday
5 according to Wesley.

6 Of the 248 master's students enrolled at Wesley at the
7 current time, 181 or 79 percent commute to the campus. Wesley
8 notes that its doctoral students do not come to the campus
9 regularly and may never come to the campus at all. Wesley advised
10 that fewer students, faculty and staff are required to come to
11 campus because of remote classes to work. So no wonder the
12 Western campus is so quiet and is currently poses no objectionable
13 conditions to the neighboring property as defined in the zoning
14 regulations.

15 We have some -- we had some concern about the
16 comprehensive transportation report that was filed in this case.
17 But after reviewing this new data from Wesley, it would be absurd
18 to raise transportation concerns despite the high percentage of
19 commuter students. Wesley's numbers indicate that even its
20 commuter students are not coming to the campus. The new data
21 from Wesley goes beyond confirming our worst fears. Wesley's
22 8.6-acre campus, which has an assessed value of 70.3 million
23 despite having billions -- buildings designated in the city as
24 vacant, is a campus to name only.

25 Given how Wesley's land is being used, we now, more



1 | than ever, question the extraordinary relief the Commission has
2 | granted Wesley through the text amendment process. With that
3 | decision, the Commission gave a commercial developer discounted
4 | access to incredibly valuable land. There were only other ways
5 | at Wesley to monetize its land while protecting the integrity of
6 | zoning regulations and D.C. land-use policies. It will come as
7 | no surprise that NLC, SVWHCA opposes this further processing
8 | application.

9 | Let me be clear in stating, we do not oppose new housing
10 | on the campus. We oppose Wesley building a 659-bed residence
11 | hall for AU students on Wesley's campus. We oppose Wesley giving
12 | a developer whose commercial business and student housing access
13 | to institutional land in the District of Columbia that has an
14 | underlying residential zoning classification. Landmark will
15 | provide student housing that is not even targeted to the
16 | institution that owns the property. The new students have no
17 | need for a 659-bed residential facility.

18 | The Commission has tried to model this issue by
19 | treating both AU and Wesley as a single or combined institution
20 | because they are neighbors. They are separate institutions and
21 | separate property owners with separate campus plans that have
22 | fundamentally different educational missions. Treating them
23 | otherwise is contrary to the zoning regulations. Following are
24 | six reasons for opposition to this further processing
25 | application.



1 First, despite the text amendment adopted by the zoning
2 specifically to move Wesley planned forward, the Landmark
3 building, which is the primary element of this further processing
4 application, still does not comply with Subtitle X, Section 101.4
5 of the Zoning Regulations. Subtitle X-101.4 states that the
6 campus plan process shall not create developments unrelated to
7 the educational mission of the applicant. The data provided by
8 Wesley further amplifies what we've been saying for some time and
9 that the case record shows this Commission never addressed. There
10 is nothing about the Landmark building that is related to Wesley's
11 educational mission. No matter how Wesley may try to spin its
12 proposal, it is nothing more than a financial transaction between
13 Landmark and Wesley.

14 Second, in addition to meeting Wesley's educational
15 mission, the Landmark building also does not comply with Subtitle
16 X, Section 102, which states -- cites, a number of students as
17 an objectionable condition. The Landmark building will be
18 located so as to become objectionable to neighboring property
19 because of the high number of AU students that Landmark will
20 house on Wesley's campus. This building will dominate the Wesley
21 campus and dwarf the existing Wesley building infrastructure. It
22 will even have a larger housing capacity than all of the 12 AU
23 dorms on the AU campus but one.

24 Reflecting the trend for smaller residential halls on
25 campus, most of the dorms on the AU campus house only half the



1 number of the AU students planned to be housed in Landmark's
2 building. The Landmark building would be an anomaly on the AU
3 campus. The low-density and low-rise Wesley campus has served
4 as an effective buffer between AU and the low-density residential
5 Spring Valley neighborhood. This will land with the Landmark
6 building, which will dominate the hilltop overlooking the Spring
7 Valley neighborhood.

8 Third, Subtitle X, Section 101.2, cites the noise as
9 an objectual condition. As part of this further processing,
10 Wesley has not addressed noise issues stemming from students' use
11 of the amenities in the center courtyard of the building. Given
12 the building's location and based on history and working with AU
13 on sound issues, we know that the building's location on top of
14 the hill will contribute to sound traveling into the
15 neighborhood. Wesley has offered no information in this
16 application to assuage neighbors' concerns about noise.
17 Complaints about noise from residents in the off-campus Landmark
18 building in College Park for University of Maryland students only
19 deepens concerns about noise.

20 Fourth, we have heard many residents who worry about
21 this project will be a financial failure or that Wesley will fail
22 and have no choice but to leave its site despite whatever
23 agreements they have with Landmark. They cite Wesley's history
24 of failed long-term planning. They also expressed concern that
25 the Commission is making decisions on this project without having



1 done a review of the terms of the Landmark-Wesley agreement or
2 even asked to review its annual financial statement that most
3 colleges and universities would provide routinely as part of an
4 annual report.

5 Wesley has cited financial need to seek special
6 treatment on the Commission including change in the Zoning
7 Regulations that would apply only to the Wesley-Landmark project.
8 Further processing at the time when Wesley should be required to
9 document this need and to document how its agreement with Landmark
10 will achieve the desired outcome. Although Wesley had the burden
11 of proof in this process, the application is silent on this issue.

12 Fifth, when Wesley rushed to file a further processing
13 application, only eight days after the Commission voted to
14 approve its campus plan. Even a cursory review of the application
15 demonstrated that Wesley had not yet resolved many of the issues
16 that Wesley pledged to address during further processing. This
17 includes Wesley's construction management, security and
18 inclusionary zoning proposals. Despite our opposition to this
19 further processing, we took the initiative to reach out to Wesley
20 in late September to discuss construction management and
21 security.

22 This was not the first time we reached out to Wesley
23 throughout the multi-year process, but Wesley has not seemed too
24 interested engaging directly over the last four years. Based on
25 our experience with AU and Wesley on new construction projects



1 over the years, we know that how a construction management and
2 security are addressed will have significant day-to-day impacts
3 for the neighboring residents. Although disruption and
4 inconvenience are inevitable in a new construction, our goal is
5 to help manage neighbors' expectations and minimize the
6 disruption inconvenience to the maximum extent possible.

7 We're happy to support the detailed construction
8 management plan proposed by Wesley for this project, and we
9 encourage the Commission to incorporate it into the order in this
10 case. We appreciate Wesley's willingness to engage with us and
11 to incorporate many of the suggestions we made, especially in the
12 last week. We believe the result of a plan that is good for
13 Wesley and the neighbors and can serve as a model for other
14 residential neighborhood dealing with the impacts of a new
15 construction project. We cannot, however, support the security
16 plan that Wesley proposing as part of its proceedings.

17 The security plan submitted by Wesley focuses mostly
18 on the new landmark building and is intended to ensure the safety
19 of the building's residents within the building. It is not a
20 campus-wide security plan that addresses the changing nature of
21 Wesley as a graduate level seminary to a campus which Wesley is
22 used by a developer to house more than 600 undergraduates from
23 another institution. It does not address the safety challenges
24 on a campus at a time when the world's problems are played out
25 on the university property.



1 That requires a security plan that is forward looking
2 and campus wide. That plan submitted by Wesley on October 14th
3 in this case is incomplete and does not meet the challenge. It
4 is not for the neighbors and it is not good for Wesley or the
5 students who will occupy the campus. Although Wesley and our two
6 groups have come close, we are not yet in agreement with Wesley's
7 security plan that is now before the Commission. We pledge
8 tonight to continue to work with Wesley prior to your
9 deliberations in this case in hopes of reaching a better outcome
10 for the neighbors and Wesley. We hope you will encourage Wesley
11 to work with us on this issue prior to this case being decided.

12 Our sixth and final opposition, we want to join ANC 3E
13 and the Committee of one hundred and expressing concern with
14 Wesley's inadequate IZ proposal. The 8 million IZ offer by Wesley
15 is insufficient. It is our understanding that the 8 million
16 contribution is based only on Landmark's hard construction costs,
17 not the overall project costs. The IZ contribution should reflect
18 total project costs. In addition to hard costs --

19 CHAIRMAN HOOD: Mr. Carter, I think you went on mute.

20 MR. CARTER: -- the financing costs. Sorry. Although
21 we did not agree with its decision, the Committee delayed
22 consideration of the IZ until further processing. That means
23 Wesley has had more than enough time to develop a consensus driven
24 IZ proposal. Wesley indicated in September it would convene a
25 meeting of the CLC specifically to discuss IZ. That meeting



1 never had occurred. We now realize this may be due to opposition
2 to Wesley's initial IZ proposal from the Department of Housing
3 and Community Development.

4 Wesley did not share that information with us. Most
5 of us knew nothing about DHCD's view of Wesley's IZ proposal
6 until the ANC meeting on November 13th. It was not until Wesley
7 submitted slides for a presentation in the record last Friday
8 that it provided any information to the neighbors on the IZ
9 program. But details we know come from the Office of Planning
10 report for this hearing. DHCD's new proposal justifies more
11 thorough review of both Wesley and DHCD's plans. We encourage
12 the Commission to consider convening an additional hearing in
13 this case specifically limited to IZ. We want to publicly express
14 our appreciation for ANC 3's efforts on the IZ issue, especially
15 given that the residents impacted in this case fall in a different
16 ANC because of the last round of ANC gerrymandering that has cost
17 several Ward 3 neighborhoods, including ours, meaningful
18 representation.

19 Finally, Wesley's further processing application
20 refers to the standard of College Park which was built out and
21 managed by Landmark. We have learned this building is a subject
22 to many online complaints from its residents including concerns
23 about noise stemming from executive partying, Thursday through
24 Saturday, poor maintenance, poor construction, including thin
25 walls that allow noise to travel from unit to unit, just to name



1 a few. These complaints raise concerns about the quality of the
2 product that Landmark will provide at the site, an issue that has
3 not been addressed by Wesley in the further processing
4 application.

5 Let me conclude this testimony by saying that we come
6 to this hearing tonight more concerned and more chagrin by
7 Wesley's long-term prospects for viability in our neighborhood.
8 And consequently, the viability of the Landmark building. Our
9 goal over the last three years has not been to win a case, but
10 rather to share the views of neighbors with you on a project in
11 our neighborhood. Long after this case is decided, you will not
12 be impacted by the decision you make. But SVWHCA, ANC 3D, NLC
13 and the local neighbors will. Thank you very much for this
14 opportunity yet again to share our views with you.

15 CHAIRMAN HOOD: Thank you, Mr. Carter. I'm just going
16 to speak and everybody has a right to their testimony. When
17 people say you don't know what's in your neighborhood, you say
18 we will not be infected. Sometimes you better be careful what
19 you ask for because what I deal with, I would rather deal with
20 what you're dealing with than what I have to deal with. When
21 you deal with trash transfer stations, that's a total different
22 ballgame. So I just -- I always caution people when you say what
23 the Commission does have to deal with. You don't -- we live in
24 the City, we live in areas too. And in my area, specifically,
25 I'm just talking about Anthony Hood, be careful what you ask for.



1 So I'm going to -- I appreciate your testimony except for that
2 last part. Be careful.

3 MR. CARTER: Careful.

4 CHAIRMAN HOOD: Be careful --

5 MR. CARTER: Okay.

6 CHAIRMAN HOOD: -- what you ask for.

7 MR. CARTER: Loud and clear.

8 CHAIRMAN HOOD: All right. Let me go to my colleagues.

9 Commissioner Wright.

10 COMMISSIONER WRIGHT: No questions.

11 CHAIRMAN HOOD: Commissioner Imamura.

12 COMMISSIONER IMAMURA: No questions.

13 CHAIRMAN HOOD: And Commissioner Stidham?

14 COMMISSIONER STIDHAM: No questions. Thank you.

15 CHAIRMAN HOOD: And Vice Chair Miller.

16 VICE CHAIR MILLER: Thank you, Mr. Carter for your
17 testimony, but yeah. I have no questions. Would you prefer --
18 well, I'll come up with one, but keep it brief.

19 MR. CARTER: Yep.

20 VICE CHAIR MILLER: Because it's late in terms of your
21 response. Would your organization prefer RA-1 zoning of garden
22 apartments on these 8 acres there?

23 MR. CARTER: No. I think what our group would prefer --
24 and I can't speak for all the group. There were other solutions
25 such as the one general --



1 VICE CHAIR MILLER: I'm just asking, would you prefer
2 that? What would be allowed under RA-1 zoning?

3 MR. CARTER: Possibly. Possibly.

4 VICE CHAIR MILLER: Okay. Thank you.

5 CHAIRMAN HOOD: I too want to thank you, Mr. Carter,
6 for your presentation of your party. I do wonder, though, you
7 know, I'm glad you mentioned, you're right, some years ago, it
8 was support, and we need to figure out how to get back to that.
9 And I appreciate your testimony. Let me see if others have any
10 questions, I mean.

11 Mr. Brown, do you have any cross-examination?

12 MR. BROWN: Quickly, Chairman Hood.

13 Mr. Carter, I'm not used to calling you by Mr. Carter,
14 but we've spent a lot of time together particularly in the last
15 couple weeks. I want to focus. You've raised security concerns,
16 and I want you to be as specific as possible because we and the
17 Commission need to know what are your security concern.

18 MR. CARTER: Well, you know, we had one meeting, Pat.
19 We did spend some time together. I wouldn't say we spent a lot
20 of time together. You know, and we expressed, at the time, the
21 lack of concern over lack of coordination between Wesley's campus
22 and the new building. And that there are going to be separate
23 security systems. And you know, by law, yeah, you've subleased
24 ground, but the reality is that the building is right up against
25 the Wesley campus. And in in a 600-bed dorm of undergrads is



1 going to change the character of that campus. But there doesn't
2 seem to be coordination between Wesley's security system and the
3 Landmark security system for one. We're concerned about the
4 lack --

5 MR. BROWN: But what --

6 MR. CARTER: We're concerned about the lack of --

7 MR. BROWN: Please go ahead.

8 MR. CARTER: -- physical patrol. I'm sorry.

9 MR. BROWN: There was testimony earlier that the
10 security camera system and the night patrols of the campus were
11 campus wide and integrated through Landmark. So we have an
12 integrated security system. More security on this campus than
13 there ever has been. What more -- and be specific because the
14 creation of scenario --

15 MR. CARTER: The last time we talked, those systems
16 were not integrated. Okay. You know, when we had the meeting
17 at Wesley, they weren't integrated. So maybe it requires another
18 meeting. There certainly were concerns about camera location and
19 integration. There are concerns about that -- how the -- if
20 there are problems, there is remote monitoring that, you know,
21 isn't live necessarily. So we would have to sit down and go
22 through a number of the things.

23 MR. BROWN: The current plan has been, operative, since
24 our pre-hearing statement on the 24th. But again,
25 specifically --



1 MR. CARTER: Well, I'm giving you specific. I'm giving
2 a big specific --

3 CHAIRMAN HOOD: Why don't we do this? Let me just
4 interrupt. Why don't we do this, Mr. Brown, Mr. Carter. I think,
5 Mr. Carter's point was you all have one meeting. He said maybe
6 there's another meeting. You know, it's going to be a while
7 before we do anything with this. So maybe there will be some
8 time that you all can have this kind of conversation outside of
9 us, and then you can report back to us, if there's some
10 disagreement. I think that'll be a better in trying. We're not
11 going to solve it at 9:31, in only four years, we haven't gotten
12 to that. So we're not going to solve it tonight. So what we
13 what you all can do is meet without us, and just give us a sheet,
14 Mr. Carter and the applicant, Mr. Brown, and just let us know
15 where you all are on these issues that you are still outstanding.
16 So can we go to the next issue if you have any other things, Mr.
17 Brown? We're not going to solve any of that tonight.

18 MR. BROWN: Can I just ask one question of Mr. Carter?

19 CHAIRMAN HOOD: Sure. Go ahead.

20 MR. BROWN: Point well taken.

21 In the security, do you think a fence is necessary for
22 security purposes along the university face of the campus, the
23 university --

24 MR. CARTER: Well, let's be clear. I do think that a
25 fence would be beneficial, not down at the perimeter, not blocking



1 the green space, but a fence set way back up against the 2014
2 dorm and the new dorm would be very beneficial. Okay. And this
3 doesn't restrict --

4 MR. BROWN: There should be --

5 MR. CARTER: This doesn't restrict the neighborhood
6 access to the green space, doesn't respect -- restrict sledding
7 down the hill. It allows a lot of Wesley campus to be open, but
8 it could serve as a benefit. It could serve as a buffer to
9 control the 600 some students, undergrads, that are going to be
10 populating that building potentially.

11 MR. BROWN: I think we're done, Chairman Hood.

12 CHAIRMAN HOOD: Okay.

13 MR. BROWN: I know we're done.

14 CHAIRMAN HOOD: Yeah. And I hope you all continue to
15 have that discussion and that meeting as you all --

16 MR. CARTER: Chairman Hood, I just want to say, Wesley
17 was very amenable for working on the construction management
18 plan. And if we have as much progress on the security plan, I'm
19 optimistic.

20 CHAIRMAN HOOD: Okay. All right. Well, thank you.
21 That's good to hear. So you all can -- hopefully, you all --
22 I'm sure you all will continue to have those discussions because
23 what I've noticed is you all on first name basis. You're not
24 used to calling each other commissioner or mister, so you
25 obviously all have been having these conversations, which I think



1 is good. And I want to applaud all of you for continuing to do
2 that. Well, where there's disagreement, we can always disagree
3 to agree -- agree to disagree to agree. All right. All right.
4 I know that's took it in a step further.

5 All right. Where am I? Ms. Schellin -- thank you.
6 Any questions? I think we did that, didn't we? Yeah.

7 Ms. Schellin, do we have anyone who's here in
8 opposition?

9 Thank you, Mr. Carter. We appreciate your party's
10 testimony.

11 MS. SCHELLIN: Did the rest of the -- did everyone else
12 do cross, or was that just Mr. Brown?

13 CHAIRMAN HOOD: Didn't I do everybody else? Oh, no.
14 I did. Oh, thank you. Okay.

15 All right. Commissioner Elkins, do you have me cross
16 of Mr. Carter?

17 COMMISSIONER ELKINS: We have no questions. Thank you,
18 Mr. Chairman.

19 CHAIRMAN HOOD: Okay. Thank you.

20 Chair Bender, do have any cross of Mr. Carter?

21 CHAIR BENDER: No. I have nothing. Thanks, Mr. Chair.

22 CHAIRMAN HOOD: Thank you.

23 Mr. Clarkson, do you have any cross of Mr. Carter?

24 MR. CLARKSON: Yes. Just about the security fence
25 because, Commissioners, this has come up multiple times in the



1 past AMC meetings and at CLC meetings. So I just want to be very
2 clear on NLC, SVWHCA's position about a fence being very
3 beneficial.

4 Mr. Carter, would the -- do you think the fence would
5 be very beneficial because it would restrict resident -- building
6 residents' ability to directly access University Avenue, a public
7 street?

8 MR. CARTER: No. That's -- don't mischaracterize it.
9 That's not --

10 MR. CLARKSON: But that's what it would do; is that
11 accurate?

12 MR. CARTER: No. That's not accurate, Bill. It isn't.
13 Okay. I'm not trying to restrict people from a public street.
14 What I'm trying to do is deal with the fact that I have a
15 residential area that is zoned for individual dwellings and the
16 expectation of minimal pedestrian traffic that's getting abutted
17 with a 600-bed dorm and the fence would assist as a buffer, not
18 a restriction, but a buffer to slow down potential -- you know,
19 there were groups of students walking up the University Avenue.
20 I mean, I'd rather send them down to your front yard and have
21 them, you know, on your front yard.

22 MR. CLARKSON: You've been walking on a public street
23 because I think myself and our organization, I just -- do you --
24 would you consider the student residents neighbors?

25 MR. CARTER: Yes. But look, Bill, come on. You are



1 | you are comparing a 600-bed dorm to a neighborhood of individual
2 | dwellings with a much less population. Okay. Much less density.
3 | Okay. You know, and you're throwing out a public street as
4 | though, you know --

5 | MR. CLARKSON: It is it not a public street?

6 | MR. CARTER: It is a public street.

7 | MR. CLARKSON: It is a public street with a new
8 | stonewall.

9 | MR. CARTER: Okay. Bill, you know what, it's a public
10 | street that has an expectation for a certain density of
11 | pedestrian. Okay. You are in a single dwelling area, and you're
12 | putting up an institutional 600-bed dorm right next to it. So
13 | you know, don't throw the -- public -- you're restricting people
14 | from public property. We're talking about expectation of
15 | density.

16 | MR. CLARKSON: And just final question. You think that
17 | heightened density, i.e., more neighbors, student residents from
18 | that building who are our neighbors walking on University Avenue
19 | would present -- that higher density would present a security
20 | threat?

21 | MR. CARTER: It would potentially create security and
22 | annoyance problem, yes.

23 | MR. CLARKSON: Annoyance as well. Okay. Thank you.
24 | Those are -- that's it. Appreciate it.

25 | CHAIRMAN HOOD: Okay. Thank you. So my colleagues, I



1 know we're going late, so I think we can finish this. I'm hoping.
2 I know at 10 o'clock, Commissioner May used to -- I don't know
3 what he's turning to, but he used to get on me at 10 o'clock. So
4 hopefully, when he get the (indiscernible) won't tell my -- but
5 he knows how he say he turns into something at 10 o'clock, so
6 -- but anyway, let's see if we can push through this and get
7 finished, but I want to be respectful of those who've been here
8 the whole time. So let's just hang in there for a few more --
9 few more minutes or so.

10 Ms. Schellin, do we have those who are in here in
11 opposition?

12 MS. SCHELLIN: Yes. So we're going to --

13 CHAIRMAN HOOD: Let's bring up four to me.

14 MS. SCHELLIN: Okay. So we have Carol Aten, Margaret
15 Dwyer, Shelly Repp, Robert Scholz.

16 Mr. Young, do you have four?

17 MR. YOUNG: Yes, I do.

18 CHAIRMAN HOOD: Okay.

19 MS. SCHELLIN: Okay. Thank you.

20 CHAIRMAN HOOD: All right. Let's go Carol Aten.

21 MS. ATEN: Okay. So I am Carol Aten. I am an Officer
22 and Trustee of the Northwest Opportunity Partners Community
23 Development Corporation. And we oppose the current proposal for
24 many of the topics that have been discussed here tonight. I'll
25 just touch on a couple. But I would say that this hearing is an



1 | example of why this kind of off-site IZ should never happen. I
2 | would hope that the Commission's final decision will specifically
3 | state that this is not a precedent because we have had problems
4 | with this before, as I remember.

5 | Anyway. Okay. So we strongly agree that the IZ should
6 | be in Ward 3, more proximity, the better. We are very strongly
7 | in favor of bringing new affordable housing. As you know, Ward
8 | 3 is starving for affordable housing and conversions simply don't
9 | add to the housing supply. So we strongly support the affordable
10 | housing. We support homeownership, but in this case, this would
11 | not have been homeownership. And I think since we are talking
12 | about replacement IZ, it ought to be in kind. And we definitely
13 | think that the affordable housing should be the rental
14 | properties.

15 | And we are familiar with the Somerset project. I would
16 | point out that that's even more deeply affordable than what
17 | typical IZ is in the 30 to 50 percent range. We also agree that
18 | the proffer should be increased for all the reasons that have
19 | been discussed. And we think it would be a really good idea to
20 | increase IZ to 15 percent both because that would be the kind of
21 | amount you might get in a PUD and it would be a fair thing to
22 | do. But also, because it might discourage any future attempts
23 | to request this kind of relief. And it would certainly kind of
24 | create a justification and sort of let the applicant earn its
25 | relief to get this off-site allowance.



1 We are strongly opposed to giving the money to DHCD.
2 Their record is pretty brim. We do support transferring the
3 money to LISC. They have an excellent track record. They are a
4 lot more nimble. Are not going to get bogged down in the various
5 sort of bureaucratic delays and processes that DHCD is likely to
6 have. Again, we don't think that the conversions are a good
7 solution.

8 We would note, however, as Patrick did in his testimony
9 about the Somerset project, that additional DHCD assistance is
10 usually needed for affordable housing. And we would hope, in
11 fact, that DHCD would give priority to whatever housing this
12 proffer goes to, because it's the city that is creating the
13 need -- to create this affordable housing and that they ought to
14 be doing whatever they can to help support that to happen. So
15 let's see.

16 We also have sort of a question about why -- even though
17 it is very appealing to have a revolving loan fund so you keep
18 having money available, in this case, it seems that a grant would
19 be more appropriate. You are talking about giving money to
20 somebody to build new affordable housing. And I am not quite
21 sure why a loan is the sort of best option about that. We have
22 some other questions we have sort of put out in our written
23 testimony. And in the interest of time, I give up. So thank
24 you. Am willing to answer questions.

25 CHAIRMAN HOOD: Thank you, Ms. Aten. We may have some



1 | questions for you. And thank you for hanging in there with us.

2 | MS. ATEN: Okay.

3 | CHAIRMAN HOOD: Margaret Dwyer.

4 | MS. DWYER: Good evening. I think we win a prize for
5 | a marathon meeting here. I'm speaking on behalf --

6 | CHAIRMAN HOOD: Three more hours, but you're good.

7 | MS. DWYER: Please, no. Let's lose the marathon, okay.
8 | I'm here speaking tonight on behalf of Ward 3 Housing Justice.
9 | We're a grassroots affiliate of Empower D.C. We're focused on
10 | creating truly affordable housing in Ward 3, and we urge the
11 | Zoning Commission to reject this proposal as inadequate, vague,
12 | and inequitable. We stand 100 percent in agreement with ANC 3E.
13 | That's my ANC, I must say. I live in John Bender's single member
14 | district. And we believe that the proffer does not approach an
15 | appropriate amount.

16 | We did do some of our own math, but I think now that
17 | I've listened to people who know more about this than we laypeople
18 | do, we want to just support what the ANC 3E consultant
19 | recommended. Something along those lines. We had thought it
20 | should be almost double what they were offering, about 14 million
21 | when we did the work on it, but I don't know. We'll see what
22 | ends up being a reasonable amount. However, we have no doubt
23 | about the need to call for a clear plan with meaningful oversight
24 | for the effective use of this money for the sole purpose of
25 | building new affordable housing in Ward 3.



1 We object to the last-minute switch from LISC to DHCD.
2 LISC has an excellent track record of ethnically and efficiently
3 managing funding for criteria-based projects. And we think
4 that's what this ought to be, a criteria-based project. And the
5 criteria for these funds should clearly speak to the overwhelming
6 need in Ward 3 for permanently affordable, low-income, family
7 sized units. We have so few of those.

8 So given the disarray at DHCD, particularly with the
9 mismanagement of the IZ program and this is part of the IZ
10 program. I'm sure we've all read the auditor's report on the
11 mismanagement of the IZ program. Their role in this program
12 should be supporting proposed developments that meet the criteria
13 with other sources of funding. That would actually be a welcome
14 change since the Housing Production Trust Fund has invested in
15 exactly one project in Ward 3 in its entire history.

16 So we urge the Zoning Commission not only to reject
17 this vague and we feel self-serving proposal to invite LISC and
18 other stakeholders to draft a concrete plan that meets the needs
19 of Ward 3 outlined above. And also, we ask the Zoning Commission
20 to draw a hard line under this case to make it clear that this
21 kind of vague off-site accommodation is never going to be approved
22 again. We have a history in Ward 3 that needs repair. Black
23 households who have median incomes of less than 40 percent of the
24 median family income have been literally driven out of the Ward,
25 robbed of their wealth, officially excluded in deeds and



1 covenants, and now held at arm's length by exorbitant housing
2 costs here.

3 This kind of inequity is not an accident. It's a series
4 of policy decisions. And tonight, you'll be undertaking yet
5 another one of those policy decisions. And we have a chance to
6 turn a corner and make a difference in creating permanently
7 affordable, low-income, family sized units in Ward 3. Thank you
8 so much.

9 CHAIRMAN HOOD: Thank you, Ms. Dwyer, and two, we want
10 to thank you for having me on this whole time. We may have some
11 questions for you.

12 Mr. Shelly Repp. You're still on mute. There you go.
13 I think you're ready.

14 MR. REPP: Okay. Yes. Okay. Sorry. Good evening,
15 Chairman Hood and members of the Commission. My name is Shelly
16 Repp, and I'm testifying today on behalf of the Committee of 100
17 in opposition to the further processing application for Wesley
18 Seminary's campus plan. The principal element of the plan is a
19 proposal by Wesley to enter into a 99-year ground lease with
20 Landmark properties under which Landmark will construct, own,
21 manage, and profit from a seven-story, 659-bed luxury apartment
22 building on the Wesley campus.

23 The Committee of 100 will focus our comments on
24 Wesley's commitment to provide affordable housing in Ward 3
25 through the inclusionary zoning program. Inclusionary zoning is



1 an issue in this case due to the fact that most of the tenants
2 in the apartment building will be AU students rather than Wesley
3 students. In fact, a plausible case can be made that almost all
4 of the tenants will be AU undergraduates. All parties have
5 accepted that the generally applicable IZ requirements for
6 housing developed by or on behalf of a local college or university
7 exclusively for its own students do not apply here.

8 As set forth below, the Committee of 100 has three
9 major concerns with this proposal. First, the financial
10 contribution is inadequate. The IZ text amendment provides that
11 Wesley may make a financial contribution for off-site IZ that is
12 not less than the amount required under the IZ program, which
13 Wesley admits as 10 percent of residential floor area or at least
14 22,000 plus square feet. Given the extraordinary relief granted
15 to Wesley through two text amendments, the Committee of 100
16 believes Wesley should be required to produce far more than 10
17 percent IZ.

18 However, as I will explain, Wesley's proper falls far
19 below what would be needed even to satisfy a 10 percent
20 requirement. Wesley and OP claimed that an \$8 million
21 contribution would satisfy the 10 percent minimum IZ requirement
22 based on an IZ cost of \$325 per square foot. Wesley previously
23 informed the community that this cost is based solely on the
24 resident -- the residence halls construction, cost of
25 construction. The Committee of 100 has been advised that



1 construction costs for a typical apartment building are at least
2 \$450 per square foot, not \$325 per square foot.

3 In addition, what's missing are design and soft cost,
4 financing cost, the cost of land, and a development fee. We
5 believe that the total of all these costs comes to more than \$700
6 per square foot. Based on the IZ requirement, the financial
7 contribution needed to meet even a 10 percent IZ requirement
8 should be more than \$16 million.

9 Second, DHCD should not administer the IZ program.
10 Wesley originally outlined a process in which the money would be
11 donated to LISC. The Committee of 100 was surprised to hear on
12 November 14th that OP now recommends at the request of DHCD that
13 the IZ program be administered by DHCD. To us, this seems to be
14 a blatant money grant. The Committee of 100 strongly recommends
15 the DHCD not be entrusted with administration of the IZ fund.
16 Just a year ago, D.C.'s auditor in a report entitled Stronger
17 DHCD Oversight Needed for the Inclusionary Zoning Program
18 concluded that DHCD did not adhere to the D.C. Code, D.C.
19 Municipal Regulations, or IZ Development Covenants to fill to
20 fill IZ's units, to recertify tenants' income, to renew leases,
21 and submit annual reports. Additional DHCD failures have come
22 to light just recently. It should be obvious that the agency
23 has enough problems conducting its normal responsibilities, much
24 less taking on additional ones.

25 Finally, the plan for administering the fund is much



1 too vague. Wesley and OP have failed to show the principles that
2 will be used in administering the fund and the criteria that will
3 be used in selecting projects for funding. More detail or
4 parameters, as Commissioner Wright indicated, is needed to ensure
5 that the new -- that new affordable units will be produced in
6 Ward 3 as required by the text amendment. For all these reasons,
7 we believe the Commission should reject the IZ component of the
8 plan. Thank you for your consideration.

9 CHAIRMAN HOOD: Thank you and thank you, Mr. Repp for
10 hanging in there with us. We may have some questions for you.
11 You can hold tight.

12 Mr. Bob Scholz. Hope I pronounced your last name
13 correctly. [Schoolz] or [Skols]. Mr. Scholz. There you go.

14 MR. SCHOLZ: I am on. Just a minute. Oh, here. No.

15 CHAIRMAN HOOD: We can see you and we can hear you.
16 You're on.

17 MR. SCHOLZ: Okay. Thank you. And thank you everyone
18 that has spoken so far. I've enjoyed that. Chairman Hood and
19 members of the Commission, I'm Bob Scholz, and my family and I
20 for the past 40 plus years have lived at 3900 University Avenue
21 directly across from the exit drive from Wesley to University
22 Avenue. I first want to say Wesley has been a good neighbor,
23 and I hope they remain at the site. Nonetheless, I oppose this
24 Wesley-Landmark project. The Wesley land is low-rise residential
25 RA-1, which allows buildings no more than four stories in height.



1 This zoning provides a buffer between AU's high-rise zoning and
2 the residents of Spring Valley.

3 The proposed six- to seven-story commercial high-rise
4 project violates this zoning, and the Zoning Commission seems
5 okay with this. However, from our point of view, this project
6 is an 11- to 12-story building because it is placed on a 50-foot
7 hill above University Avenue. Understandably, AU is not a
8 participant and has not gone on the record for this project.
9 This project will divert revenue from AU that currently has its
10 own financial difficulties.

11 AU now requires their freshmen and sophomores to live
12 on their campus, and AU has permission from the Zoning Commission
13 to build a new dormitory for 500 students if they need one. The
14 idea, build it and they will come, recently failed Wesley. Wesley
15 told the community and the Zoning Commission that the proposed
16 four-story 2014 dorm would attract residential students and would
17 help solve Wesley's financial difficulties for the foreseeable
18 future. However, the students did not come. It was then agreed
19 that AU students could rent space on the Wesley campus.

20 Even today, the new 2014 building and other residential
21 buildings have vacancies. If this project goes forward, will
22 Wesley increase enrollment? It was heartening to see that
23 President Wilson said that they're hopeful. I am too. Anyway,
24 with this project, Wesley will poach net -- I'll wind up. With
25 this project, Wesley will poach net revenue from AU student



1 housing to subsidize its education of seminary students. Is
2 subsidy of ministry education part of the mission of the Zoning
3 Commission. Even with this Landmark building, will Wesley
4 survive? If not, then what happens to the commercial building?
5 Those are my concerns. Thank you for your consideration.

6 CHAIRMAN HOOD: Thank you, Mr. Scholz. And again, I
7 want to thank you, too, for sticking with us.

8 Colleagues, I'm looking. Do we have --

9 MR. SCHOLZ: Thank you.

10 CHAIRMAN HOOD: -- any questions? Any of the questions
11 of this panel? Seeing no.

12 VICE CHAIR MILLER: No questions. But I thank each of
13 them for hanging in there. As you said, Mr. Chairman as well as
14 President Reverend McAllister-Wilson hanging in there for six
15 hours as we did. Appreciate you all being here. Yeah. I think
16 everyone's made some good points, which I think some of us have
17 agreed with some of them, some appreciate your testimony.

18 MR. MCALLISTER-WILSON: Thank you.

19 CHAIRMAN HOOD: All right. We want to thank this panel.
20 We appreciate your testimony and appreciate all the work you all
21 have put in, and it does not go unnoticed on our part. So thank
22 you.

23 All right. Oh, wait a minute. Wait a minute. Getting
24 late. Yeah.

25 Mr. Brown, do you have any questions of anyone on this



1 panel?

2 MR. BROWN: No. Thank them for their participation and
3 their stamina.

4 CHAIRMAN HOOD: Okay.

5 Commissioner Elkins, do you have any questions of
6 anyone on this panel?

7 COMMISSIONER ELKINS: No questions, Mr. Chairman.

8 CHAIRMAN HOOD: Okay. Chairman Bender, do have any
9 questions of anyone on this panel?

10 CHAIR BENDER: No questions. I also want to thank
11 these witnesses for sticking it out.

12 CHAIRMAN HOOD: All right. And Mr. Clarkson, any
13 questions?

14 MR. CLARKSON: No questions. No questions, Mr. Chair.
15 Thanks.

16 CHAIRMAN HOOD: Thank you.

17 Mr. Carter, any questions?

18 MR. CARTER: Yeah. And they'll be very quick.

19 Shelly, can you break down the approximate cost of the
20 building off-site IZ U site?

21 MR. REPP: Is there a question there, Blaine?

22 MR. CARTER: Yeah. Can you break down?

23 MR. REPP: Oh, okay. Sure. Well, in addition to
24 construction costs, which I've said I've heard are north of \$400
25 per square foot, there's the soft costs, which I believe I've



1 | been told can be 15 percent of the hard costs, financing costs,
2 | which are 21 percent of hard cost, the cost of land, development
3 | fee, which is 3 percent of total costs. You total all that
4 | together. That's how I came to a number that's north of \$700
5 | per square foot. And then all those costs, by the way, I mean,
6 | Patrick McAnaney talked to the Committee of 100 earlier this year
7 | about affordable housing and then -- and the financing of
8 | affordable housing. And he listed the costs that I just set
9 | forth, not -- without a dollar amount, but he listed all those
10 | costs as being the relevant costs of affordable housing. So to
11 | build to build affordable housing.

12 | MR. CARTER: Great. And very quickly, you say
13 | additional DHCD failures have come to light. Do you want to be
14 | more specific?

15 | MR. REPP: Well, in addition to the report of the D.C.
16 | auditor from a year ago, which I think Margaret Dwyer also
17 | mentioned, there's two other things that have come to light just
18 | this month in the reporting by the Washington City paper. On
19 | November 19th, there was a report that DHCD had returned \$1
20 | million allocated for DHCD's first time homebuyer assistance
21 | program. And just -- they had to return it to the D.C. government
22 | because they hadn't spent it despite the fact that they had
23 | previously testified that the funds had run out.

24 | Also, on November 14th, the Washington City paper had
25 | had an article reporting that DHCD had forwarded -- forfeited \$35



1 million of federal assistance for affordable housing under the
2 LITEC program. So just two recent reports where the DHCD was
3 not able to spend money that was available to it. So what does
4 that tell us about whether or not they're going to be able to
5 administer this fund that's provided. They're asking that it be
6 given responsibility for administering.

7 MR. CARTER: Okay. And finally, you just -- you say
8 that more details needed was this IZ plan. What details are
9 missing? And that's it.

10 MR. REPP: Well, yeah. Okay. Well, I mean, among the
11 questions that need to be addressed in the plan are, will the
12 Wesley funds be used to supplement affordable housing reformers
13 that already apply to a development? Will Wesley funds be used
14 for other than the direct cost of building new affordable units?
15 Will Wesley funds be spent on acquisition costs, the construction
16 of affordable units, or indirect administrative costs? How will
17 units be administered and preserved over time with income
18 eligibility checks? And will funded units remain IZ units in
19 perpetuity? Those are just things that came to my mind.

20 CHAIRMAN HOOD: Mr. Carter, are you complete? You're
21 on mute.

22 MR. CARTER: Yes. I'm not going to ask any more
23 questions at this hour. Thank you.

24 CHAIRMAN HOOD: Okay. That's no problem. But let me
25 just say that the Committee of 100 did a very well thorough job,



1 and everyone did. But even in their submission, and I looked
2 through it as Mr. Repp was reading it, they had the hyperlinks
3 to the articles and everything. So if you didn't get a copy of
4 it, Mr. Carter, you may want to keep a copy of it because they
5 did a very thorough job. All right. I think I've moved through
6 everybody.

7 All right. Ms. Schellin, let's -- thank you all. We
8 appreciate this panel.

9 Ms. Schellin, let's bring up the next floor, please.
10 How many more do we have?

11 MS. SCHELLIN: None of them. Let me check very quickly.
12 Let's see. We have Josie Scholz, Mr. Scholz's partner. Alma
13 Gates. I think that's the end of opponents. And then we have
14 one undeclared, but I did not see her earlier. Susan Price, Mr.
15 Young, if you want to bring her up also.

16 CHAIRMAN HOOD: Let's bring her up.

17 MS. SCHELLIN: If she's up. She was not on earlier.

18 MR. YOUNG: I don't see her.

19 MS. SCHELLIN: She's still not on. Okay.

20 MR. YOUNG: Yeah. I don't see her.

21 MS. SCHELLIN: Okay.

22 CHAIRMAN HOOD: All right. So is this --

23 MS. SCHELLIN: So this would be the end then.

24 CHAIRMAN HOOD: This is it. Okay. So let's go to Ms.
25 Josie Scholz, please, and then we'll go to Ms. Gates.



1 MS. SCHOLZ: Okay. Hi. I'm Josie. I thought you were
2 going to just miss me, but here I am, late in the day. I'm going
3 to -- I had a three-minute testimony. I'm going to cut it down
4 to the bare minimum. I've testified before. I'm a neighbor. My
5 husband, Bob, just talked. I have had concerns about Wesley from
6 the beginning, but it seems -- and I won't go into them now. It
7 seems like the text amendment kind of resolved in a formal way,
8 some of those concerns that I had.

9 And where there's a will, there's a way, and so here
10 we are. I want to really thank the neighborhood groups, the
11 ANCs, all the agencies involved to who have invested their time
12 and talents into this Wesley campus plan. The intellectual
13 capital and hours of work put into this have been enormous over
14 these four years. Also, I wanted to say that I do agree with
15 ANC 3E, the Committee of 100, SLWHNA, NLC. There's still some
16 issues not resolved, most importantly, the issue of IZ. So I'm
17 just really reiterating what everyone seems to be saying tonight.

18 Finally, to whom much is given, much is required. The
19 \$8 million for IZ is insufficient, in my opinion. Silent victims
20 in this case could be the citizens of D.C. If the project goes
21 forward, the Seminary will experience potential gains, but D.C.
22 citizens should not be deprived of the IZ assistance. They're
23 due when a multimillion-dollar project is built and is given
24 extraordinary financial breaks. So thank you very much.

25 CHAIRMAN HOOD: Thank you, Ms. Scholz.



1 Let's go to Ms. Gates.

2 Ms. Scholz, thank you also for speaking with us.

3 MS. SCHOLZ: Thank you.

4 CHAIRMAN HOOD: Ms. Gates.

5 MS. GATES: Mr. Chairman, I had not planned to testify
6 tonight, but to be a backup should I be needed. I have been a
7 participant in campus plans with Wesley since the very first one.
8 And I think it goes without saying that the relationship between
9 NLC and Wesley has been extraordinary. And we would not be here
10 as a group if we thought this was going to be successful and that
11 there would be no adverse conditions for neighbors because we
12 know that's not true and you do too. So I hope that tonight's
13 testimony has given you -- and I think it has given you some new
14 thoughts about this project. The IZ element still being very
15 much up in the air. So with that, I will close and say thank
16 you to all my colleagues who have worked on this so hard and for
17 so long. Thank you.

18 CHAIRMAN HOOD: Thank you, Ms. Gates. And also thank
19 you for sticking with us.

20 Let's see if we have any questions. Any questions,
21 colleagues of this panel? I'm looking. I'm looking. Okay. I
22 don't have any.

23 Vice Chair Miller, do you want to thank them?

24 VICE CHAIR MILLER: Thank you, Alma Gates and Ms.
25 Scholz, for your testimony and participation throughout.



1 CHAIRMAN HOOD: Okay. Thank you. Thank you both.
2 Let's see if we have additional.
3 Mr. Brown.
4 MR. BROWN: Thank you to both witnesses.
5 CHAIRMAN HOOD: Okay. Chair or Commissioner Elkins.
6 COMMISSIONER ELKINS: No questions, Mr. Chairman.
7 CHAIRMAN HOOD: Okay. And Chairman Bender.
8 CHAIR BENDER: Thanks to the witnesses. No questions,
9 Mr. Chair.
10 CHAIRMAN HOOD: Mr. Clarkson.
11 MR. CLARKSON: No questions. Thank you.
12 CHAIRMAN HOOD: Okay. Mr. Carter.
13 MR. CARTER: No. No questions.
14 CHAIRMAN HOOD: Okay. Again, we want to thank you both
15 and thank you all for sticking with us.
16 All right. Ms. Schellin, we don't have anyone else?
17 I think we have completed our list of witnesses. So Mr. Brown --
18 MS. SCHELLIN: That's correct.
19 CHAIRMAN HOOD: Okay. Mr. Brown, do you have any
20 rebuttal or closing? And if you have rebuttal, how long is your
21 rebuttal? And if so not, we'll take your closing.
22 MR. BROWN: Well, Chairman Hood, I'd like to defer to
23 a brief statement by Reverend McAllister-Wilson and defer --
24 because I think we've left a number of things open. So I'd like
25 to defer closing in rebuttal to a later point, but I think, Pastor



1 Wilson would like two minutes or less.

2 CHAIRMAN HOOD: And whatever he says, if this is in the
3 rebuttal statute part of it, then it could be crossed. So you
4 can go right ahead, President McAllister.

5 MR. MCALLISTER-WILSON: I also want to thank everyone
6 who participated tonight and the many others who participated
7 outside of the deliberation. It's the phrase -- what the
8 community wants, as mentioned several times. In my experience,
9 what the community wants depends on which portion of the community
10 you're speaking. My general sense over the six years I've been
11 working -- plus I've been working since is that the community
12 wants Wesley to thrive in place. That's where I got the title.
13 There are caveats to that, but that's generally what people want.
14 And we have been struggling to find a way to make that possible.
15 The issue for Wesley is not whether we survive. We can be
16 somewhere else and survive. The issue is whether we thrive as
17 an institution serving this city.

18 What's been interesting in this discussion is how one
19 community service organization, that is Wesley Seminary, has now
20 seemed to be pitted against another community service interest,
21 and that's affordable housing. I would point out that from the
22 beginning in the very first meeting Wesley had on this subject,
23 I said before anybody else did that we were supportive of the
24 spirit of IZ and we hope to find a way to accomplish that. But
25 for now, two stressed parts of our system are pitted against each



1 other. That's understandable, but that's too bad. We need to
2 find a way through that.

3 And I know our team will be thinking about all that is
4 said to find a way to do that. There's also been some indication
5 that Wesley has not projected well or not a planned well, has
6 said we were going to grow and then we haven't. Actually, I
7 think all of you have been to at least one school of higher
8 education. And if you read your newsletter, you know, every
9 college and university is asking about this issue, is thinking,
10 how are we going to thrive in this new world. Harvard University
11 is asking that. Wesley Seminary is certainly asking that.
12 There's not an extraordinary windfall that we're experiencing
13 here. Instead, we're taking the inherent value of the property
14 we really received in 1958 and finding the highest and best use
15 for that.

16 The other thing I'd have to say is the surgery cannot
17 be successful if the patient dies. Timing is now -- or time is
18 now a real factor in these decisions for us. Whether we have a
19 time to work out these additional issues that have been raised
20 tonight or not is something I have to think about and work with
21 our colleagues here probably as early as the Thanksgiving week.
22 I had come up with and/or how to move forward. So given the time
23 tonight, I think that's maybe where I'll stop, Mr. Chairman, and
24 just simply say, Wesley will continue to work on this issue for
25 as long as we possibly can to find a reasonable solution.



1 CHAIRMAN HOOD: Thank you, President McAllister. Let
2 me see. Do any of my colleagues have any questions on that
3 statement that he made or anything? If not -- I'm looking at
4 your heads. Okay. All right. Let me go through this just in
5 case, who wants have any issues.

6 Commissioner Elkins, did you have any comments on what
7 President McAllister said? I mean, not any cross on what he said
8 because he really just -- basically just put a plea out as far
9 as I'm concerned.

10 Commissioner Elkins.

11 COMMISSIONER ELKINS: No. Thank you, Chairman. We
12 have no comments.

13 CHAIRMAN HOOD: All right. Thank you.

14 Chair Bender.

15 CHAIR BENDER: Yeah. So you mentioned comments. I'll
16 say we look forward to working with you, Reverend McAllister, as
17 we have, and your team. I do want to say I would put this in
18 the form of a question, but since we're at the leave to make this
19 a comment, we've been working with you and your team for more
20 than two years. During that time, I'm not sure at what point,
21 but I think more than a year ago, the \$8 million came up. You
22 guys have never offered one penny more. That is just not how
23 I've experienced negotiations with any other party that's that
24 come in a development project. So I just want to urge you to
25 consider that.



1 CHAIRMAN HOOD: So let me correct myself as getting
2 late. When I say "comments," I mean cross. So it's getting
3 late --

4 CHAIR BENDER: All right. Well, I could've asked --
5 yeah. No. I mean, I could've asked him, have you increased your
6 offer by a penny. I didn't. That's all. And again, thanks,
7 and good night.

8 CHAIRMAN HOOD: All right. Thank you.

9 Mr. Clarkson.

10 MR. CLARKSON: No. No, no questions.

11 CHAIRMAN HOOD: Okay. And Mr. Carter.

12 MR. CARTER: No. I'll let -- no. I'll let go.

13 CHAIRMAN HOOD: Okay. Thank you.

14 All right. I think I've satisfied the Commission's
15 legal requirement.

16 Mr. Brown, anything else?

17 MR. BROWN: To look at schedules and where we go next,
18 recognizing that. Quite frankly, time is our biggest enemy,
19 right?

20 CHAIRMAN HOOD: So what we may have to do, I will leave
21 it up to, Ms. Lovick and Ms. Schellin to come up with a schedule,
22 but we may have to announce the schedule at the next meeting once
23 we have more clarification on when the campus plan -- when our
24 campus plan will order will go out.

25 Well, Ms. Schellin, let me turn it over to you, and you



1 all may have a better way than I do, I hope.

2 MS. SCHELLIN: Is Ms. Lovick still on here? I'm sorry.
3 I'm trying to find her.

4 CHAIRMAN HOOD: Yes, she is.

5 MS. SCHELLIN: I thought maybe it's --

6 CHAIRMAN HOOD: Let me say this.

7 MS. SCHELLIN: That was --

8 CHAIRMAN HOOD: Let me just say this. Or we can make
9 an announcement at one of the upcoming meetings once we have more
10 of a clarification. We don't have to try to resolve it tonight,
11 but I'll turn it over to you all. I'll be quiet.

12 MS. SCHELLIN: Yeah. I wanted to get clarification
13 from Ms. Lovick whether the Commission could actually proceed
14 with a vote prior to publication of the order or if the order
15 has to be published before you could deliberate, that's -- or
16 before you could actually take action. That's what I wanted to
17 find out because you've already made your decision. It's just a
18 matter of the order being published. I just need clarification
19 from Ms. Lovick.

20 MS. LOVICK: I mean, I think that the order that the
21 Commission can take action on this case before the campus plan
22 order is issued.

23 MS. SCHELLIN: Okay.

24 MS. LOVICK: But it's up to the Commission if they --
25 I mean, if the Commission doesn't want to do that, they could



1 make that decision.

2 MS. SCHELLIN: Right. I just wanted to make sure that
3 nothing had changed. That's been the practice. I just wanted
4 to make sure nothing had changed. I know it's up to the
5 Commission. I just wanted to make sure. So now I ask the
6 Commission --

7 CHAIRMAN HOOD: We ask for a number of things. There
8 are a number of things we've asked to be looked at. I don't
9 believe even throughout deliberations that we will know -- I
10 think the biggest thing that we need to do is have deliberations,
11 and that's kind of where we are. We need to discuss it.

12 MS. SCHELLIN: Right.

13 CHAIRMAN HOOD: And then I have a better idea of where
14 things are. I don't see no vote no time soon, honestly. That's
15 my opinion.

16 MS. SCHELLIN: Right.

17 CHAIRMAN HOOD: Let me hit -- well, just let me open
18 it up. I'm not the only person here.

19 COMMISSIONER WRIGHT: Yeah. I think we have asked for
20 a number of pieces of additional information. I think we need
21 to get that information and have a deliberation. And you know,
22 I am -- I understand what's -- what Ms. Lovick said about the
23 fact that we could deliberate and vote before the order is
24 published, but I also heard Chair Hood saying that that's
25 something that he feels we sort of have promised the community



1 that we weren't going to do.

2 And I have some misgivings about it. I think some of
3 the points that were raised about that in the testimony that
4 we've received in the record are sort -- is sort of concerning.
5 So I would -- my suggestion is maybe ask staff to work with the
6 applicant, not tonight, but to go through the list of the things
7 that we asked for. Help them present those items that we asked
8 for and let's have another deliberation. And maybe we can talk
9 more during that deliberation about whether it's appropriate to
10 act before the order is published or not.

11 CHAIRMAN HOOD: So let me just correct one thing. What
12 I -- when I was said -- what I said earlier about what we promised
13 the community, that went out the window when we had the hearing
14 tonight. So for the most part, that went right out the window,
15 but I do agree that we did promise the community that we wouldn't
16 act until we dealt with the campus plan, we would not do further
17 processing, but we did further processing tonight. We know we
18 haven't made a decision. And I did hear President McAllister and
19 others. There are some things that I think need to be worked
20 out. I take -- and I'm sure my other colleagues who I take very
21 seriously what I've heard especially from those in opposition,
22 especially with the DHCD issue. I take that very seriously, and
23 those are things we need to discuss. And I think we'll be more
24 info we'll be more informed once we get the information that that
25 all my colleagues have asked for.



1 Let me go to Commissioner Imamura, and then I'll to
2 Commissioner Stidham, then you Vice Chair, for your comments if
3 you have any.

4 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. It is
5 getting late. I'm in general agreement that we need the
6 information that we've asked for and time to deliberate. And I
7 think that's pretty straightforward. I'm not sure that I have
8 more to add.

9 CHAIRMAN HOOD: Thank you.

10 Commissioner Stidham.

11 COMMISSIONER STIDHAM: Yeah. I think I'm in the same
12 place. There's a number of things we ask for. We need to see
13 those. We need time to process what we've heard and have a
14 discussion.

15 CHAIRMAN HOOD: Okay.

16 And Vice Chair Miller.

17 VICE CHAIR MILLER: Thank you, Mr. Chairman.

18 I agree with my colleagues in general. I think we need
19 to get whatever information we need, understand the sequence of
20 decisions that are most appropriate to be made, and that might
21 include whether or not we're considering any future, any possible
22 text amendment to the text amendment that we made, but I think
23 we should proceed as expeditiously as possible with deliberations
24 at least, if not a decision to -- on this case, which has been
25 around for way too long, obviously.



1 CHAIRMAN HOOD: Okay. So now back on you, Ms. Schellin.
2 We need to find out from the applicant when can they give us the
3 information. So now it's back on you.

4 MS. SCHELLIN: Right. That's what I was trying to find
5 out whether we go for December, which we have one meeting or you
6 guys have one meeting rather. And that's where I was trying to
7 figure out.

8 Mr. Brown, can you do the December meeting, or are you
9 going to have to push to January?

10 MR. BROWN: Well, it depends on when the December
11 meeting is. I've lost track.

12 MS. SCHELLIN: The 18.

13 MR. BROWN: Yes.

14 MS. SCHELLIN: Okay. So then you would need to submit
15 everything by -- I work backwards. Oh, I think it's -- I don't
16 think that's going to work for you. It means you have, basically
17 one week. You're going to be able to do it in one week? Because
18 the parties have to be able to respond.

19 MR. BROWN: So that -- all right. I got to go to my
20 schedule. So for December 18th, we would need to -- on the
21 fourth, which is --

22 MS. SCHELLIN: When you got Thanksgiving in there, I
23 mean, you're really pushing it.

24 CHAIRMAN HOOD: Well, they already said they were
25 working through Thanksgiving. We're trying to accommodate --



1 MS. SCHELLIN: Oh, that's right. They were going to
2 work over Thanksgiving. I forgot.

3 CHAIRMAN HOOD: We want to accommodate that. I'd rather
4 deal with this when it's fresh in December --

5 MS. SCHELLIN: Right.

6 CHAIRMAN HOOD: -- than wait until January. That's
7 just me.

8 MR. BROWN: All right. The December 18th, will do on
9 the 4th.

10 MS. SCHELLIN: No. It's due on the 8th. Yours would
11 be due on the 8th by 3 p.m.

12 MR. BROWN: Oh, that's -- yeah. All right. It is
13 better.

14 MS. SCHELLIN: And the parties would respond by the
15 15th at 3 p.m. So you got two weeks.

16 MR. BROWN: Yes.

17 MS. SCHELLIN: And the parties would respond by 3 p.m.
18 on the 15th and you would provide a draft order also by the 15th.
19 Now I also thought I heard the Commission asked, maybe -- I think
20 it was the ANCs and/or the parties to provide -- to show some
21 numbers that they were talking about. So besides the applicant,
22 the Commission asked someone else to show their numbers. And so
23 whoever that was, the ANCs, the parties, you know who you are,
24 please provide that. That is due by December 8th at 3 p.m.
25 because the other parties get to respond to your --



1 CHAIRMAN HOOD: Let's make sure.

2 MS. SCHELLIN: -- submissions.

3 CHAIRMAN HOOD: Let me do this. Did somebody ask one
4 of the ANCs to show some numbers?

5 MS. SCHELLIN: It was one of the other parties, I think.
6 Mr. Adhikari.

7 CHAIRMAN HOOD: Hold on. Let me hear from my colleagues
8 first.

9 Who do we ask?

10 COMMISSIONER WRIGHT: My understanding was that we
11 asked for the applicant to show their numbers of how they came
12 up with \$325 per square foot. And in a similar kind of way that
13 the consultant with the ANC had explained how he had come up with
14 his numbers. I had also asked for DHCD --

15 MS. SCHELLIN: Right.

16 COMMISSIONER WRIGHT: -- to give us numbers about how
17 they wanted to use the money for their ownership program.

18 CHAIRMAN HOOD: Okay.

19 MS. SCHELLIN: So that -- that's what I'm talking
20 about. Any of those things are also due December 8th by 3 p.m.

21 CHAIRMAN HOOD: So we're going to have to let Mr.
22 Rodgers know. I think Mr. Rodgers has left this.

23 MS. SCHELLIN: OP works with -- yes.

24 CHAIRMAN HOOD: Okay.

25 MS. SCHELLIN: And so those items are also due by 3



1 p.m. also. And I thought that one of -- maybe it was the
2 applicant during cross had asked that the Mr. -- the ANC's person
3 that testified to explain how he got to those numbers --

4 CHAIRMAN HOOD: Mr. Brown --

5 MS. SCHELLIN: -- to explain where they came from.

6 CHAIRMAN HOOD: Hold on. Let me just say this. Mr.
7 Brown did ask the expert to show the work. So I don't know what
8 more they could show, but Mr. Brown did ask that.

9 Didn't you didn't you, Mr. Brown?

10 MS. SCHELLIN: Yes.

11 MR. BROWN: That's correct.

12 MS. SCHELLIN: Yes.

13 MR. BROWN: And also, if I could get Commissioner
14 Wright, I think it asks us to look at and you referenced
15 Arlington, but other jurisdictions on off-site.

16 COMMISSIONER WRIGHT: Right. Specifically, Arlington.
17 And I think the consultant who worked for the ANC did do a written
18 report, which may have more detail about how he calculated his
19 numbers. And I just am not sure that that's been -- I haven't
20 looked at it, but I think it's been submitted for the record. I
21 think it got submitted very close to the time of this hearing.

22 MS. SCHELLIN: And that'll be for the ANC who looked
23 at that, and if it has been, they'll respond since it's been
24 asked for during the hearing. I just wanted to put those dates
25 out there.



1 CHAIRMAN HOOD: Okay. We already --

2 MS. SCHELLIN: So December 8 --

3 CHAIRMAN HOOD: Go ahead, Ms. Schellin. I'm sorry. Go
4 ahead.

5 MS. SCHELLIN: Just say go ahead.

6 CHAIRMAN HOOD: Yeah, go ahead.

7 MS. SCHELLIN: December 8, 3 p.m. for everything that
8 the Commission has asked for or was asked for during cross. And
9 responses by the parties of all of those submissions, each other's
10 submissions by 3 p.m., December 15th. Any of the parties who'd
11 like to submit draft orders could do so by 3 p.m., December 15th.
12 The applicant must do so. And then we'll put this on for December
13 18th at 3 -- 4 p.m. I'm sorry. That's 4 p.m.

14 CHAIRMAN HOOD: All right. Anything else? We're all
15 on the same page? I want to thank everyone for their long
16 participation tonight. We got through it. We finished it. For
17 those who have to come back, my colleagues, I want to thank you
18 all for sticking to it and everyone else. Also, tomorrow, the
19 Zoning Commission will be back for the omnibus bill. I'm not
20 sure. I think it's going to be three of us, but we will hit
21 Zoning Commission Case No. 25-12. We'll see everybody tomorrow.
22 Remember, we have a special public meeting at 3 o'clock. And
23 with that, I want to thank everyone for their participation
24 tonight. Glad to have other colleagues back. Good night,
25 everyone. Good night.



1 MS. SCHELLIN: The special meeting is at 5.

2 CHAIRMAN HOOD: What was the 3 o'clock?

3 MS. SCHELLIN: Closed meeting.

4 CHAIRMAN HOOD: Oh, the closed meeting's at 3 o'clock.

5 That's already been announced. Okay.

6 MS. SCHELLIN: Yes.

7 CHAIRMAN HOOD: So 3 o'clock, the closed meeting. Okay.

8 MS. SCHELLIN: Yes. That's meeting (indiscernible).

9 CHAIRMAN HOOD: Other colleagues are welcome to come
10 if they want. All right.

11 MS. SCHELLIN: Yes, they could, but they won't get in.

12 CHAIRMAN HOOD: All right.

13 MS. SCHELLIN: Thank you.

14 CHAIRMAN HOOD: Bye-bye.

15 (Whereupon, the above-entitled matter went off the
16 record at 10:21 p.m.)

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C E R T I F I C A T I O N

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This is to certify that the foregoing transcript

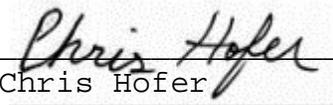
In the matter of: Public Meeting

Before: DCZC

Date: 11-24-25

Place: Teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.


Chris Hofer