

GOVERNMENT

OF

THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

IN THE MATTER OF:

The Application of
American University
for a Special Exemption and
further processing of the
Campus Plan

Case No.
00-36CP

Monday
February 26, 2001

Hearing Room 220 South
441 4th Street, N.W.
Washington, D.C.

The Public Hearing of Case No. 00-36CP by
the District of Columbia Zoning Commission convened at
4:00 p.m. in the Office of Zoning Hearing Room at 441
4th Street, Northwest, Washington, D.C., Carol J.
Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
KWASI HOLMAN	Commissioner
JOHN G. PARSONS	Commissioner

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COMMISSION STAFF PRESENT:

Alberto P. Bastida, Secretary, ZC
Gerald Forsburg, Office of Zoning

OTHER AGENCY STAFF PRESENT:

John Fondersmith, Office of Planning
Ellen McCarthy, Deputy Director, Office of
Planning
Julie Wagner, Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Mary Nagelhout, Esq.

I-N-D-E-X

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

(7:05 a.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a continuation of the public hearing of the Zoning Commission of the District of Columbia. Today is Monday, February 26, 2001, and this is a continuation of the hearing from Thursday, February 15, 2001.

My name is Carol Mitten. Joining me this evening are Vice Chairman Anthony Hood and Commissioners John Parsons and Kwasi Holman. Commissioner Franklin will not be joining us this evening, but he will read the record.

Copies of today's hearing agenda are available to you on the chair near the door. The request before the Commission for a special exception and further processing of the American University's Campus Plan 2000 for the main campus and the Tenley Campus. In addition to updating the Campus Plan, the University is also seeking further processing for the following three projects proposed under this Campus Plan: The Katzen Arts Center, an addition to the Mary Graden Center, and the enclosure of the drive below the Butler Pavilion and the Sports Center Complex.

All persons planning to testify, either in

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1 favor or in opposition, are to fill out two witness
2 cards. These cards are located on the end of the
3 tables in front of us. Upon coming forward to speak
4 to the Commission, please give both cards to the
5 reporter, who is sitting to my right.

6 The order of procedure this evening will
7 be as follows, and we will pick up where we left off
8 at the previous hearing. We were midway through the
9 cross examination of the Applicant's case, to be
10 followed by the report of the Office of Planning,
11 reports of any other government agencies, reports of
12 the advisory neighborhood commissions, in this case
13 ANC-3D and 3E, parties and persons in support, parties
14 and persons in opposition, rebuttal by the Applicant,
15 closing remarks by the Applicant.

16 Cross examination of witnesses is
17 permitted by the Applicant and the parties. The ANC
18 in which the property is located, again, ANC-3D and
19 3E, are automatically parties in this case.

20 The record will be closed at the
21 conclusion of this case except for any materials
22 specifically requested by the Commission, and the
23 staff will specify at the end of the hearing exactly
24 what is expected. To avoid any appearance to the
25 contrary, the Commission requests that persons present

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1 not engage members of the Commission in conversation.

2 Please turn off all beepers and cell phones at this
3 time so as not to disrupt these proceedings.

4 The Commission will now consider any
5 preliminary matters. Preliminary matters are those
6 that related to whether a case will or should be heard
7 today, such as requests for postponement, continuance
8 or withdrawal, or whether proper and adequate notice
9 of the hearing has been given.

10 If you are not prepared to go forward with
11 the case today, or if you believe that the Commission
12 should not proceed, now is the time to raise such a
13 matter. Does the staff have any preliminary matters?

14 MR. BASTIDA: Madame Chairperson, the
15 staff has no preliminary matters. The only thing the
16 staff would like to bring to the attention, if
17 anybody's planning to testify today and they haven't
18 been sworn at the last hearing, I would like to swear
19 them now.

20 CHAIRPERSON MITTEN: Anyone who was not
21 sworn in at the last hearing who would like to testify
22 this evening, please stand to be sworn.

23 MR. BASTIDA: Thank you, Madame Chair.

24 CHAIRPERSON MITTEN: Thank you, Mr.
25 Bastida. I would also like to state at the

1 commencement of this hearing, in case anyone has to
2 leave, that in the event this hearing is not concluded
3 this evening, we have a date for continuing the
4 hearing, which will be Thursday, March 15, 2001, at
5 7:00 p.m. in this room. That is only if we do not
6 conclude this evening.

7 Now, a matter that I would like to resolve
8 is at our February 15 hearing, Mr. Elliott raised an
9 issue as to whether a provision of the so-called 1989
10 agreement, which was incorporated into the now expired
11 1989 campus plan that would limit the ability of the
12 University to apply for further processing of
13 properties located north of Massachusetts Avenue prior
14 to the end of 2001, whether that limits at least the
15 further processing of the Katzen Center from going
16 forward.

17 We've received briefs from both Mr.
18 Elliott and Ms. Dwyer, and I'd like to ask Ms.
19 Nagelhout if she would like to give us her thoughts on
20 the briefs that were received and give us some
21 guidance.

22 MS. NAGELHOUT: As Mr. Bergstein mentioned
23 last time, our position that the previous plan has
24 expired and this agreement was attached by
25 incorporation as a condition to that previous order,

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1 so the agreement by itself I'm not familiar with, but
2 as a condition of the prior order, I think it is not
3 something that the Zoning Commission can enforce
4 through the Campus Plan process. That's my position
5 on the briefs.

6 CHAIRPERSON MITTEN: Thank you. I think
7 that what Mr. Bergstein shared with us during the last
8 hearing and has been the case in every other campus
9 plan, when the plan expires, it's expired, and there
10 will be no further processing until a new plan is in
11 place so that the provisions that were bound into the
12 plan no longer bind the Commission.

13 I'd be interested if any of my fellow
14 commissioners have a different view than what was
15 expressed by Ms. Nagelhout. I think there is
16 certainly recourse that can be taken and is being
17 taken because the 1989 does exist as a private legal
18 agreement. My view is consistent with what Ms.
19 Nagelhout and Mr. Bergstein had represented, which is
20 we're not bound by the expired plan.

21 MS. NAGELHOUT: If I can add one thing.

22 CHAIRPERSON MITTEN: Yes, please.

23 MS. NAGELHOUT: You asked Ms. Dwyer last
24 time for a list of the conditions in that prior plan,
25 and whether or not they should be incorporated into

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1 this plan. She did that, and I think it was number
2 five was the condition that incorporated the '89
3 agreement.

4 She recommended that it be deleted from
5 this plan, but the agreement, which I haven't read but
6 I understand that many of the paragraphs in that
7 agreement speak to things on the campus like
8 landscaping, perimeter fencing, lighting, things of
9 that nature, which the community might want to propose
10 as conditions in this campus plan. In other words,
11 condition number five of the previous order could be
12 broken down into component parts to adopt things from
13 the '89 order as separate conditions in this plan, if
14 you choose to go that way.

15 CHAIRPERSON MITTEN: Okay, that's good.
16 Thank you, and I think we've all now been provided a
17 copy of the 1989 agreement so that we can see the
18 content in terms of some of the provisions that were
19 included in that agreement that may not have been
20 specifically articulated in the conditions of the
21 Campus Plan order.

22 So, commissioners, is there anyone who
23 believes that we are bound by the 1989 agreement from
24 continuing with the hearing for further processing,
25 specifically as it relates to the Katzen Arts Center?

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1 COMMISSIONER HOOD: Madame Chair, I just
2 would like to say I'd like to let the advice of
3 corporation counsel on the advice that they gave us, I
4 would rather let that stand.

5 While I have the mike, I would just like
6 to ask the people who provided information to us, if
7 they can give it to us in a timely fashion because we
8 do a lot of extensive homework. If you hand us some
9 just when I walk up, I do have problems, and I'm not
10 directing them to our staff. I'm directing that to
11 those who are providing us. While I understand that
12 you're trying to get things in later, and that happens
13 sometimes, but I would like to hear the testimony as
14 to try to sit here and read some of the stuff that has
15 just been handed to me.

16 CHAIRPERSON MITTEN: Thank you, Mr. Hood.
17 So, we will proceed with both the Campus Plan itself
18 and the further processing of the three matters.

19 Before we return to you, Mr. Elliott, with
20 your cross examination, I would also just like to say
21 that we've received numerous letters from folks who
22 were denied party status. I just want to clarify
23 something.

24 Some people may have been confused by the
25 nature of Ms. Dwyer's objection. She had said that

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1 her view as that the folks, specifically on Sedgewick
2 Street, were going to be adequately represented by the
3 folks from the Ft. Gain Citizens Association. I want
4 to be clear that that was not the basis for our
5 determination that those folks did not meet the party
6 status test. The test relates to the unique effect
7 that a project is having on an individual.

8 The individuals did not meet the test
9 because, in our view, they were not uniquely affected.

10 We had 11 people coming forward to the Commission
11 stating that they were uniquely affected in the same
12 way, which erodes the argument that you're uniquely
13 affected.

14 So, I would ask at this time if there's
15 anyone on the Commission that would like to reconsider
16 our determinations of those folks who received and
17 those who did not receive party status. Okay, then we
18 will stand with those decisions that we had made at
19 the previous hearing.

20 Now, Mr. Elliott, we were midway through
21 your cross examination, and I believe that you have
22 supplied us with the subjects that you were going to
23 continue with tonight. So, we'll just allow you to
24 proceed through that list with all due haste.

25 MR. ELLIOTT: Thank you, Madame Chair. I

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1 have provided a list of nine subjects that I'm going
2 to go through, one through nine, to try to speed this
3 up. I've given it to Ms. Dwyer and her assistant.
4 I'm also not going to ask, and I'd like the attention
5 of the AU witnesses on this. I'm not going to
6 generally ask how questions, why questions, questions
7 asking for reasoning.

8 In return -- and that's giving up a lot
9 -- and in return, I hope I won't receive answers that
10 go into things I don't ask about because that really
11 eats up time. If I ask whether something happened, I
12 don't want an answer back as to why it happened. Ms.
13 Dwyer can elicit that when she gets to rebut.

14 I've also, with Mr. Herstein --

15 CHAIRPERSON MITTEN: Ms. Dwyer just wanted
16 to make a comment.

17 MS. DWYER: When he's done, I have one
18 point of clarification on the list of subjects.

19 CHAIRPERSON MITTEN: All right.

20 MR. ELLIOTT: I've also sat with Mr.
21 Herstein and with some members of the community to try
22 to narrow this down. You'll see on the list which
23 I've provided you how we've divided this between
24 myself and Mr. Herstein, who's going to cover some
25 points that are very site specific and some points

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1 about history and consultations with the community,
2 and the background of the existing plan.

3 So, there might be a slight overlap, but
4 we're going to try very hard to carry out our
5 commitment to you, not to be asking the same things
6 from both of us.

7 CHAIRPERSON MITTEN: And I appreciate that
8 very much.

9 MS. DWYER: As a point of clarification,
10 in looking at the subjects, item five references the
11 February 16 letter that Mr. Elliott filed with the
12 Commission. We received a copy of that letter, and
13 that letter concerns the 1989 agreement, which none of
14 the witnesses testified to, which I made clear at the
15 beginning of our presentation, that this case is not
16 about the 1989 agreement. It's the 2000 Campus Plan.

17 So, I would object to any questions of the witnesses
18 that would be beyond the scope of their direct
19 testimony

20 What I would suggest, which is along the
21 lines of what corporation counsel suggested, we are in
22 the process of reviewing that agreement to see whether
23 specific provisions, particularly landscaping or
24 lighting, might be conditions in this order, and we
25 will be happy to file that for the record. Since none

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1 of these witnesses testified to the 1989 agreement,
2 which is all of the items in his February 16 letter,
3 then I would object to any questions of them on that.

4 CHAIRPERSON MITTEN: All right. So, what
5 you plan to file in sort of -- by way of somewhat
6 responding to his request, is you are reviewing the
7 document.

8 MS. DWYER: Right.

9 CHAIRPERSON MITTEN: And you will file
10 those additional conditions that you would support
11 appropriately being included as conditions?

12 MS. DWYER: That is correct. We will
13 respond in writing to every point he raised in his
14 letter and indicate whether or not that could be a
15 condition in this Campus Plan.

16 CHAIRPERSON MITTEN: And then Mr. Elliott
17 will have a chance to respond to that in writing?

18 MS. DWYER: Yes.

19 CHAIRPERSON MITTEN: So, is that clear,
20 Mr. Elliott?

21 MR. ELLIOTT: Well, I'm sure, Madame
22 Chair, that there will be a process subsequent to the
23 hearings that Secretary Bastida explained to me of
24 submitting proposed findings of fact and conclusions
25 of law, and that would include our submission of

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1 proposed conditions. So, that's already understood.

2 CHAIRPERSON MITTEN: But do you anticipate
3 this being outside that specific process?

4 MS. DWYER: Yes, this would be within two
5 days after tonight's hearing. We're already in the
6 process of responding to that, so that would be
7 separate from the draft order.

8 MR. ELLIOTT: Well, we're happy to look at
9 whatever, and in fact, I would be happy to meet with
10 Ms. Dwyer two days from now and personally go over
11 this. We were fairly successful in the Mt. Vernon
12 case in knocking out some mutually agreeable, very
13 specific BZA conditions.

14 CHAIRPERSON MITTEN: Well, then that would
15 be a good course of action, and I'm sure she looks
16 forward to --

17 MS. DWYER: Are you on the west coast in
18 two days or -- I want to go skiing as it is.

19 CHAIRPERSON MITTEN: Okay. Let's get
20 rolling with the cross examination.

21 MR. ELLIOTT: Yes. I just did want to
22 say, though, this is not irrelevant cross examination
23 because they've testified that their proposals don't,
24 for projects that are not likely to become
25 objectionable, and that depends very much on the

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1 conditions and restrictions that apply. So, really,
2 that section five of my cross wasn't going to take
3 more than about two minutes, just to find out where
4 these stand.

5 I think from their pleadings since, I know
6 where they stand, but when we get to that question,
7 you can rule on it. I think you ought to at least
8 hear my question on that.

9 CHAIRPERSON MITTEN: Okay.

10 MR. ELLIOTT: All right. Subject number
11 one is the question of possibly reducing the number of
12 projects being proposed. I've place before the
13 Commission a chart.

14 CHAIRPERSON MITTEN: Do you have a written
15 version of that?

16 MR. ELLIOTT: Yes. Shall I give it to the
17 secretary?

18 CHAIRPERSON MITTEN: Yes, please.

19 MR. ELLIOTT: While I'm finding that,
20 prefacing this question, there has been, as I'm sure
21 Ms. Dwyer and her client are very aware, there's been
22 particular concern about some of the projects, A and B
23 in particular, and this is not a trick question I'm
24 about the ask or set of questions. I'll tell you
25 exactly where I'm going. We want the Commission to

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1 focus on to what extent A and B are needed, given the
2 extensive number of projects here and the flexibility
3 that the University described as to multiple uses of
4 each.

5 I'll try to move through this very
6 quickly. First of all, is it correct that your
7 proposal is a construction of a total of 862,000 feet
8 of either new or altered space? Those figures are
9 right from your page 31 to 34 in the Campus Plan.

10 MR. ABUD: Those figures aren't
11 particularly familiar to me. If you say they're from
12 the plan, that's fine, and I accept that.

13 MR. ELLIOTT: Now, if you look at -- I've
14 passed out to the Chair and the Commission --

15 MS. DWYER: Madame Chair, if I could just
16 clarify the last question. What is meant by altered
17 space, Mr. Elliott?

18 MR. ELLIOTT: Let me -- does the
19 Commission have before it the piece of paper that you
20 asked for?

21 CHAIRPERSON MITTEN: Yes, we do.

22 MR. ELLIOTT: All right, and Ms. Dwyer,
23 you have it there?

24 MS. DWYER: Yes, I do.

25 MR. ELLIOTT: All right. The first column

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1 --

2 CHAIRPERSON MITTEN: And she would like
3 clarification of your terminology, what does altered
4 space mean?

5 MR. ELLIOTT: Yes, it's the first column,
6 habitable space. In other words, newly constructed
7 space. This is not a net addition figure because
8 there's some demolition, but it is the total amount of
9 square footage, 862,000 feet, that is the entire area
10 that the -- above ground -- that the University
11 proposes either to build, or in the case of the
12 converted garage, to convert to enclosed habitable
13 space instead of garage space.

14 MS. DWYER: Or in the case of buildings to
15 be demolished and replaced, that they are including
16 this figure?

17 MR. ELLIOTT: They are not netted out, but
18 if you look at column two, that's a column of those
19 square footages which you describe as available for
20 office or administrative use. Then column three is
21 the net addition to FAR, except I don't have three of
22 the figures, but you've told us that it adds up to
23 573,000 square feet.

24 MS. DWYER: My question then is what is
25 the relevance of columns one and two?

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1 MR. ELLIOTT: Here is the relevance,
2 Madame Chair. My question is this. Isn't it a fact
3 that the administrative and other functions that are
4 destined for Building A and Building B could, in fact,
5 be used in the other projects in the middle column
6 that all of those projects have uses that have uses
7 that include office and administrative?

8 CHAIRPERSON MITTEN: Just so that I'm
9 clear, Mr. Elliott, are you suggesting that the other
10 projects be made larger to the extent of A and B, or
11 that somehow -- so, for instance, Project A is 30,000
12 square feet of administrative space, that that would
13 be added to another project or substituted for space
14 in another project?

15 MR. ELLIOTT: I haven't gotten to that,
16 but it can be substituted because if you look at the
17 --

18 CHAIRPERSON MITTEN: No, it's not your
19 testimony. What's the question?

20 MR. ELLIOTT: The question is can those
21 functions for A and separately for B, can they, under
22 the flexibility proposed, be put instead in D, E, F,
23 H, K, L and M?

24 CHAIRPERSON MITTEN: Okay. There's a
25 question.

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1 MS. DWYER: But I would object, again on
2 relevance. It's not the test. The test is whether
3 these buildings, A and B, are likely to have an
4 objectionable impact as part of the Campus Plan, not
5 whether we can move these functions to some other
6 location on campus.

7 MR. ELLIOTT: Well, Madame Chair, there
8 are several reasons why this is relevant. Number one,
9 they have proposed --

10 CHAIRPERSON MITTEN: All right, we want to
11 make sure that we're doing cross examination and not
12 having your direct testimony. So, can we have a
13 general question about the level of flexibility in the
14 planning process for the university about piggybacking
15 some of the uses into, consolidating some of the
16 projects into other projects, or how is it that you
17 determined that you need 13 projects as opposed to ten
18 or 11?

19 MR. ABUD: One of the things that I did
20 say in my direct testimony is that one of our
21 objectives is to have in the central part of the
22 campus, the core academic kinds of functions and some
23 of the support functions in the more outlying parts of
24 the campus. So, to the degree that A and B help
25 accomplish the second one, they do that better if they

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1 were in a different location. Obviously, we could, if
2 a particular site was appropriate, we could increase
3 the size of one of the other sites to accommodate the
4 square footage in A and B, but that has its own
5 problems.

6 CHAIRPERSON MITTEN: All right.

7 MR. ELLIOTT: All right, a specific
8 question on the uses, which I quoted from page 31 to
9 34, page two of that. Any of you could answer this.
10 Project B, what's encompassed within, quote, house
11 academic programs?

12 MR. ABUD: It generally means faculty
13 offices that the office functions of a particular
14 academic program, could mean classrooms. We'd like to
15 have instructional space with academic offices often,
16 but is not a -- we don't always do that.

17 MR. ELLIOTT: And in Project A, academic
18 office, is that simply faculty offices?

19 MR. ABUD: Yes.

20 MR. ELLIOTT: And administrative support,
21 is that treasurer's office, that kind of thing?

22 MR. ABUD: Yes, some non-academic related
23 administrative office.

24 MR. ELLIOTT: Now, one final question in
25 this first section. Project B, you state in your

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1 application that there was a building project approved
2 for that site in the 1989 Campus Plan. Have you since
3 checked and found that that's not correct?

4 MR. ABUD: No, they're not exactly on top
5 of each other, but they certainly overlap. The sites
6 are within feet of each other.

7 MR. ELLIOTT: Well, could you just
8 identify for the record which of the '89 projects is
9 on roughly the same site?

10 MR. ABUD: A and B are --

11 MR. ELLIOTT: Ms. Dwyer, you can just
12 state for the record what it is instead of trying to
13 get him to -- go ahead and just state it.

14 MS. DWYER: Based on the 1989 Campus Plan
15 map, building A was the former building 2-A, and
16 building B was the former building number five. So,
17 both buildings.

18 MR. ELLIOTT: Well, we'll just stop at
19 that and take a look. I think everyone needs to take
20 a look at that. Our side can't find that. All right.

21 Subject to the Casell Building, let me ask
22 for clarification, Mr. Taylor, or anyone. You are, of
23 course, seeking approval for the arts building, and
24 you hope to fund and build that, but if you don't,
25 what are you proposing will happen to the Casell

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1 building in the next ten years?

2 MR. TAYLOR: We are confident that that
3 building will be sufficiently funded.

4 MR. ELLIOTT: Well, suppose that the
5 Commission were to disapprove it. Well, let me ask
6 you this. Is the Casell building vacant?

7 MR. TAYLOR: Currently, yes.

8 MR. ELLIOTT: And in your material, I
9 believe you described it as absolute and even
10 decrepit?

11 MR. TAYLOR: Pretty much.

12 MR. ELLIOTT: And if the Commission were
13 now to approve the building you've proposed, would you
14 see yourselves demolishing Casell in any event?

15 MR. TAYLOR: No, we would not. The most
16 likely event is that we would renovate it and continue
17 to use it.

18 MR. ELLIOTT: And what use are you
19 proposing to make for it in that event?

20 MR. ABUD: I don't know. That's not
21 something that's in our plans.

22 MR. ELLIOTT: Well, it's going to be a
23 campus plan facility if you keep it for the next ten
24 years, correct?

25 MR. ABUD: Our planning was not based on

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1 keeping that building. Our planning was based on
2 demolishing the building and replacing it.

3 CHAIRPERSON MITTEN: As part of the --

4 MR. ELLIOTT: I can move on, Madame Chair.

5 I think what they're saying is they plan to keep it
6 but the plan doesn't call for it.

7 CHAIRPERSON MITTEN: Well, I mean, the
8 plan as they have proposed it is that they will
9 replace it with an arts center. If that doesn't
10 materialize, then there will have to be something put
11 in its place. If you all would like to suggest what
12 that --

13 MR. ELLIOTT: It could be demolished.

14 CHAIRPERSON MITTEN: If you would like to
15 suggest what should be done, we'll do that, but the
16 plan as they have proposed is clear.

17 MR. ELLIOTT: I do have one question.
18 Maybe it was answered. I don't want to belabor this,
19 but if it's your request in the campus plan
20 application on a contingent basis to keep that
21 building for the next ten years, I think we're
22 entitled to know what use you're planning to make of
23 it.

24 MS. DWYER: I would object. That was not
25 what the witness testified. What Mr. Elliott had

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1 asked was a hypothetical question, if the Commission
2 did not approve the arts center, what would the
3 University do. The campus plan is very clear that
4 it's requesting permission for an arts center, a
5 further processing application. There's no mention in
6 the plan of what the fallback position would be.

7 MR. ELLIOTT: Well, then, we would view
8 that that building is not a campus plan facility
9 throughout the ten years. Well, we'll leave it at
10 that.

11 MS. DWYER: Fine.

12 MR. ELLIOTT: Subject three, site
13 selection. Can you explain on what basis you feel
14 that the Casell building envelope, as it's been
15 called, is a proper standard for judging a replacement
16 building, a new building at that site? I mean the
17 general heights and position of the Casell building.

18 MR. ABUD: I don't think there's any
19 relationship, so I don't believe it's a proper
20 standard.

21 MR. ELLIOTT: And I believe Mr. Parsons
22 may have been the one who asked whether the lot at
23 Ward Circle was considered, and the answer was no, and
24 the reason was given as to not disturbing parking.
25 I'd like to ask a few questions about that and show

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1 you your own diagram superimposed upon it, the
2 building you propose.

3 Mr. Kleinrock, I think I might address
4 this to you. Well, first of all, I take it, weren't
5 you working with the Ward Circle -- let me turn this
6 north up. I take it had you worked with the Ward
7 Circle parking lot, you probably would have designed a
8 somewhat different building.

9 MR. KLEINROCK: Correct.

10 MR. ELLIOTT: And what sorts of
11 differences might come into play at that point?

12 MR. KLEINROCK: I don't know. I mean, we
13 would approach it the same we approached this
14 building. We do a building that's appropriate for its
15 site, which is what we did on the Casell site.

16 MR. ELLIOTT: And in the Casell, site, I
17 believe you said you tried to reduce the appearance of
18 mass by segmenting the building into three separate
19 sections?

20 MR. KLEINROCK: Yes.

21 MR. ELLIOTT: In any case, just in terms
22 of looking at the two sites, does the Ward Circle
23 parking lot site offer less challenges
24 architecturally?

25 MR. KLEINROCK: I haven't studied the

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1 Nebraska Avenue site to be able to answer that
2 question.

3 MR. ELLIOTT: Well, does it at least offer
4 greater opportunities for setbacks from both the
5 street and the neighboring residences to the east?

6 MS. DWYER: I would object that this is
7 irrelevant. We are not proposing a development on the
8 Nebraska lot, and again, the test is not whether we
9 looked at other sites but whether the site that we're
10 proposing is appropriate and would not have an
11 objectionable impact.

12 CHAIRPERSON MITTEN: Where are you going,
13 Mr. Elliott?

14 MR. ELLIOTT: This is essentially an
15 environmental analysis that the Commission has to make
16 to rule upon this application. Nothing is more
17 fundamental to environmental analysis than that the
18 applicant should have considered the alternatives. In
19 fact, in viewing what is likely to become
20 objectionable, that should be relative to what the
21 alternative opportunities are to avoid undesirable
22 impacts.

23 So, I don't have very many questions about
24 this, but I did want to ask, even though they haven't
25 studied it, what the possible merits are of this

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1 option that they didn't study and that they ruled out.

2 CHAIRPERSON MITTEN: Well, I would like
3 you to confine your questions to gleaning what
4 objectionable conditions you believe exist with the
5 Katzen Arts Center where it has been proposed. So, if
6 you could confine, and if you would like to make some
7 kind of case for that when you do your direct, then if
8 that's how you want to spend your time, be my guest,
9 but I think if you're asserting that there are
10 objectionable conditions related to the Katzen Arts
11 Center, I suggest that you use this opportunity on
12 cross examination to extract what those might be from
13 these witnesses or what --

14 MR. ELLIOTT: Well, I have a section of my
15 cross on that, as you'll see in my outline. I'll come
16 to that in a moment, but if you wish, I will move on,
17 if you don't wish to have any further questions about
18 the alternative of putting the arts center on the
19 alternative site.

20 CHAIRPERSON MITTEN: If you would like to
21 ask a question about how they came to determine that
22 that was an appropriate site for the arts center, that
23 would be okay.

24 MR. ELLIOTT: That was asked and answered
25 when Mr. Parsons asked them if they considered this

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1 other site, and they said they didn't consider it at
2 all. So, I'm not going to ask them how they
3 considered it.

4 CHAIRPERSON MITTEN: That's fine. Okay.
5 We'll move on.

6 MR. ELLIOTT: We're going to leave that
7 testimony stand.

8 CHAIRPERSON MITTEN: Fine.

9 MR. ELLIOTT: All right. I'd like to turn
10 to the compliance of the -- let's turn to the arts
11 center. I think this is probably for Mr. Kleinrock as
12 designer of the building. Did you consider whether
13 the proposed building, which is at the top of the
14 exhibit there, it's your proposed land use zones that
15 I have up there, how that complies with the
16 comprehensive plan for Ward 3 as it relates to the
17 section on urban design? If you like, I'll show you
18 two pages, but I'm sure you're familiar with this
19 comprehensive plan.

20 MR. KLEINROCK: We didn't, no.

21 MR. ELLIOTT: You didn't consider it?

22 MR. KLEINROCK: No.

23 MR. ELLIOTT: Well, let me -- I think that
24 eliminates ten questions I have, Madame Chair. You
25 did not consider the compliance of the proposed

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1 building with the urban design section of the
2 comprehensive plan?

3 MR. KLEINROCK: Correct.

4 MR. ELLIOTT: Next topic. Page four, as
5 Paul Harvey would say. Your testimony, I believe, Mr.
6 Kleinrock, or it might have been Mr. Taylor, but one
7 of you has testified and various time that the Katzen
8 Center that's proposed, the arts center, would be, and
9 I made a note, three different words -- landmark,
10 flagship, gateway to Spring Valley. Could you
11 describe what you had in mind in making it a landmark,
12 flagship, or gateway to Spring Valley?

13 MR. KLEINROCK: Actually, what I did in my
14 testimony was repeat what the Office of Planning said
15 in their report, which was that this building provided
16 an opportunity to create a gateway to American
17 University, to create a gateway to the Spring Valley
18 and American University Park communities, and to be an
19 important piece of civic architecture in Washington,
20 D.C.

21 MR. ELLIOTT: So, the concept of flagship,
22 landmark, or whatever earlier in time than Mr.
23 Altman's report, which was a month or two ago, was
24 there such a concept in the University's developing of
25 this building? In other words, were you trying to

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1 create some type of a landmark?

2 MR. KLEINROCK: I think what we were
3 trying to do is create a responsible, attractive piece
4 of architecture that would serve as a gateway to the
5 American University campus.

6 MR. ELLIOTT: And were you trying to make
7 it particularly notable in some respects?

8 MR. KLEINROCK: I think we were trying to
9 do what I said, which is to make it a good example of
10 civic architecture.

11 MR. ELLIOTT: Well, were you trying to
12 make it distinct from anything else along
13 Massachusetts Avenue in order to make it a noted place
14 where the entry to American University is located?

15 MR. KLEINROCK: I think that the design of
16 the building is responding to the program of the
17 building and to the site of the building and trying to
18 create the kind of architecture that is compatible
19 with the surrounding community and makes a gateway to
20 the campus.

21 MR. ELLIOTT: Well, let me ask you. There
22 is, I believe in the -- I asked, incidentally, by
23 letter to Ms. Dwyer if you had any further renderings.
24 For instance, are there any other further renderings
25 you can show the Commission and us?

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1 MR. KLEINROCK: We have the two renderings
2 with us today that we presented in our Power Point
3 presentation.

4 MR. ELLIOTT: But do you have more
5 renderings?

6 MR. KLEINROCK: Of the interior of the
7 building, we have more renderings.

8 MR. ELLIOTT: I see, none of the exterior.
9 You do have a model?

10 MR. KLEINROCK: We have a study model,
11 which is not at all accurate anymore because we
12 continually rip it apart.

13 MR. ELLIOTT: Now, in the rendering,
14 there's a glass wall, as I recall, facing
15 Massachusetts Avenue.

16 MR. KLEINROCK: Let me get the renderings.

17 MR. ELLIOTT: All right. While he's doing
18 that, perhaps we can run through this question that
19 Ms. Dwyer raised. Oh, he has it. Good. That one.

20 Now, incidentally, is the building to be
21 somewhat light grey or white, or has that not been
22 decided?

23 MR. KLEINROCK: We're looking at a variety
24 of materials, and the idea of the building is to keep
25 it light in color. We're looking at either precast

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1 concrete or limestone.

2 MR. ELLIOTT: It would be light in color?

3 MR. KLEINROCK: Yes, it would be light in
4 color.

5 MR. ELLIOTT: Now, on the elevation --
6 excuse me. On the elevation, I saw these window
7 walls, which are to the left of actually both
8 renderings. What do you want to call this one that's
9 on the stand, this rendering? Do you have it named in
10 any way?

11 MR. KLEINROCK: Oh, just pick a name.

12 MR. ELLIOTT: All right. I'm just trying
13 to keep things clear for Mr. Franklin, who's going to
14 have the chore of reading all this. We're looking at
15 the two renderings.

16 MS. DWYER: Why don't we label that
17 rendering A and the one on the floor we'll label
18 rendering B, just for clarification.

19 CHAIRPERSON MITTEN: Do you have copies of
20 those for us?

21 MS. DWYER: Those were included in our
22 Power Point presentation.

23 MR. ELLIOTT: Well, A is the west end of
24 the building and B is the east end, correct?

25 MR. KLEINROCK: Yes.

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1 MR. ELLIOTT: Okay. Then we can do the
2 west end and the east end rendering. Incidentally,
3 you don't have any rendering of how the west end of
4 the building actually looks from someone standing
5 farther west, correct?

6 MS. DWYER: Let me just clarify. This
7 drawing in our Power Point was called the view looking
8 north from Massachusetts Avenue, which is what we're
9 calling A, which is the top one.

10 MR. ELLIOTT: And that's the west end, Ms.
11 Dwyer. All right, the west end, and the other is the
12 east end. In other words, if you put the two
13 together, you can see the art gallery off to the right
14 of the east end all the way down to classrooms at the
15 left of the west end, correct?

16 MR. KLEINROCK: Yes.

17 MR. ELLIOTT: Okay, now my question --
18 yes, hold that, please, Joey. Now, my question is
19 down at the west end here, you have window walls,
20 correct?

21 MR. KLEINROCK: Correct.

22 MR. ELLIOTT: Now, when you designed the
23 window walls, were you thinking that that was
24 something unique to introduce to Massachusetts Avenue?

25 MR. KLEINROCK: Actually, it's more

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1 complex than that. What we were thinking is that we
2 didn't put any windows, very few windows on the north
3 side of the building, and we put all the classrooms on
4 the south side of the building. In order to make them
5 functional classrooms, we need to put windows in them.

6 MR. ELLIOTT: And these are three floors
7 of classrooms down at the west end?

8 MR. KLEINROCK: Correct.

9 MR. ELLIOTT: Now, again, is there
10 anything that you know of, say, from the Embassy Row
11 area all the way out to Maryland that's anything like
12 this along Massachusetts Avenue in terms of having a
13 lighted window wall, lighted at night?

14 MR. KLEINROCK: Well, I wouldn't
15 necessarily call that a lighted window wall. I mean,
16 there are plenty of apartment buildings along
17 Massachusetts Avenue that have lots of glass in them,
18 yes.

19 MR. ELLIOTT: Apartment windows. Now,
20 these will be lit at night if needed for classroom or
21 other use?

22 MR. KLEINROCK: Correct.

23 MR. ELLIOTT: Will they be curtained or
24 anything to cut the light flow?

25 MR. KLEINROCK: We haven't really thought

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1 about it yet.

2 MR. ELLIOTT: Incidentally, in terms of
3 this being marking a significant point coming west or
4 in either direction along Massachusetts, across the
5 street from it on the top of the hill by the
6 president's building you've proposed a four-story
7 structure in the Campus Plan.

8 MR. ABUD: That's correct.

9 MR. ELLIOTT: And the four stories is
10 elevated in relation to the Massachusetts Avenue
11 because it's a high site, correct?

12 MR. ABUD: Yes.

13 MR. ELLIOTT: So, coming back to Mr.
14 Kleinrock, in designing this building, did you have in
15 mind at all the combined visual impact of looking at
16 the Katzen building to the north side and the four
17 story structure that may be built across the street
18 and a little to the west of it?

19 MR. KLEINROCK: We didn't think of it in
20 relationship to our other proposed buildings.

21 MR. ELLIOTT: You can set that down.
22 Madame Chair, Mr. Alphonso is assisting me to my
23 right. Incidentally, it's both Mr. Herstein and my
24 birthday tonight. I shall always remember spending my
25 60th birthday with you.

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1 CHAIRPERSON MITTEN: Well, happy birthday,
2 and you don't want me to sing.

3 MR. ELLIOTT: Bob said he's much younger
4 than me, but that might impinge upon his credibility.

5 The next subject is the question of the
6 specifics in the 1989 agreement, and I think I can
7 stipulate now with Ms. Dwyer that the University's
8 answer with respect to every one of these 16 or 17
9 protections in that agreement is that in their view,
10 the University is not obligated to do any of these
11 things in the future. I think that's what you're
12 saying. If she's going to stipulate to that, I won't
13 have to ask the witness what their intention is, which
14 is the fact question I have.

15 MS. DWYER: That is not what I stipulated
16 to or would stipulate to. What we said is your letter
17 was very specific referring to paragraph B, paragraph
18 C, building parameters that were very specific to the
19 1989 plan. What we are going to do is look at those
20 same issues, building parameters, lighting, and
21 landscaping, and propose conditions that are in
22 keeping with this campus plan.

23 MR. ELLIOTT: Well, let me ask a few
24 questions here, Madame Chair, and you can see whether
25 you're going to allow them or not.

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1 Mr. Taylor, do you consider yourself --
2 are you intending to carry out paragraph R, which
3 provides for early opportunity for involvement of
4 citizens in the design of buildings and additions?

5 CHAIRPERSON MITTEN: Mr. Elliott, this is
6 the kind of back and forth that we were trying to
7 avoid, and I think that Ms. Dwyer was suggesting.
8 Either she would draft a response for you then to
9 respond to or that you two can sit down and do this
10 together, but this --

11 MR. ELLIOTT: I think actually that we
12 really could stipulate. What I really wanted to know,
13 and I think they said it in a pleading after I sent
14 the letter to you, I think what I really wanted to
15 know is do they feel that they need to carry out any
16 of these obligations as a matter of contract, and I
17 think they've said in their pleadings that they think
18 the contract is gone.

19 CHAIRPERSON MITTEN: Do you mean as of
20 now, as of this moment?

21 MR. ELLIOTT: Yes, and going forward the
22 next ten years. Regardless of what we might work out,
23 they're already bound, for instance, to have a liaison
24 committee for that agreement going forward.

25 CHAIRPERSON MITTEN: So, Mr. Elliott wants

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1 to know is there -- what's your view about sort of the
2 survivability of these provisions of the 1989
3 agreement, regardless of what we would impose on you?

4 MS. DWYER: Right. What we have said is
5 that the specific provisions of the 1989 agreement are
6 not germane to the 2000 Campus Plan by their very
7 language. What we agree and have already proposed,
8 for example, are conditions that affect the design of
9 the Katzen Arts Center. We've already proposed a
10 liaison committee.

11 So, a lot of the issue areas or subject
12 areas are certainly campus plan issues, landscaping,
13 lighting, and we are going to propose conditions that
14 take the issue that was addressed in the 1989
15 agreement but tailor the condition to reflect the 2000
16 Campus Plan.

17 MR. ELLIOTT: That's not responsive to
18 what I'm seeking, but I'm glad that they're going to
19 propose something. I think it's clear from their
20 pleading, and perhaps we'll just leave it at that.

21 CHAIRPERSON MITTEN: Okay.

22 MR. ELLIOTT: That except for these
23 provisions that by their terms go out to 2010, I mean,
24 in their pleadings, they said they can't propose other
25 buildings. It's at least that far until 2010 on the

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1 land north of Massachusetts. So, that has to survive,
2 but the rest of these, I think she's saying, she views
3 that they're gone, whereas we view them to be ongoing
4 requirements of the contract through the next campus
5 plan.

6 CHAIRPERSON MITTEN: I think we understand
7 where she is, and I think we understand where the
8 campus plan is.

9 MR. ELLIOTT: All right, then we satisfy
10 that. Item six, development guidelines and building
11 parameters. This is probably a question for Mr.
12 Taylor and Mr. Abud. I'm not going through every
13 conceivable type of development guidelines, but as you
14 know, the Office of Planning has proposed that there
15 be development guidelines for some buildings. They've
16 specified some, and there's a precedent of having
17 building parameters, which Ms. Dwyer mentioned earlier
18 as to the previous or current Campus Plan.

19 In that connection, number one, noise --

20 MS. DWYER: Madame Chair, if I could just
21 have a time check. Our understanding is that the half
22 hour of additional cross examination that Mr. Elliott
23 had is up at this point in time, and if you could
24 perhaps get a sense of how much longer.

25 CHAIRPERSON MITTEN: Yes, Mr. Elliott?

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1 MR. ELLIOTT: I'm doing real well here.
2 These are going to go fast, but I have to get through
3 this remaining four points, and I'll do it just as
4 fast as I can.

5 CHAIRPERSON MITTEN: Okay.

6 MR. ELLIOTT: I'm going to ask the
7 University, on noise, would you agree to or be
8 receptive to a Zoning Commission condition that there
9 be no amplified sound outside, outdoors, with some
10 possible exceptions?

11 MR. ABUD: We'd have to know more about
12 the details of what that means. There are, as you
13 might be familiar, noise regulations that regulate the
14 amount of amplified sound which we currently comply
15 with.

16 MR. ELLIOTT: I'm not going to debate
17 that, but apart from the very ineffective regulations
18 about sound, which are easy to comply with, would you
19 be receptive, as Mt. Vernon was in the Did you ever
20 discuss the substance of your discussions with the BZA
21 order a year or two ago, for prohibiting amplified
22 sound with some specified exceptions such as -- well,
23 whatever you want to come up with, as opposed to
24 having the right to generally have amplified sound
25 outdoors. Is that something you're receptive to?

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1 MS. DWYER: I think what the witness said
2 is it depends on the exceptions, and without seeing
3 the precise language, it's hard to answer.

4 MR. ELLIOTT: All right, and Ms. Dwyer,
5 will you meet with me in two days and go over these
6 things?

7 MS. DWYER: Yes.

8 MR. ELLIOTT: All right. I'll be there.

9 Light. The Mt. Vernon order, in their
10 campus plan, which the Mt. Vernon campus is only about
11 a mile away, has five restrictions on light, and I'll
12 just mention them. Designed in a high quality manner.

13 There must be no spotlight illumination of buildings.

14 There must be special attention to lighting in
15 entrance areas. There are limitations on outdoor
16 lighting of athletic fields, and there must be efforts
17 to minimize the interior lighting impacts on
18 residential neighbors. Would you be prepared to have
19 conditions in this order similar to the lighting
20 conditions in the Mt. Vernon BZA order as I've
21 described it?

22 MR. ABUD: Again, it depends on the
23 details. The Mt. Vernon campus and their
24 circumstances are different than our campus and our
25 circumstances. We would be agreeable to conditions

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1 that speak to the conditions for our campus.

2 MR. ELLIOTT: Now, Mr. Abud, just on that,
3 and this is my last question on this subject, you say
4 your campus is different from Mt. Vernon. Is there
5 any reason why you should do less for your neighbors
6 than George Washington University did for the
7 neighbors nearby in the case of the Mt. Vernon? Can
8 you think of any differences that would lead you to
9 think that you should give the neighbors less
10 protection or different protection?

11 MS. DWYER: Madame Chair, I object. It
12 assumes that the witness has suggested that they
13 should do less, and that was not what the witness
14 suggested.

15 MR. ELLIOTT: Oh, I accept that, Ms.
16 Dwyer, but with that clarification, is there any
17 reason why you should do less for your neighbors if
18 you choose to than in the Mt. Vernon case? You're
19 familiar with the Mt. Vernon case?

20 CHAIRPERSON MITTEN: Perhaps Mr. Abud
21 could just explain his answer and what he meant by the
22 distinction between American University and the
23 difference between that campus and Mt. Vernon.

24 MR. ABUD: Yes, they are just different.
25 The land is different. They are different shapes.

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1 There are different buildings. There are different
2 heights of buildings, you know, where things are are
3 different in relation to the various residences. So,
4 what I meant is we'd have to look at our case and look
5 at what lighting conditions are appropriate for our
6 campus and not just take carte blanche a Mt. Vernon
7 set of conditions.

8 CHAIRPERSON MITTEN: I think in keeping
9 with the spirit of what was accomplished with the Mt.
10 Vernon conditions, that would be something for you and
11 Ms. Dwyer to work out how that could be accomplished,
12 and that would be another thing that you could discuss
13 with her.

14 MR. ELLIOTT: We'll do that.

15 CHAIRPERSON MITTEN: Great.

16 MR. ELLIOTT: Next subject, off campus
17 parking. I have relatively -- I have too much on this
18 for where you're going, Madame Chair. Let me ask a
19 few questions, and we'll try to move this along.

20 Am I correct, Mr. Abud and Mr. Taylor,
21 that when you boil it right down, if someone parks in
22 front of a neighbor's house, one of three different
23 sets of rules applies. There is one set of rules for
24 resident students residing on the main campus. There
25 is one set of rules for non-resident students who are

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1 driving to the campus, and there is one set of rules
2 for law students.

3 MR. ABUD: That's correct.

4 MR. ELLIOTT: And a neighbor can't tell
5 which of the three types of students the student is,
6 can he?

7 MR. ABUD: Probably not.

8 MR. ELLIOTT: And you can't tell either,
9 just looking at the car and the student?

10 MR. ABUD: Yes.

11 MR. ELLIOTT: Traffic study, a couple of
12 things on the traffic study. We did have some cross
13 examination -- incidentally, there are three experts,
14 and after I left the last hearing, some of the
15 neighbors asked me, well, what did Mr. Slade do
16 because he was at all the neighborhood meetings and
17 Ms. White was never at them, and what did Ms. White
18 do. Then there was a third person available for
19 cross. Is he here?

20 MS. DWYER: Yes. We have two --

21 MR. ELLIOTT: Would you introduce him?

22 MS. DWYER: Alan Brictorin with HNTV. As
23 I mention, we have two traffic consultants that looked
24 at the campus. In order to present our direct case in
25 our time limit, we chose one person to give the

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1 testimony, and Nicole drew the short straw.

2 MR. ELLIOTT: Is that, Ms. White, because
3 you did the field work, or how were you selected?

4 MS. WHITE: The project manager.

5 MR. ELLIOTT: Okay. Ms. Dwyer, could you
6 maybe just stipulate as to why there were two instead
7 of one?

8 MS. DWYER: There was, after several
9 community meetings, there was a clear understanding
10 that traffic was an issue to be dealt with, and in
11 order to insure that the University was giving it the
12 attention it needed, it brought in a second consultant
13 to do a peer review of Grove Slade's analysis, and
14 that peer review confirmed their findings. So, in
15 this regard, the University felt that they had given
16 the issue the attention that it needed.

17 MR. ELLIOTT: All right, and Ms. White,
18 did the peer review point out any defects in the
19 original study?

20 MS. WHITE: I believe -- if you want to
21 call them defects, okay.

22 MR. ELLIOTT: Well, whatever you'd like to
23 call them, problems. You found some problems with it?

24 MS. WHITE: There were issues that needed
25 clarification.

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1 MR. ELLIOTT: All right. Now, I want to
2 turn to a couple of specific points. I believe in
3 various places in the application and testimony,
4 you've said that it will be adequate, the handling of
5 the main gate, which I believe you -- what's it
6 called, the Grove gate?

7 MS. WHITE: Glover gate?

8 MR. ELLIOTT: Glover gate. Crossing
9 Massachusetts Avenue at that point will not be a
10 problem, but we looked in the transportation study
11 material, and is it correct that for the year 2005 and
12 2010, you reduced the crossing time from the current
13 18 seconds down to 10 seconds in 2005 and 11 seconds
14 in 2010. Any of the traffic experts could respond to
15 this.

16 MS. DWYER: Mr. Elliott, is there a page
17 that you're referring to? That might make it easier
18 for reference.

19 MR. ELLIOTT: I need Mr. Bilecky to come
20 up and help me with this. This is Mr. Bilecky, who's
21 president of the Ft. Gaines Citizens Association.

22 MR. BILECKY: These pages aren't numbered
23 in the technical appendix, but if you go to your
24 existing, then your 2005 and your 2010 projections for
25 the a.m. peak crossing when light timing on the Glover

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1 gate.

2 MR. ELLIOTT: You can take it over and
3 show it to them, Mr. Bilecky. My question is going to
4 be on what basis would you change the crossing time
5 for Massachusetts Avenue at the main gate from 18
6 seconds down to 10 seconds in 2005 and 11 seconds in
7 2010, but I think you should first satisfy yourself
8 that that's what you did.

9 MS. WHITE: Okay. I see ten seconds, 11
10 seconds.

11 MR. ELLIOTT: Go ahead, Ms. White, I'm
12 sorry.

13 MS. WHITE: We probably did this to give
14 more green time to through traffic on Massachusetts
15 Avenue.

16 MR. ELLIOTT: And is Massachusetts Avenue
17 about 44 feet wide at that point?

18 MS. WHITE: I'd say that sounds about
19 right.

20 MR. ELLIOTT: And how many feet per second
21 does a pedestrian cover if he's healthy and walking at
22 a normal clip?

23 MS. WHITE: Anywhere between three and
24 four feet per second.

25 MR. ELLIOTT: Now, at three feet per

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1 second, wouldn't that be about 13 seconds to go 44
2 feet?

3 MS. WHITE: Okay.

4 MR. ELLIOTT: So, how -- it is, all right.
5 Let me ask another question. Is your study -- I
6 believe you, Mr. Bilecky, you might be able to help me
7 with this. I want to ask about the question about the
8 consistency of your study in terms of assuming that
9 left turns can be made during rush hour, morning and
10 evening, at the main gate.

11 MS. WHITE: Just to correct you, after our
12 meetings with the community, the University decided to
13 maintain peak hour left turn restrictions.

14 MR. ELLIOTT: But did your study make that
15 adjustment?

16 MS. WHITE: No, that would just improve
17 things at that location.

18 MR. ELLIOTT: Would it improve the --
19 well, what happens when someone needs to go make a
20 left turn? Wouldn't they go down the street, make a
21 U-turn and come back?

22 MS. WHITE: No, they would do what they're
23 doing now because currently there are left turn
24 restrictions. So, they would access the University
25 through another gate.

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1 MR. ELLIOTT: Or, let's say a person's
2 coming east on Massachusetts Avenue and can't turn
3 left into the new arts center. Couldn't they just go
4 up to Ward Circle and maneuver 180 there and come back
5 and turn right into the arts center?

6 MS. WHITE: That's possible.

7 MR. ELLIOTT: Did you factor that in in
8 determining levels of service?

9 MS. WHITE: I don't think I specifically
10 looked at that because, like I said, when we prepared
11 our report, we assumed left turns could be made during
12 the peak hours.

13 MR. ELLIOTT: There's a recommendation, I
14 believe, for split phase signalling at the main gate?

15 MS. WHITE: No, that's not true. No
16 longer true, I'll correct myself.

17 MR. ELLIOTT: Okay. Madame Chair, I'm
18 trying to ask all the community's questions amid the
19 ones I ask. We're almost done. I did have a lot more
20 on traffic which I must take credit for not doing.

21 So, next subject --

22 CHAIRPERSON MITTEN: And you're doing an
23 excellent job.

24 MR. ELLIOTT: Thank you very much.
25 Population limits, my final subject before we turn to

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1 Mr. Herstein. I would like maybe a three minute break
2 between mine and his so we can caucus a bit. I did at
3 the first hearing ask if we could consult at some
4 point, probably through our cross.

5 Population limits. I want to start here
6 with a table that Mr. Taylor, Mr. Abud, I take it, you
7 provided to Grove Slade. It's at page 27 of their
8 parking study. It shows 25 percent overall population
9 growth rate, 43 percent faculty and staff, 22 percent
10 students. I can show it to you, Mr. Abud.

11 My first question is how does 25 percent
12 requested ability to grow square with some reasonable
13 level of flexibility to have your population go up and
14 down a bit from year to year?

15 MS. DWYER: Do you understand the
16 question?

17 MR. ELLIOTT: Do you need 25 percent for
18 the kind of flexibility that you sought? By way of
19 background, Mr. Taylor, you said that AU seeks to
20 maintain its size, basically not to grow. Mr. Abud,
21 you said in your testimony that we're not talking
22 about providing -- we are talking about providing
23 additional facilities to our current population.
24 We're not talking about growth.

25 MR. TAYLOR: That's just the maximum,

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1 because that's invoking those numbers that we've used
2 as our cap.

3 MR. ELLIOTT: But would you agree with me
4 that the last time around, the University sought and
5 received eight percent flexibility? In other words, a
6 population cap that was eight percent above its then
7 current populations. Are you aware?

8 MR. ABUD: That's correct.

9 MR. ELLIOTT: Okay. Now, wouldn't eight
10 percent be enough this time around?

11 MR. ABUD: We don't believe so.

12 MR. ELLIOTT: What has changed? Is 25
13 percent needed, or is there somewhere in between that
14 would be good enough?

15 MR. TAYLOR: We proposed 25 percent
16 because that's what we believe is appropriate. We've
17 talked about the competitive nature of higher
18 education. That has changed.

19 MR. ELLIOTT: Now, I haven't asked you how
20 or why. I've just asked you whether. All right, so
21 Ms. Dwyer can elicit that if she wants.

22 Would you agree that if the population cap
23 is high enough above your current level, it becomes
24 meaningless?

25 MR. TAYLOR: No.

1 MR. ELLIOTT: It's never meaningless, Mr.
2 Taylor.

3 MR. TAYLOR: That's right.

4 MR. ELLIOTT: Well, let me pursue this
5 just a second. If the population cap that this
6 Commission establishes for your university doesn't
7 pinch somewhere or have some meaning in terms of what
8 could actually happen in ten years, wouldn't it be
9 meaningless? Let's say they gave you twice as much as
10 your current population and in your wildest dreams,
11 you wouldn't grow that much. That kind of population
12 cap would be meaningless, wouldn't it?

13 MR. TAYLOR: The point of a population cap
14 is to address potential impacts. So, that's what it's
15 meant to address and not so much whether or not you're
16 really going to get there.

17 MR. ELLIOTT: Now, incidentally, when you
18 took the 25 percent population cap and you applied it
19 -- the population growth is the basis for saying that
20 you believe you need more parking spaces on campus,
21 correct? You have enough now, but because of the
22 population cap you're seeking, you believe you need
23 about 500 more, correct?

24 MR. TAYLOR: That's correct.

25 MR. ELLIOTT: And there, as I understand

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1 it, you use 17 percent, correct? You're going to
2 increase them 17 percent?

3 MR. TAYLOR: The numbers of parking
4 spaces?

5 MR. ELLIOTT: Yes.

6 MR. TAYLOR: I don't know that number, but
7 I'll take your word for it.

8 MR. ELLIOTT: Well, accept it and you can
9 check it, but that's just simple addition, or
10 division. Now, 17 percent, you base that on the
11 survey Ms. White did where she found that at the peak
12 sample, you had a considerable number of spaces not
13 used on campus, correct? And you applied 25 percent
14 to that.

15 Madame Chair, if I might, in utilities
16 proceedings, we just make data requests for the
17 record. I'd like to just ask the Commission to ask
18 them to supply that answer for the record.

19 CHAIRPERSON MITTEN: I'm unclear as to
20 what the question is.

21 MR. ELLIOTT: The question is this. If
22 you used a 25 percent population growth figure and
23 then you've increased parking spaces by 17 percent, is
24 that because you've found you're not using all your
25 parking at present?

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1 MR. ABUD: Not everyone drives.

2 MR. ELLIOTT: No, but --

3 CHAIRPERSON MITTEN: You said there's a
4 question that requires just an answer versus one --

5 MR. ELLIOTT: The rationale is for 17
6 percent using --

7 CHAIRPERSON MITTEN: So, you would like to
8 understand better the calculations whereby you project
9 population increases in terms of students and faculty?

10 MR. ELLIOTT: No, what I really wanted was
11 how they converted the population growth to 17 percent
12 increase in spaces when they're using a 25 percent
13 growth figure.

14 MS. WHITE: I think the answer to your
15 question is yes. It was because there were vacant
16 spaces.

17 MR. ELLIOTT: That answers that. You
18 keyed off of that peak actual space used figure, and
19 went up 25 percent, Ms. White?

20 MS. WHITE: Yes.

21 MR. ELLIOTT: Okay, that answers it. The
22 conversion of the 1989 population cap figure which was
23 head count, to a new figure of full time equivalent,
24 who can answer this, Mr. Taylor or Mr. Abud? Yes,
25 would you just briefly tell the Commission what sort

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1 of rules you apply when you propose to the Commission
2 that you use a full-time equivalent cap.

3 For instance, is every student who takes
4 anything at all considered at least half a student, or
5 is it all the way down to whatever percent of a full
6 load the student takes?

7 MR. ABUD: The way we do full-time
8 equivalent calculations are based on the rules that
9 define how many credit hours a student takes to be
10 considered part-time. For an undergraduate student,
11 12 credit hours is full-time. So, anyone that is
12 taking 12 credit hours or above is considered part-
13 time -- excuse me, full-time.

14 MR. ELLIOTT: What about three credits?
15 Would that be a quarter of a student or is there a
16 floor?

17 MR. ABUD: If you'll let me finish, I'll
18 go through how the whole calculation is done.

19 MR. ELLIOTT: I'm sorry.

20 MR. ABUD: The full-time equivalent for
21 the set of part-time students is done by summing all
22 the credit hours that all the part-time students take
23 and dividing it by 12 for undergraduates, so that it
24 isn't a case by case, individual by individual. It's
25 a sum of all of the credit hours to give you what a

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1 typical full-time student would be taking.

2 MR. ELLIOTT: I heard it but I didn't
3 understand how you put them all together in a lump. I
4 thought you went student by student and figured that
5 one is a half student, one is three-quarters of a
6 student, one is a full-time student.

7 MR. ABUD: No.

8 MR. ELLIOTT: You don't. Do you do this
9 once a year or twice a year, every day? How do you do
10 this?

11 MR. ABUD: Typically, we do it every fall
12 and once a semester.

13 MR. ELLIOTT: And are you proposing to
14 average those two figures or to comply with it each
15 semester?

16 MR. ABUD: All the population figures that
17 are in the plan are peak figures for the fall
18 semester. That's our highest population.

19 MR. ELLIOTT: Could we just have a moment?

20 CHAIRPERSON MITTEN: Is this your three
21 minutes?

22 MR. ELLIOTT: I think I'm -- yes, I'd like
23 to take three minutes right now. I'm actually
24 finished except for -- I have a few more on
25 population, but I could stop here, consult.

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1 CHAIRPERSON MITTEN: Okay.

2 MR. ELLIOTT: Also, one of the neighbors
3 gave me seven question that I could run through, but
4 I'm done other than that. Mr. Herstein would be next.

5 CHAIRPERSON MITTEN: Okay. Perhaps while
6 you take your three minutes to confer, I'll follow up
7 with a few questions that I have.

8 MR. ELLIOTT: I really need to hear them.
9 Go ahead.

10 CHAIRPERSON MITTEN: It's a tough call.

11 MR. ELLIOTT: You don't think we could
12 have just a two or three minute break? We could even
13 all stay in the room. There are a lot of people out
14 there who feel like their questions have all been
15 funneled to me, and I haven't asked them all, you
16 know.

17 CHAIRPERSON MITTEN: Yes, I understand
18 that.

19 MR. ELLIOTT: Yes.

20 CHAIRPERSON MITTEN: We'll take --

21 MR. ELLIOTT: We'll just meet in the back
22 of the room.

23 CHAIRPERSON MITTEN: All right. We'll
24 take two minutes.

25 MR. ELLIOTT: Thanks.

1 CHAIRPERSON MITTEN: But nobody is to
2 leave.

3 (Whereupon, the foregoing matter went off
4 the record at 8:10 p.m. and went back on the record at
5 8:15 p.m.

6 CHAIRPERSON MITTEN: Please take your
7 seats.

8 MR. ELLIOTT: Shall I go ahead, Madame
9 Chair.

10 CHAIRPERSON MITTEN: Either take your
11 seats or take it out in the hall, please.

12 MR. ELLIOTT: All right. One more
13 question on population, two more questions. Number
14 one, would there be any limits on non-credit students?
15 For instance, I understand you have something called
16 the Institute for Learning and Retirement. Those are
17 non-degree students, I take it?

18 MR. ABUD: That's correct.

19 MR. ELLIOTT: Now, do you count them in
20 your population?

21 MR. ABUD: Yes, we did.

22 MR. ELLIOTT: How?

23 MR. ABUD: I'm not sure I understand.

24 MR. ELLIOTT: Well, is each student a full
25 time, a half time? Did you do it by credit hours?

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1 How do you do it?

2 MR. ABUD: I'm not familiar exactly how we
3 count those individuals. Everyone who takes a class
4 at the University does go through a registration
5 process, and so we know that they exist. Those
6 particular individuals, I'm not familiar with how we
7 count them.

8 MR. ELLIOTT: And they get counted toward
9 the cap?

10 MR. ABUD: Correct.

11 MR. ELLIOTT: And would you apply the same
12 population cap to so-called non-traditional studies
13 like continuing education or that sort of thing?

14 MR. ABUD: Yes.

15 MR. ELLIOTT: And again, how would you
16 count people there?

17 MR. ABUD: The same way that we count
18 everyone else.

19 MR. ELLIOTT: I think, Madame Chair, it
20 would really be helpful if AU could supply that
21 methodology for the record.

22 CHAIRPERSON MITTEN: Is that something
23 that you could do just to illustrate when you come up
24 to your FTE, what is the composition of that, how is
25 it breaking down?

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1 MR. ABUD: We can. I think part of the
2 confusion is that even though a course may not have
3 credits that go toward a particular degree, there are
4 still credits for the course, which can get counted to
5 do the calculations for full-time equivalent the way I
6 described. We could supply --

7 CHAIRPERSON MITTEN: Could you do a broad
8 calculation that would include actual full-time
9 students, part-time students, and the number of those,
10 and then these students in some of these other
11 programs that get included, just break it down in
12 broad categories?

13 MR. ABUD: Yes.

14 CHAIRPERSON MITTEN: Thank you.

15 MR. ELLIOTT: And finally, do part-time
16 students generate more trips in terms of vehicles than
17 full-time students, per student?

18 MR. TAYLOR: Not necessarily.

19 MR. ELLIOTT: It varies?

20 MR. TAYLOR: Because indeed, if a part-
21 time student is only taking one class in the course of
22 a week, that's only one trip to campus as opposed to a
23 full-time student.

24 MR. ELLIOTT: Well, in any case, you have
25 determined that 9800 FTE is equivalent to the head

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1 count number in the 89 plan. Just briefly, how did
2 you figure out what the equivalent figure was? Was it
3 based on experience or theory or what?

4 MR. ABUD: It is based on our experience
5 with the proportion of full-time versus part-time
6 that's been in existence. So, we did the same kind of
7 --

8 MR. ELLIOTT: I have seven questions
9 submitted from a neighbor.

10 CHAIRPERSON MITTEN: Mr. Abud was
11 concluding his answer to your question.

12 MR. ELLIOTT: I'm sorry. I thought he had
13 stopped. I'm sorry.

14 CHAIRPERSON MITTEN: He was composing his
15 thoughts.

16 MR. ELLIOTT: All right. Compose, please.

17 MR. ABUD: In terms of the cap, we go
18 through the same kind of calculation. Assuming the
19 ratio of part-time and full-time that's in existence
20 today, extrapolating out to the higher number.

21 MS. DWYER: Mr. Abud, is this the same
22 formula used by other universities in preparing their
23 campus plans?

24 MR. ABUD: I believe so.

25 MR. ELLIOTT: In connection with Ms.

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1 Dwyer's redirect, Mt. Vernon is one of those other
2 universities, and it has -- are you willing to do what
3 it does, have both an FTE number and a somewhat higher
4 head count number as a cap?

5 MR. ABUD: We would have to look at how it
6 operates, what happens if you exceed one and not the
7 other.

8 MR. ELLIOTT: Whichever applies what
9 limits you, then? You can't violate either if you do
10 that. Would you be willing to do that?

11 MR. ABUD: I'm not sure what the point is
12 of having two numbers.

13 MR. ELLIOTT: We don't trust your FTE
14 calculations. We want to know how many students
15 you're going to have. That's the point.

16 CHAIRPERSON MITTEN: Well, perhaps that
17 would be another topic of discussion for you and Ms.
18 Dwyer.

19 MR. ELLIOTT: I shall take it up. What
20 time, Ms. Dwyer?

21 MS. DWYER: It's going to be a four-day
22 conference.

23 MR. ELLIOTT: No, 11:00 in your office on
24 Wednesday, yes?

25 MS. DWYER: Yes.

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1 MR. ELLIOTT: All right. Seven questions
2 from a neighbor, and I'll try to make these be quick.

3 Number one -- these all relate to Ft. Gaines, Madame
4 Chair and members of the Commission. How long have
5 the neighbors adjacent to Casell been looking at
6 Casell? When was it built? How many years?

7 MR. ABUD: About 1945.

8 MR. ELLIOTT: Number two, on your visit to
9 homes there, did you note the effect of the proposed
10 new arts center on the visibility of trees across
11 Massachusetts Avenue? For instance, from Mr.
12 Pollack's home or any of the other neighbors. Did you
13 take a look at what the visibility of trees would be
14 there?

15 MR. ABUD: Mr. Pollard's home is the only
16 one I've been in. I did look at the trees.

17 MR. ELLIOTT: Speaking of trees, my
18 favorite question -- I've had this in the Disney case
19 and every other case I've had, are those trees up
20 there 30 years from now on the renderings, or are
21 those trees that we would have 24 months from now if
22 you built that building? It seems all these
23 developers put beautiful, full-grown trees in their
24 renderings that won't exist for 30 years. Are these
25 going to exist two years from now, or are these

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1 projected to grow someday?

2 SPEAKER: I'd say that's artistic license
3 on the renderings part. They were focusing on
4 describing the building and architecture more than the
5 landscape.

6 MR. ELLIOTT: This does not surprise me.

7 SPEAKER: In particular, the landscape in
8 front of the building.

9 MR. ELLIOTT: Are there any mature trees
10 that will survive putting a building there? A few?

11 SPEAKER: Yes.

12 MR. ELLIOTT: Okay. Now, underground
13 parking garage, back to the neighbor's question, the
14 law school proposal did not have an underground
15 parking garage, correct?

16 MR. ABUD: That's correct.

17 MR. ELLIOTT: And Mr. Kleinrock, in going
18 from the law school building design -- well, did you
19 take into account the law school design when you went
20 about designing the building that's proposed here?

21 MR. KLEINROCK: We're generally familiar
22 with it.

23 MR. ELLIOTT: And could you --

24 CHAIRPERSON MITTEN: Please turn the mike
25 in your direction at least.

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1 MR. ELLIOTT: Sorry. All right. I wanted
2 to show the Commission a rendering of the law school
3 building. You're familiar with that, Mr. Kleinrock?

4 MR. KLEINROCK: I've seen it.

5 MR. ELLIOTT: And I'll show the members
6 the same rendering, and I do have it for the record,
7 Mr. Bastida.

8 Now, did you consider this type of style
9 from the law school building design at all when you
10 worked on this, or did you start all over to go with
11 something new?

12 MR. KLEINROCK: Well, our building is a
13 completely different use than this building.

14 MR. ELLIOTT: I understand, but how would
15 you describe architecturally in a few words the design
16 of the arts center building? Would you say it's a
17 contemporary building?

18 MR. KLEINROCK: I would say it was
19 exciting.

20 CHAIRPERSON MITTEN: A landmark.

21 MR. KLEINROCK: It's a landmark building.

22 MR. ELLIOTT: Exciting, the room wouldn't
23 be full of people, would it? But in terms of
24 architectural, is it a school of architecture that
25 this reflects, or would you say it's a what?

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1 MR. KLEINROCK: I would say it's designed
2 to meet the needs of our client.

3 MR. ELLIOTT: But in terms of
4 architectural school or --

5 CHAIRPERSON MITTEN: The Kleinrock school
6 of architecture.

7 MR. ELLIOTT: How would you describe the
8 law school style? Is there a name for that?

9 MR. KLEINROCK: Without embarrassing
10 anybody?

11 MR. ELLIOTT: Yes.

12 MR. KLEINROCK: I would say that it's --I
13 have no idea how to describe that. I mean, it's
14 brick. Our building is not brick.

15 MR. ELLIOTT: And did you make some effort
16 to make your building compatible with what is across
17 the street and in the area?

18 MR. KLEINROCK: I think we did that, yes.

19 MR. ELLIOTT: And how deep is the garage
20 to be from the ground level?

21 MR. KLEINROCK: It's three levels.

22 MR. ELLIOTT: About 30, 40 feet? Thirty
23 feet?

24 MR. KLEINROCK: I don't know the exact
25 number. It's about 30. It's three levels.

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1 MR. ELLIOTT: Okay, finally, did you make
2 any computation of the period of daylight that would
3 be shortened or direct sunlight on the backs of homes
4 in Ft. Gaines, that the number of minutes would be
5 shortened by having your building there as opposed to
6 either Casell being there or no building?

7 MR. KLEINROCK: We didn't look at the
8 number of minutes, no.

9 MR. ELLIOTT: Do you have any idea what
10 that would be?

11 MR. KLEINROCK: Alan Pollock might know
12 the answer to that.

13 MR. ELLIOTT: But you don't, okay.

14 MR. KLEINROCK: Right.

15 MR. ELLIOTT: Okay, that completes this
16 list. Okay, that's what I have, Madame Chair. Mr.
17 Herstein has the other subjects.

18 CHAIRPERSON MITTEN: Of course.

19 MR. HERSTEIN: Thank you, Madame Chair.
20 I'd like to ask Ms. Lea to show us again the slide
21 that showed the existing campus and the one that
22 showed open space improvements in your previous
23 testimony.

24 MS. LEA: Can I use the board, or do I
25 have to take a mike with me?

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1 CHAIRPERSON MITTEN: Maybe turn that light
2 in your direction there.

3 MS. DWYER: How's that?

4 MS. LEA: This is not exactly the slide
5 that shows existing conditions. The addition is of
6 the arrows that illustrate the entrances, vehicular
7 entrances into campus.

8 MR. HERSTEIN: I wanted the slide that
9 showed, that was titled, "Existing campus."

10 MS. LEA: It is this, if you just ignore
11 the blue arrows, it's the same thing. I can hold up
12 --

13 MR. HERSTEIN: You didn't bring the slides
14 for us to use in cross examining you?

15 MS. LEA: No, we have the --

16 MS. DWYER: We have copies of all of the
17 slides, which you have as well, that we distributed at
18 the end of the last --

19 MR. HERSTEIN: I don't quite understand
20 that. You present your direct testimony with a
21 projector, and when we want to cross examine you, you
22 don't have the same visual aid.

23 MS. LEA: We have every single slide right
24 here.

25 MR. HERSTEIN: Why did you use the

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1 projector last time?

2 MS. LEA: Because we had a lot of people
3 giving a lot of testimony, and it's heavy, and I
4 didn't want to carry it tonight.

5 MR. HERSTEIN: Well, I think you were
6 requested to bring the projector this evening, too.

7 MS. LEA: I am not aware of that.

8 MR. HERSTEIN: Mr. Elliott wrote Ms. Dwyer
9 and told her we would like to have the projector.

10 CHAIRPERSON MITTEN: Can we just proceed?
11 We don't have it.

12 MR. HERSTEIN: All right. Do you all have
13 this?

14 CHAIRPERSON MITTEN: Yes.

15 MR. HERSTEIN: All right. If you could
16 turn to the page called, "Existing campus." The pages
17 aren't numbered, so I can't quite tell if one, two
18 -- it's about --

19 CHAIRPERSON MITTEN: This diagram?

20 MR. HERSTEIN: Yes. In the lower, left-
21 hand corner, it says, "Existing campus."

22 MS. LEA: Again, this is the diagram minus
23 the blue arrows.

24 MR. HERSTEIN: Okay. How wide is the
25 street where it circles Centennial Hall there?

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1 MS. LEA: It's 30 feet wide.

2 MR. HERSTEIN: Didn't you tell us in the
3 meetings that you had with the neighbors that it was
4 18 feet?

5 MS. LEA: No. There is segments of the
6 road that is one way currently around Leonard Hall
7 that is 18 feet.

8 MR. HERSTEIN: That existing road is 13
9 feet, is that right?

10 MS. LEA: Thirty.

11 MR. HERSTEIN: Thirty feet, I mean?

12 MS. LEA: Yes.

13 MR. HERSTEIN: By the way, could you point
14 out where my house is?

15 MS. LEA: It's right about there.

16 MR. HERSTEIN: A little closer to the
17 fence perhaps, but it's probably in there.

18 MS. LEA: I can show you in cross section.

19 MR. HERSTEIN: Well, we'll get to that in
20 a minute.

21 MR. HOOD: Excuse me, Madame Chair, I am
22 trying to follow, and I'm having a problem. Mine has
23 been shuffled a little bit. You can continue.

24 MR. HERSTEIN: Okay. You mentioned the
25 cross section. Would you show us that?

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1 MS. LEA: Certainly.

2 MR. HERSTEIN: Would you show us the cross
3 that shows whether there are any topographic barriers
4 between my house and that road?

5 MS. LEA: This is actually an exhibit that
6 was requested at the last hearing.

7 MR. HERSTEIN: Right.

8 MS. LEA: It shows a cross section through
9 the campus.

10 MR. HERSTEIN: That's over to University
11 Avenue.

12 MS. LEA: This is the proposed building C.

13 MR. HERSTEIN: That's not showing the
14 road. That's what I'm asking you about. It's the
15 Centennial Hall Road, where the road goes around
16 Centennial Hall.

17 MS. LEA: Let me see. We did not cut a
18 section through the roadway, but I can describe that
19 the --

20 CHAIRPERSON MITTEN: Mr. Elliott, would
21 you mind turning your microphone towards Ms. Lea so
22 that we can -- because we're not getting her at all on
23 the other.

24 MR. HERSTEIN: Okay. Let's make do with
25 this one. Where is my house?

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1 MS. LEA: Your house is right here.

2 MR. HERSTEIN: Right, and where is the
3 road going around Centennial?

4 MS. LEA: The road around Centennial Hall
5 is right here.

6 MR. HERSTEIN: And is there anything
7 between those two points that is higher than those two
8 points?

9 MS. LEA: The road at this point is about
10 elevation 380, and your home is at 368.

11 MR. HERSTEIN: Right, and there's nothing
12 in between that's higher. So, it's a clear shot
13 across there.

14 MS. LEA: It's in elevation -- your home
15 is lower than the road.

16 MR. HERSTEIN: Yes, but --

17 MS. LEA: And there is no higher land.

18 MR. HERSTEIN: In terms of sight or
19 hearing or whatever, there's nothing to intervene, is
20 that right?

21 MS. LEA: That's correct.

22 MR. HERSTEIN: Okay. Where the road goes
23 down along, sort of parallel to University Avenue, a
24 new road.

25 MS. LEA: A new road cuts through here.

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1 MR. HERSTEIN: Yes, and then it will come
2 down on which side of the new sports center?

3 MS. LEA: It comes down right here.

4 MR. HERSTEIN: Right there, right.

5 MS. LEA: Which is where there is an
6 existing road, at elevation 350.

7 MR. HERSTEIN: Right.

8 MS. LEA: Well, it's an ill-defined road
9 with parking all around it.

10 MR. HERSTEIN: Right, and to your
11 knowledge, is that road visible from the houses on
12 University Avenue, especially from the porch or the
13 second floor?

14 MS. LEA: I would doubt that you could see
15 that road from University Avenue given the landscape
16 over here and the distance.

17 MR. HERSTEIN: Well, it depends on the
18 density of the landscaping, doesn't it?

19 MS. LEA: Well, there's fairly dense
20 existing landscape right now.

21 MR. HERSTEIN: Well, that's something
22 we'll get into later, but if the landscaping weren't
23 there, chances are they would see the cars driving
24 along that road?

25 MS. LEA: Well, the landscaping is there,

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1 and it is about 500 feet.

2 MR. HERSTEIN: Right, I understand. Okay,
3 now go back if you would to the existing campus slide.

4 That road is 30 feet wide. Could you turn now to the
5 slide -- I'm sorry to keep shuffling you around. It's
6 a few spaces on down, about four or five or six in my
7 set, called, "Open space improvements."

8 MS. LEA: Yes.

9 MR. HERSTEIN: Do you have a big one of
10 that?

11 MS. LEA: No.

12 MR. HERSTEIN: Could I ask the
13 Commissioners if they could locate that? It's in the
14 lower left-hand corner, it says, "Open space
15 improvements."

16 CHAIRPERSON MITTEN: I think we have that.

17 MR. HERSTEIN: Okay. That road looks
18 wider there. Is it?

19 MS. LEA: No, I believe it's --

20 MR. HERSTEIN: I think you should look at
21 your slide. This doesn't depict it here.

22 MS. LEA: Well, that is a diagrammatic
23 illustration of the streetscape along the proposed
24 campus road. It is not an illustration of the campus
25 road. We've said that we do not intend to widen that

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1 roadway. It will remain the 30 feet that it is
2 currently.

3 MR. HERSTEIN: Okay.

4 MS. LEA: With the exception of those two
5 pieces which will remain one way and approximately the
6 width that they are now. In some cases, there is
7 parking along the campus loop road.

8 MR. HERSTEIN: Where it's circled
9 Centennial there, it would not be widened, is that
10 right?

11 MS. LEA: That's correct.

12 MR. HERSTEIN: Okay. That's all the
13 questions I have on that. Oh, let me just ask, have
14 you specified in the plan as submitted what kind of
15 landscaping would we put along that roadway?

16 MS. LEA: Again, only diagrammatically.
17 Street trees, buffer planting where needed, but not a
18 specific species of any of that.

19 MR. HERSTEIN: Would you be able to do
20 that before this Commission is asked to pass on the
21 submitted plan? Would you submit something that's
22 more detailed so the neighbors know whether there is
23 likely to be objectionable conditions or not?

24 MS. LEA: I think we've stated that we
25 would work with the community through the liaison

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1 group when that road becomes more further designed.
2 We have conceptual grading for it, but we need to
3 understand more of what the grading would be before we
4 could get to specifics about where plants would go and
5 what specific plants would be needed.

6 MR. HERSTEIN: What do you mean when the
7 road is designed? I thought the road was already
8 there and was not going to be changed?

9 MS. LEA: Well, there's one segment right
10 in here that is not there right now, and there is
11 grading that would have to happen along that.

12 MR. HERSTEIN: Well, how about the parts
13 that are there? Is there any reason why you couldn't
14 supply the kind of detail that was supplied by your
15 firm in 1989 for landscaping along the periphery?

16 MS. LEA: I didn't work on that in 1989,
17 so I don't know exactly what was supplied, but I think
18 we could get fairly specific about what we would be
19 proposing along there. I think we understand that
20 we're trying to mitigate any negative impact on that
21 roadway. I'll again state that there is traffic on
22 that road right now, and we're not proposing that that
23 change in any significant way.

24 MR. HERSTEIN: Well, in 1989, there was a
25 major issue of buffering along that border, along the

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1 top boundary of the campus, all along what I guess is
2 the west boundary. Your colleague, Joe Brown,
3 directed and caused to be made a very detailed
4 landscape plan, which is in the 1989 plan which is
5 part of the BZA record. Is there any reason why that
6 couldn't be done this time?

7 MS. LEA: I think that's probably more
8 appropriately answered by our client.

9 MR. HERSTEIN: Well, assuming your client
10 were willing, is there any reason you could not do it?

11 MS. LEA: No reason.

12 MR. HERSTEIN: So, it comes down to the
13 will power of the client, is that right?

14 MS. LEA: Well --

15 MR. HERSTEIN: Yes or no?

16 MS. LEA: Yes.

17 MR. HERSTEIN: Okay. Now, let me turn to
18 the bleachers for just a minute. The plan calls for -
19 - could you show us where the bleachers are going to
20 be?

21 MS. LEA: The bleachers.

22 MR. HERSTEIN: Do you know how many people
23 will be seated in the bleachers?

24 MS. LEA: I believe the number was a
25 thousand.

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1 MR. HERSTEIN: I think it's shown in the
2 Campus Plan as 2,000 in one place and 1,000 in another
3 place. It would be sort of helpful for us to have a
4 --

5 CHAIRPERSON MITTEN: I'm going to ask the
6 University to clarify that.

7 MR. ABUD: It's 1,000.

8 CHAIRPERSON MITTEN: A total of 1,000
9 bleacher seats.

10 MR. ABUD: One thousand additional to the
11 roughly 800 that are there.

12 CHAIRPERSON MITTEN: So, we have 800 plus
13 another thousand that will be constructed, for a total
14 of 1800?

15 MR. ABUD: Correct.

16 CHAIRPERSON MITTEN: All right.

17 MR. HERSTEIN: That's very reassuring.
18 It's only a thousand facing the neighbors, not 2,000.
19 It reminds me of the lawyer who pled to the court,
20 Your Honor, my client is accused of stealing \$50,000.
21 It's absolutely untrue. He only stole \$30,000.

22 Okay, the bleachers will seat 1,000 people
23 at the place where it says, "C," is that correct?

24 MS. LEA: That's correct.

25 MR. HERSTEIN: Do you have any -- when you

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1 were asked about the noise last time, your reply was,
2 "Well, they have nothing to cheer about." Is that
3 based on your expert experience?

4 MS. LEA: My knowledge of AU's recreation.

5 MR. HERSTEIN: Do you feel that the
6 bleachers are being constructed for people to sit in
7 them?

8 MS. LEA: Yes, as I think David mentions,
9 there are quite a few people that stand in that
10 location now when there is an athletic event going on.

11 MR. HERSTEIN: Maybe I could ask David a
12 question or two on the subject while we're on it so we
13 don't have to go back and forth. David, you said that
14 there were normally 100 to 200 spectators at the
15 soccer games. When then do you want to build
16 bleachers for a thousand people?

17 MR. TAYLOR: What I said, Bob, was that
18 what we're talking about are the sports that utilize
19 that field would be men's soccer, women's soccer, and
20 lacrosse, women's lacrosse. For women's lacrosse and
21 women's soccer, you're talking about maybe 100, 200.
22 They're not well attended. For men's soccer, it
23 depends on the opposition. There may be a couple of
24 hundred students there.

25 Indeed, as I suggested, the exception to

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1 that would be perhaps if a local rival such as
2 Virginia or Maryland was playing. Then you might have
3 closer to 1,000 or so. Also, what we're talking about
4 are people already stand along the playing field, but
5 they don't have a place to sit. So, the people are
6 there. They just have no place to sit for those
7 particular games.

8 MR. HERSTEIN: If you build the bleachers,
9 there will still be room for people to stand around
10 the field as well as sit in the bleachers, won't
11 there?

12 MR. TAYLOR: But there's no room for
13 people to sit now.

14 MR. HERSTEIN: I understand that. If you
15 build the bleachers, there will be room for them to
16 sit another thousand people, and there will still be
17 room for people to stand.

18 MR. TAYLOR: As one who has stood through
19 games with my young son, I prefer to sit.

20 MR. HERSTEIN: I understand that, but if
21 the seats were all full, the someone might stand also,
22 mighten they?

23 MR. TAYLOR: If that is their choice and
24 if they have that kind of endurance.

25 MR. HERSTEIN: Well, you were just telling

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1 me they do now.

2 CHAIRPERSON MITTEN: I think just the
3 question is will there be room for people to stand in
4 addition to these seats?

5 MR. TAYLOR: Sure.

6 CHAIRPERSON MITTEN: Okay.

7 MR. HERSTEIN: So, you're effectively
8 expanding the capacity of the field considerably by
9 adding these bleachers, aren't you?

10 MR. TAYLOR: Of the --

11 MR. HERSTEIN: Of the capacity for people
12 to come to the game and watch it?

13 MS. DWYER: Madame Chair, I would object.
14 What the witness said is they're providing seats for
15 individuals who are already there, not expanding the
16 capacity.

17 MR. HERSTEIN: So, you would not allow
18 people to stand once you have these seats? You'd just
19 move them into the stands and not allow them to stand
20 on the outer ground?

21 MS. DWYER: I would stipulate for the
22 record that as many people as stand there today would
23 be able to stand there in the future. We are not
24 changing the size of the field.

25 CHAIRPERSON MITTEN: I think we understand

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1 your point, Mr. Herstein.

2 MR. HERSTEIN: Thank you. The reason I
3 felt the need to hammer the nail in, Ms. Chairman, is
4 that we felt the responses last time were not really
5 addressed to the neighborhood concerns. Whenever we
6 asked a question about people there, we got a flippant
7 response.

8 CHAIRPERSON MITTEN: We understand, and
9 you can bring this out more on direct.

10 MR. HERSTEIN: Okay, thank you. Mr.
11 Taylor, has there been an effort at AU to increase the
12 school spirit and morale of the sports teams?

13 MR. TAYLOR: Well, we've recently changed
14 conferences. Is that what you're referring to?

15 MR. HERSTEIN: No, I'm just asking in
16 general whether there has been an effort to --

17 MR. TAYLOR: Indeed, having an athletics
18 program that makes the students and alumni proud is
19 something every institution wants.

20 MR. HERSTEIN: Do the university officials
21 hope for greater attendance of soccer games?

22 MR. TAYLOR: We hope for success.

23 MR. HERSTEIN: Do you hope for greater
24 attendance?

25 MR. TAYLOR: If indeed we have the places

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1 for people to sit, sure.

2 MR. HERSTEIN: Okay. Were the neighbors
3 consulted before these bleachers were put down on the
4 map showing their proposed campus changes?

5 MR. TAYLOR: That I don't know, other than
6 we talked about it from early on in our conversations
7 with you and the community.

8 MR. HERSTEIN: Well, do you remember when
9 the neighbors first heard of this bleachers?

10 MR. TAYLOR: I don't know. George, do you
11 know?

12 MR. KLEINROCK: I believe it was when we
13 first presented the proposed plan, somewhere about
14 March of 2000.

15 MR. HERSTEIN: And it was put down on a
16 map like this and presented at the meeting. Basically
17 I think it was this map that you handed out at the
18 meeting, is that right?

19 MR. TAYLOR: Probably.

20 MR. HERSTEIN: That was the first time the
21 neighbors were consulted about the bleachers, if I'm
22 not correct. Is that right?

23 MR. TAYLOR: It could be.

24 MR. HERSTEIN: Who told you to put the
25 bleachers on the plan, Ms. Lea?

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1 MS. LEA: The University.

2 MR. HERSTEIN: Pardon?

3 MS. LEA: It was discussed with our
4 client.

5 MR. HERSTEIN: And what studies or
6 investigation did you undertake before you drew them
7 onto the plan?

8 MS. LEA: It was primarily in how they
9 could be sited, what the topography was, what the
10 existing conditions were.

11 MR. HERSTEIN: Did you consult with the
12 neighbors or do any studies about the possible impact
13 on the neighbors?

14 MS. LEA: No, we did not.

15 MR. HERSTEIN: After you heard of the
16 neighbors' reaction, did you make any effort to change
17 the plan or take account of their reactions?

18 MS. LEA: No, we have not.

19 MR. HERSTEIN: Whose direction were you
20 acting under during that time?

21 MS. LEA: Our client.

22 MR. HERSTEIN: Okay.

23 CHAIRPERSON MITTEN: Mr. Herstein?

24 MR. HERSTEIN: Yes.

25 CHAIRPERSON MITTEN: We would like to just

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1 focus on, you know, getting information about the
2 bleachers themselves and their siting. It's not that
3 productive for us to know how we came to have the plan
4 that is before us, but if you could be extracting
5 things related to, you know, adverse conditions and so
6 on, that's where we want to go.

7 MR. HERSTEIN: All right. We'll cover
8 this a little more in our post-hearing memorandum.
9 The reason I was asking the questions is that in 1988
10 and when the BZA remanded the University's plan to the
11 University and said we want you to address these
12 issues in a way that will address the neighborhood
13 concern, and then they listed a series of issues, they
14 said, and you will please instruct your consultants,
15 your planners and consultants, to work closely with
16 the neighbors before and as they build the plan so
17 they can take account of neighborhood concerns as they
18 do the drawing rather than having the drawing put in
19 place and then have to try to unwind it.

20 CHAIRPERSON MITTEN: I understand.

21 MR. HERSTEIN: So, that was the purpose of
22 my questions.

23 CHAIRPERSON MITTEN: Yes.

24 MR. HERSTEIN: Okay. Now, I'd like to ask
25 a question, David, about a familiar subject, the logo

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1 on the sports center.

2 CHAIRPERSON MITTEN: We don't have any
3 testimony about that, and I don't know that there's
4 anything in the plan about that.

5 MR. HERSTEIN: No, this is an existing
6 condition that I'm addressing, Madame Chairman.

7 CHAIRPERSON MITTEN: All right.

8 MR. HERSTEIN: Am I correct, David, that
9 about what, six or eight years ago, there was a large
10 AU logo in the form of an eagle, the AU logo, erected
11 on two corners on the league sports center there, as
12 it points toward the soccer field?

13 MR. TAYLOR: Approximately 1995 or '96
14 would be my recollection.

15 MR. HERSTEIN: And did you hear from the
16 neighbors when that went up?

17 MR. TAYLOR: Indeed, you said that you
18 were concerned about that.

19 MR. HERSTEIN: And I was concerned on
20 behalf of myself and the neighbors on University
21 Avenue, is that right?

22 MR. TAYLOR: That's correct.

23 MR. HERSTEIN: And what was the response
24 from the University?

25 MR. TAYLOR: That perhaps because of the

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1 shielding from the trees and the greenery and the
2 distance from University Avenue and from your house,
3 we weren't convinced that that was a legitimate issue.

4 MR. HERSTEIN: Well, that's not what your
5 response was. I didn't bring the letter along, but
6 I'll submit it for the record.

7 MR. TAYLOR: School spirit?

8 MR. HERSTEIN: Pardon?

9 MR. TAYLOR: Are you talking about the
10 reference to school spirit?

11 MR. HERSTEIN: That's right. You said
12 that this was put up in order to build school spirit.

13 MR. TAYLOR: Right, okay.

14 MR. HERSTEIN: You said nothing about the
15 neighbors. Was the construction of the sign on the
16 campus plan in 1989? Did the sign show as an element
17 of the 1989 campus plan?

18 MR. TAYLOR: I wasn't here in 1989. I
19 don't know.

20 MR. HERSTEIN: George?

21 MR. KLEINROCK: It was not.

22 MR. HERSTEIN: Was there any application
23 to the Office of Planning or the BZA or any other city
24 officials before the sign was put up?

25 MR. TAYLOR: Not to my knowledge.

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1 MR. HERSTEIN: Or any consultation with
2 the neighbors?

3 MR. TAYLOR: Not to my knowledge.

4 MR. HERSTEIN: Okay. Did you have to get
5 a building permit for it?

6 MR. TAYLOR: I don't believe so.

7 MR. KLEINROCK: I don't know.

8 MR. HERSTEIN: Okay. Do you know at this
9 point whether the sign is visible from houses on
10 University Avenue and from my house on Woodway Lane?

11 MR. TAYLOR: I haven't been to your house
12 in awhile, Bob. I don't know.

13 MR. HERSTEIN: I think you were on the
14 walk-around last spring, which Marcia Lea came on
15 also. Do you remember, Ms. Lea, whether the sign was
16 visible from the front of my house?

17 MS. LEA: I remember that we were there
18 before the leaves were fully out, and you could see a
19 little bit of that sign from your terrace.

20 MR. HERSTEIN: Okay, a little bit, like
21 the whole thing. We'll submit a picture of that.

22 Mr. Abud, I'd like to ask you about the
23 lights in the Watkins art building. Do you recall
24 what the lighting plan that was part of the BZA order
25 in part of the agreement and the BZA order in 1989

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1 called for in connection with the lights, the lighted
2 windows of the Watkins art building?

3 MR. ABUD: Yes.

4 MR. HERSTEIN: Could you summarize that
5 for us?

6 MS. DWYER: I would like to object because
7 the Watkins art building is not part of this Campus
8 Plan.

9 MR. HERSTEIN: No, I'm again addressing an
10 existing condition, Madame Chairman.

11 CHAIRPERSON MITTEN: To the extent that it
12 runs to an existing condition, I'd like to hear what
13 he's getting at. I mean, the Watkins building is
14 within the campus plan boundary, as I understand it.

15 MR. HERSTEIN: That's right, and it was
16 addressed in the BZA order very specifically as an
17 existing condition that needed to be remedied before
18 the plan could be carried forward.

19 CHAIRPERSON MITTEN: Mr. Abud, can you
20 answer the question?

21 MR. ABUD: Yes. The plan called for some
22 sort of screening so that the lighted windows could
23 not be visible from neighboring properties.

24 MR. HERSTEIN: And Mr. Abud, do you know
25 whether that, now 12 years later, whether that

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1 requirement has been met?

2 MR. ABUD: It has at times and it has not
3 at times.

4 MR. HERSTEIN: Do you know whether the
5 lights were visible this evening?

6 MR. ABUD: I didn't go by this evening.

7 MR. HERSTEIN: If I may testify, Madame
8 Chairman --

9 CHAIRPERSON MITTEN: I think we'll save
10 that. I think we get the point.

11 MR. HERSTEIN: Okay, we'll do that later.
12 All right.

13 MR. ELLIOTT: She doesn't seem to want to
14 hear anymore about this.

15 MR. HERSTEIN: Okay.

16 CHAIRPERSON MITTEN: Mr. Elliott is
17 getting so perceptive.

18 MR. ELLIOTT: The microphone wasn't
19 supposed to be on.

20 MR. HERSTEIN: You didn't learn from
21 George Bush.

22 Okay, I only have one small question
23 remaining.

24 MS. DWYER: Madame Chair, can I just find
25 out how much longer the cross examination --

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1 MR. HERSTEIN: This is my last question.

2 MS. DWYER: One small question, okay.

3 CHAIRPERSON MITTEN: You shut your mike of
4 accidentally.

5 MR. HERSTEIN: Oh, I'm sorry. Wrong time.
6 We don't seem to get it right.

7 Mr. Kleinrock, at the previous hearing,
8 you described three steps in the design of the arts
9 center. The third one, as I recall it, was "to
10 involve the community." What were the first two
11 steps?

12 MR. KLEINROCK: Well, they weren't
13 sequential steps. What I said was is that it was a
14 complex project that involved a constrained site,
15 detailed programmatic requirements by the faculty and
16 the University, and concerns on the part of
17 neighboring properties.

18 MR. HERSTEIN: And when did you involve
19 the community?

20 MR. KLEINROCK: I think I first met with
21 the community last April.

22 MR. HERSTEIN: And what was the design of
23 the building stage at that point?

24 MR. KLEINROCK: We were in early concept
25 stage and had just completed the programming of the

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1 building.

2 MR. HERSTEIN: You stated at the last
3 hearing that the suggestion of the neighbors to move
4 the building closer to Mass Avenue was brilliant. Is
5 it possible that earlier consultation might have
6 brought forth some other brilliant suggestions?

7 MR. KLEINROCK: I think that came very
8 early in the process, and we met very early in the
9 process.

10 MR. HERSTEIN: No further questions.

11 CHAIRPERSON MITTEN: Thank you, Mr.
12 Herstein. I had a couple of other questions, since
13 you're all assembled here today. Then I'll also,
14 before we go to Office of Planning, see if any of the
15 other Commissioners have some follow-up questions from
16 what they heard tonight or from last time.

17 Was the Nebraska Avenue parking lot
18 designated for commuter students only? That was
19 something that had been indicated that was proposed in
20 the 1989 plan. Was that accomplished?

21 MR. ABUD: Yes, for the most part. We do
22 use it occasionally for overflow employee parking, but
23 it's almost 90 plus percent commuter student.

24 CHAIRPERSON MITTEN: But there's no other
25 place on campus that's designated for commuter

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1 parking? That's exclusively the area, is that
2 correct?

3 MR. ABUD: That's correct, before 5:00
4 p.m. After 5:00 p.m., we do not enforce permit
5 requirements so that commuter students can park in
6 other places on campus.

7 CHAIRPERSON MITTEN: All right, and then
8 in conjunction with the Katzen Arts Center, there will
9 be 150 spaces, I believe, set aside for commuter
10 parking. I thought that the motivation behind
11 designating the Nebraska Avenue lot for commuter only
12 was to keep students from having to drive all over
13 campus looking for a space and then possibly not
14 finding it in a timely manner and defaulting to
15 parking on the residential streets.

16 So, it seems somewhat counterproductive to
17 designate, you know, another area for commuter parking
18 unless it's going to be specified which commuter
19 students will park there. How are you going to handle
20 that?

21 MR. ABUD: Yes, our thinking is to have
22 those commuter student parking spaces in the arts
23 center lot dedicated to a specific group of commuter
24 students, more than likely art students.

25 CHAIRPERSON MITTEN: Okay, so it will be

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1 targeted to certain commuters?

2 MR. ABUD: Yes.

3 CHAIRPERSON MITTEN: All right. There was
4 also a plan to reduce the number of resident student
5 parking permits that had been issued to reduce it from
6 what had been the existing 380 to 300. I notice that
7 in the traffic report, there's a future parking space
8 allocation that shows it being back up to 380. I
9 didn't know if that was because it had never gone down
10 or is part of the plan to have it go back up from 300,
11 or what's the situation there?

12 MR. ABUD: It did go down for a few years
13 in response to commuter student demand. Our commuter
14 student demand has dropped down, so we do have the
15 ability to have more resident student parking today.

16 CHAIRPERSON MITTEN: So, that's something
17 that you balance?

18 MR. ABUD: That's correct. It depends on
19 the situation at the time, and we monitor the demand
20 and the supply. The resident student parking spaces
21 are kind of a safety valve.

22 CHAIRPERSON MITTEN: Do you view the 380
23 spaces that are listed in the future space allocation
24 chart in the traffic study to be a cap or that's just
25 a target?

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1 MR. ABUD: That's a target.

2 CHAIRPERSON MITTEN: Do you have
3 restrictions of which resident students can bring
4 vehicles to campus? Do you prohibit freshman from
5 doing that?

6 MR. ABUD: We do not prohibit freshman
7 from bringing cars, but very few do.

8 CHAIRPERSON MITTEN: All right. I'm just
9 going to quote a section out of the Campus Plan, but
10 this is from page 28. It says, "Concerns have been
11 expressed regarding commuter traffic going through the
12 residential area at the south of the main campus by
13 using Rockwood Parkway. The University is exploring
14 the reconfiguration of the Rockwood Parkway, Nebraska
15 Avenue intersection so that Rockwood dead-ends into
16 the campus. It is believed that this reconfiguration
17 will discourage traffic from entering the residential
18 area."

19 Can you put up some kind of board that you
20 could illustrate for us exactly what that's about, and
21 then describe the reconfiguration that you're
22 exploring?

23 MR. HERSTEIN: Madame Chair, can I ask a
24 qualifying question while she's getting ready?

25 CHAIRPERSON MITTEN: A clarifying

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1 question?

2 MR. HERSTEIN: On this point. We were
3 informed by Mr. Abud that they were abandoning that
4 proposal sometime back during the consultations, and
5 we haven't been addressing it at all.

6 CHAIRPERSON MITTEN: All right.

7 MR. HERSTEIN: I wasn't aware that it was
8 still in the plan, but perhaps we should clarify that
9 at this point.

10 CHAIRPERSON MITTEN: That sounds like a
11 good threshold question.

12 MR. ABUD: It's true that at the request
13 of the community, we said we would not pursue it any
14 further.

15 CHAIRPERSON MITTEN: Okay, so that's off
16 the table?

17 MR. ABUD: Yes.

18 CHAIRPERSON MITTEN: All right. If you
19 could, and this is something that you would probably
20 just need to submit for the record, on page 41 of the
21 Campus Plan at tab A, it makes mention of land use
22 categories and what they are, and those categories
23 don't match the categories on the Exhibit No. 7 and
24 Exhibit No. 11 on the existing land use zones.

25 For instance, on page 41, there's mention

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1 made of a category called residential/campus
2 life/athletic, and there is no such category on the
3 land use zone maps. So, if there could be some
4 clarification to tie those together, as well as when
5 you have these broad categories like, say,
6 administrative/support, what does that include, so
7 that we know exactly what's being targeted for the
8 various zones.

9 I also believe that perhaps there's an
10 error on Exhibit No. 7. It looks like the Nebraska
11 Hall is an academic, and if I understand it, it's a
12 residence hall. Is that correct? Is Nebraska Hall a
13 residence?

14 MR. ABUD: It's currently functioning as
15 an academic administrative building.

16 CHAIRPERSON MITTEN: And you will be
17 converting it to a residence hall?

18 MR. ABUD: Well, it's been a residence
19 hall in the past. It's had about a four-year
20 temporary life to house either offices. Right now it
21 houses the art studios that were taken out of the
22 Casell Center. So, it's functioning as swing space
23 for various renovation projects currently and will
24 continue to do so until the arts center is completed.

25 CHAIRPERSON MITTEN: All right. So,

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1 perhaps you could clarify then when you put some of
2 these categories together, what exactly falls into the
3 categories, because that's not clear to me. Also, in
4 the 1989 plan, it was indicated that with the
5 relocation of the law school, the academic functions
6 in a group of buildings, Clark, Roper, Gray and
7 McCabe, would be converted back to residence hall use.

8 Did that happen?

9 MR. ABUD: No. We've had a change of
10 heart.

11 CHAIRPERSON MITTEN: Is there some way
12 that you could just delineate the buildings that are
13 currently residence halls and the number of beds in
14 them and those proposed, you know, so that we have
15 existing and in the future? That would be helpful.

16 For the Katzen Arts Center, there's been
17 some mention made in some of the concerns raised by
18 the community about the method of excavation for that
19 site and also I guess the construction method. So,
20 two questions on that. Will there be blasting related
21 to the excavation of that site?

22 MR. KLEINROCK: To the best of our
23 knowledge, that rock is below the lowest part of our
24 excavation.

25 CHAIRPERSON MITTEN: So, that would be no

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1 blasting.

2 MR. KLEINROCK: I mean, we can't actually
3 see what's down there, but borings indicate that there
4 shouldn't be any blasting.

5 CHAIRPERSON MITTEN: Okay, but if you
6 encountered rock, blasting would be the only way of
7 getting through it?

8 MR. KLEINROCK: It depends on the nature
9 of the rock. Sometimes the rock can be ripped out.
10 So, we don't know the answer to that, other than to
11 say that our borings indicate that there wouldn't be
12 any.

13 CHAIRPERSON MITTEN: All right, and then
14 pile driving, is that necessary to construct, or does
15 that depend on what you find?

16 MR. KLEINROCK: We're going to have to do
17 sheeting and shoring along the perimeter of the
18 property, which will require pile driving.

19 CHAIRPERSON MITTEN: All right. There was
20 a concern about workers on the arts center
21 construction parking on 44th, 45th and Sedgewick
22 Streets, and there's a condition proposed. Condition
23 number 12 includes a prohibition on construction
24 traffic on the residential streets, but it doesn't
25 mention parking per se. Is that something that you

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1 would be willing to include?

2 MR. ABUD: Yes. We intend to require
3 workers to park on University property, and we would
4 fashion a condition to say that.

5 CHAIRPERSON MITTEN: All right. Then
6 another condition related to Katzen is that the
7 proposed hours for delivery are from 7:30 a.m. to 7:30
8 p.m., Monday through Friday, 9:00 a.m. to 6:00 p.m. on
9 Saturday and Sunday. When the law school was
10 approved, the hours that were agreed to were eight to
11 six, Monday through Friday and nine to five on
12 Saturday and Sunday. Is there any reason why you need
13 longer hours with the arts center? This is for
14 commercial deliveries.

15 MR. ABUD: A lot of the reason is that the
16 facilities are very different. The law school had a
17 completely external service bay and a surface access
18 to it. The loading dock for the arts center is
19 designed to be underground. The trucks get halfway up
20 the driveway and go underground, and so there's really
21 no activity that is visible or that generates noise
22 the way it did with the law school.

23 CHAIRPERSON MITTEN: In order for the
24 loading to occur, do the trucks have to back up at
25 some point?

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1 MR. ABUD: They can back up within the
2 building. There's sufficient space for them.

3 CHAIRPERSON MITTEN: But they still make
4 that noise, right? They still make that backing up
5 noise?

6 MR. ABUD: It's underground and inside the
7 building.

8 CHAIRPERSON MITTEN: It will be inside the
9 building when they make that noise?

10 MR. ABUD: Yes.

11 CHAIRPERSON MITTEN: Okay. Any of the
12 other Commissioners have any follow-up questions
13 before we proceed to the Office of Planning?

14 MR. PARSONS: I've been looking at your
15 drawings since we last met, and I'm concerned about
16 the underground parking along Nebraska Avenue and how
17 your sections seem to intrude -- I'm talking to Mr.
18 Kleinrock -- they seem to intrude in the public space.
19 Is that true?

20 MR. KLEINROCK: Along Massachusetts
21 Avenue, we're going to be applying for a vault space.

22 MR. PARSONS: So, that's the same as
23 intruding in a public space?

24 MR. KLEINROCK: Yes, but it's not
25 atypical.

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1 MR. PARSONS: It's a matter of the way
2 it's expressed.

3 MR. KLEINROCK: It's not atypical in
4 Washington, D.C. to do that.

5 MR. PARSONS: Ms. Lea, then, there's an
6 exhibit here of -- let me tell you my concern. I know
7 the tree cover along this street, along Massachusetts
8 Avenue, and it's shown on your existing conditions
9 map, whoever drew that. Now, we're going underneath
10 that space, these public trees, if you will, with a
11 vault.

12 We're also having a fairly large stairway coming
13 down to Massachusetts Avenue, the entrance to a
14 parking garage and an opening, and I'm very concerned
15 about this, to the point that I'm really concerned
16 about the building at all. So, I'm going to ask you,
17 if you would, to produce some kind of exhibitry that
18 shares with us the existing street canopy.

19 This exhibit, for instance, doesn't quite
20 do it. This is the only existing condition photograph
21 here in the lower right that shows what this street
22 feels like as a special street in this city and what
23 it will look like when we're done.

24 These renderings of the building don't
25 bring us there. I'm very concerned about the length

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1 of the building, the scale of the building, and now
2 more than ever, what it's going to do to the public
3 resource of the trees along the avenue. We could save
4 that for another time, but I just wanted to let you
5 know.

6 The second question I asked you last time
7 about the drawings, there was confusion of the
8 drawings. One seemed to intrude into the parkland to
9 the north and the other one didn't, but it still seems
10 that you've got a joint boundary or joint building
11 line on the property line. Is that correct?

12 MR. KLEINROCK: Yes.

13 MR. PARSONS: So, do you think you'll be
14 able to do that without the permission of the Park
15 Service?

16 MR. KLEINROCK: No.

17 MR. PARSONS: Now, why is it that you
18 moved that close to the park? Why is it that you've
19 added 25 percent of this building from the law school,
20 that gorgeous building you just commented on earlier?
21 You increased it by 25 percent and added that to the
22 north side towards Ward Circle?

23 MR. KLEINROCK: What do you mean by
24 increase of 25 percent? We have the same --

25 MR. PARSONS: It's 25 percent longer than

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1 the law school.

2 MR. KLEINROCK: We have the same gross
3 floor area in the building as the law school did.

4 MR. PARSONS: Well, I'm just comparing the
5 two exhibits from the 1989 --

6 MR. KLEINROCK: We have a different
7 program than the law school.

8 MR. PARSONS: Your building is what, 660?

9 MR. KLEINROCK: Yes.

10 MR. PARSONS: I think theirs is around
11 five.

12 MR. KLEINROCK: We have a different
13 program. We have different space requirements.

14 MR. PARSONS: Well, sure, but you've got a
15 much bigger building.

16 MR. KLEINROCK: It's a longer building.

17 MR. PARSONS: Right. So, why did you move
18 that close to public space on the north end, that
19 you've got absolutely no setback from the park?

20 MR. KLEINROCK: But we're not violating
21 any setback that I'm aware of, and we're taking
22 advantage of creating, putting the building as far
23 away from the neighbors as we can. We're trying to
24 mitigate -- when we push the building back, then it
25 had more impact on more neighbors than by pulling this

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1 thing forward in front of Nebraska Hall.

2 MR. PARSONS: I understand.

3 MR. KLEINROCK: Okay.

4 MR. PARSONS: Your most vocal opposition
5 is from the residents on the other side of the wooden
6 fence, but what's happening is you're pushing the
7 building into the public realm, and that I'm objecting
8 to. So, I'll just let you know that.

9 So, I want some exhibits to show us what
10 the real impact is on this what I'll call residential
11 special street of Massachusetts Avenue.

12 MR. KLEINROCK: Okay.

13 MR. PARSONS: That goes to my question of
14 last time as why we're not siting this up on Nebraska,
15 but that's another day.

16 Thank you.

17 CHAIRPERSON MITTEN: Thank you, Mr.
18 Parsons. Anybody else?

19 MR. HOOD: I just have a few. The first
20 one I have is a concern. Conditions were put in place
21 during the last campus plan, and the testimony I just
22 heard just a few minutes ago, it was like it was taken
23 lightly. I can tell you that they were not enforced
24 from what I heard. I can tell you from this
25 Commissioner's standpoint, I have a problem sitting

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1 here going through all this, putting some more
2 conditions down and ten years later, the next
3 Commission will come in, and I'll probably be in the
4 audience, will come back and we'll be doing the same
5 thing.

6 So, I want you to understand, I have a
7 problem with that. When it was asked, it was like it
8 was taken very lightly. I have a serious problem. I
9 don't know whether I was dreaming or whatever, but I
10 can tell you this, I thought at the last hearing we
11 had an elaborate parking arrangement where students
12 and faculty wouldn't park in the community. The
13 testimony I hear today, that doesn't even exist. I
14 have a problem with that.

15 Also, I would just ask, in the 1989 plan,
16 and I'm trying to see. Sometimes you have to go back
17 and see where you've been so you know where you're
18 going. In the plan, it spoke about reduced vehicle
19 intrusion on the campus without shifting it outside
20 the campus. Then it also says reduce vehicle
21 pedestrian conflicts so it will not impede or intrude
22 into the surrounding neighborhood. Has that been
23 accomplished, or how far have we come along with that?
24 Has that taken place?

25 In other words, let me refine the question

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1 so we can just get a yes or no answer. Have there
2 been improvements made, or is that just another one of
3 these conditions that were just out there and it has
4 not been taken care of or dealt with?

5 MR. ABUD: In terms of vehicular
6 pedestrian conflicts?

7 MR. HOOD: No, the whole piece. It says
8 the heart of the plan is a comprehensive effort to
9 reduce vehicle intrusion on the campus without
10 shifting it outside the campus.

11 MR. ABUD: Yes, that has happened.

12 MR. HOOD: Okay, but then that goes back
13 to my other question. I think there was a question
14 about the parking in surrounding areas. How can you
15 tell whether it's a student, faculty, or whoever.
16 then I believe at the last hearing, you alluded to
17 this elaborate plan, parking plan that American
18 University had. I come today and find out that it
19 doesn't exist.

20 MR. ABUD: I think there's some confusion
21 about the parking plan.

22 MR. HOOD: Well, could you help me,
23 because maybe I'm really confused.

24 MR. ABUD: Yes. I think there's confusion
25 about the parking plan for the law school, which is

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1 perhaps the elaborate plan that you're referring to
2 where the University actually patrols neighborhood
3 streets, trying to find students parking on the public
4 streets. That was never the plan for the area
5 surrounding the main of Tenley campuses because on-
6 street parking of University related vehicles is very
7 small. I believe we talked about that las time.

8 We do look for resident student parkers
9 because there would be some incentive for them to
10 store their cars in the residential areas, but we
11 don't issue tickets to, say, commuter students. We do
12 have a campaign where we put flyers on cars that we
13 think might be University related cars, but again,
14 it's a relatively small problem.

15 MR. HOOD: Okay. Again, I want to go
16 back to those conditions because I sit here and I
17 watch the reaction, and it went over very lightly, and
18 I didn't take it lightly because I believe if you sit
19 here and negotiate, the board at the time put
20 something in place, and to come back and have a
21 response of some we have and some we haven't. I don't
22 know exactly what your words, I would have to get the
23 transcripts, but that was taken very lightly. I can
24 tell you, that didn't look well from this
25 Commissioner's standpoint.

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1 MR. ABUD: Well, I'm sorry that it created
2 that impression. It's not that we take any of the
3 conditions and that particular condition lightly.
4 That happens to have been a very difficult condition
5 for us to meet. We've gone through extensive efforts
6 to try and do that with automatic shades that lower at
7 sunset and rise again at sunrise, through a couple of
8 generations of them. There have been problems with
9 vandalism of the shades.

10 We've gone through lots of efforts to try
11 and adhere to that condition. What we plan to do as a
12 more permanent solution now that those spaces are not
13 going to be art spaces is to use landscaping to try
14 and solve that. The things that we thought would work
15 and that we tried to implement just haven't work on a
16 consistent basis.

17 MR. HOOD: Okay. Let me just ask a brief
18 question about the bleacher issue. Obviously American
19 U, and I'm not trying to slight you all. You need a
20 little improvement on your teams or whatever, but do
21 you let other schools use the field who may have a
22 winning team and may come out and make a lot of noise?
23 Does that happen?

24 MR. TAYLOR: Not on a competitive basis.
25 On occasion, say for example, if the men's national

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1 soccer team is in town for a match, they might
2 practice on the field, but not on a competitive basis
3 to where the crowds would be cheering.

4 MR. HOOD: So, a winning team does not use
5 the field?

6 MR. TAYLOR: Excuse me?

7 MR. HOOD: That was a joke. I also wanted
8 to make sure that even though I said that we didn't
9 need it for this particular hearing, I still would
10 like to see the relationship between the university
11 security and the Metropolitan Police Department. So,
12 I will ask staff and I also ask if you could provide
13 that. I do have some questions, but I'll ask Mr.
14 Herstein, I believe, when he does his direct.

15 Thank you, Madame Chair.

16 CHAIRPERSON MITTEN: Thank you, Mr. Hood.
17 Mr. Holman, anything?

18 MR. HOLMAN: Just one. There has been a
19 lot of talk about the inability to control student
20 parking in residential neighborhoods. Since students
21 have to register, would it not be possible to issue
22 them some kind of distinctive sticker that they would
23 be required to place on their car that would -- I
24 mean, it just occurred to me. I'm trying to get --
25 can you answer that?

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1 MR. ABUD: It certainly would be possible.
2 What we've said in the past is that the amount of on-
3 street parking really doesn't warrant trying to place
4 an elaborate system in place.

5 MR. HOLMAN: Okay, now I have to answer.
6 I mean, it doesn't seem that difficult to design a
7 sticker to require that they put it on there and to
8 have someone monitor it from time to time. If that's
9 elaborate, I'm not following it. I'm just trying to
10 understand.

11 MR. ABUD: Well, the elaborate part is
12 enforcement and tracking the people down, the people
13 who decide that they're going to go around the system
14 and not get a sticker. So, it's a lot more involved
15 than what might be clearly evident, if you really try
16 and do it effectively.

17 MR. HOLMAN: Okay. This is, again, just a
18 thought. You know, you sign up. You say you have a
19 car. You get a number, 069 or whatever, and someone
20 goes by and sees that number, and it's reported. I'm
21 not going to get into how you administer these things,
22 but I'm trying to understand the complexity, that's
23 all. Maybe you can submit something for the record,
24 but I'm still a little baffled about how difficult
25 this is, especially since it's not such a large

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1 problem.

2 MS. DWYER: We would be happy to submit
3 something for the record on that issue.

4 MR. HOLMAN: Fine, thank you.

5 CHAIRPERSON MITTEN: Thank you, Mr.
6 Holman. I think we're now ready for the Office of
7 Planning report.

8 MS. WAGNER: I'm Julie Wagner. I'm with
9 the D.C. Office of Planning. Beside me we have John
10 Fondersmith, and beside John, we have Ellen McCarthy,
11 who is the Deputy Director of Development Review.

12 Before I begin, I think it would be
13 helpful to explain that the Office of Planning in the
14 last year-and-a-half has gone through four campus
15 plans. It's been a very interesting experience.
16 There's a lot of learning. I think that a lot of the
17 communities, the universities, and the Office of
18 Planning actually had in that year-and-a-half, we have
19 GW Mt. Vernon, we had Georgetown, we had GW Foggy
20 Bottom, and now we have American University.

21 Before we go ahead and focus on American
22 University, I want to highlight just a couple of
23 things that I think we've learned through these
24 exercises. One is that each case is very unique, and
25 that we really need to look at the existing land uses,

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1 the proposals, and issues such as where students are
2 and the impacts that are happening now, and project
3 what might be happening in the future. So, it's very
4 site specific. That's one thing that we definitely
5 learned.

6 The other is that the measurement, if you
7 will, on objectionable impacts is not a scientific,
8 quantitative approach. It's one where you do measure
9 some quantitative impacts, but you also need to take
10 into account a lot of the qualitative issues with
11 respect to neighborhood enhancement and neighborhood
12 preservation. For that reason alone, spending time
13 with the community and spending time with the
14 university, trying to think through how can we reach
15 an agreement or something that is win-win for
16 everyone, in our minds, is something very important.

17 Nevertheless, we're here today, and we're
18 going to now be focusing on our response to the
19 American University Campus Plan.

20 The Office of Planning analyzed the merits
21 of AU's Campus Plan. On one hand, we really needed to
22 look at the comprehensive plan. We needed to look at
23 the Ward 3 plan in particular. We found that there
24 was some important guidance in the Ward 3 plan, with a
25 specific emphasis on the neighborhood components.

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1 On the other hand, we really needed to
2 focus on the Section 210 of the D.C. regs, which looks
3 specifically at colleges and universities. So, we're
4 really looking at both of those types of documents to
5 help in our evaluation of this plan.

6 While we're looking at both the comp plan
7 and the D.C. regs, the Office of Planning looked at
8 the AU Campus Plan comprehensively. We looked what's
9 happening inside the campus and what that has to do
10 with respect to impacts or potential objectionable
11 impacts for the outside of the campus. So, that was a
12 very important sort of scope, if you will.

13 Then lastly, we really need to look and
14 get a good sense of the AU mission, as well as
15 understand and contemplate some of the realities and
16 concerns of the neighbors. So, that's how our
17 purview, if you will, and our lens of how we were
18 looking at the AU Campus Plan.

19 The Office of Planning does recommend to
20 the Zoning Commission that they approve the AU Campus
21 Plan. There are reasons as to why we recommend this
22 approval. We do see that there are benefits to what
23 this Campus Plan is striving to achieve, that it
24 maximizes space on the campus, eliminates good
25 portions of the surface parking. It does reduce, in

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1 our opinion, the pedestrian and auto conflict that is
2 currently on campus, and it establishes an increased
3 sense of place, looking at the integration of open
4 space, the buildings, and moving the spine, if you
5 will, of the transportation corridor to the side of
6 the campus boundary.

7 Understand, however, that we looked at
8 that and we saw those benefits, but those benefits did
9 come with some costs, and we felt that there needed to
10 be some additional work in thinking through with how
11 those costs are appropriately mitigated. So, we did
12 recommend -- I'm going to highlight just a couple.
13 There are several, but there would be a greater
14 sensitivity to the proposed buildings and how they
15 relate to the adjacent low density neighborhood.

16 There would be a reinforcement of the on
17 campus parking program with an off campus program. It
18 is our opinion that the carrot deserves and needs a
19 stick, and it's with the incentives and disincentives
20 that we would actually get some results that we're not
21 getting right now. Then some refinements to the art
22 center project which we will speak to more
23 specifically, and I believe it may not address all the
24 concerns of Mr. Parsons, but will touch on that.

25 In looking at the Campus Plan, one of the

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1 things that struck us is looking at how does this plan
2 relate to the 1989 plan? As noted very sort of in the
3 footnote is that in the 1989 plan, they actually only
4 built about 12,000 square feet. They had proposed in
5 the campus plan about 11 buildings.

6 So, what we looked at, we compared the 11
7 buildings to what they're proposing now. What they're
8 proposing now is 13 buildings. The uses may be
9 different, but we're looking at the total FAR and
10 we're looking at what are we talking about in terms of
11 new development on campus, and will they be creating
12 objectionable impact.

13 From a pure numbers standpoint, the
14 numbers are not so significant. There is, though the
15 qualitative pieces that really needed to be smoothed
16 and refined.

17 Okay, this is actually a slide I want to
18 spend a little bit of time on, so bear with me here.
19 Where students are currently living and are projected
20 to live. Since the Office of Planning submitted their
21 report, we have heard some additional concerns in the
22 community with respect to the number of students
23 living in the community. Having gone through a number
24 of these campus plans, I have to say that the Office
25 of Planning is particularly sensitive to the impacts

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1 that that may generate.

2 So, we wanted to spend some additional
3 time just thinking through what the numbers mean, the
4 numbers mean today and the numbers may mean tomorrow.

5 So, that's where this chart comes into play. I want
6 to focus first on the left-hand side of the chart,
7 which shows the year 2000, the sort of the current
8 picture, if you will. It has undergraduate figures,
9 graduate figures, and non-degree figures. These are a
10 head count. These are not FTE's

11 So, looking at the 200 figures, in the
12 undergraduate, we have 3400 that are on campus.
13 That's roughly 68 percent. Off campus elsewhere,
14 meaning east of Rock Creek Park, Maryland, Virginia,
15 we have approximately 23 percent of the students,
16 undergraduates.

17 Then those that are living near AU campus,
18 with near AU meaning west of Rock Creek Park, which is
19 a large geographic region, we have nine percent, 441.

20 We took a little bit of time in understanding what
21 the 441 meant, with a particular interest in knowing
22 what the zip code, the number of students that are
23 living in the zip code where AU resides. Our guess
24 would be that that's where a higher number would be
25 residing.

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1 What we found, that there was 130 full and
2 part-time students, undergraduates, living in this zip
3 code. I'm being very specific because it's in our
4 opinion that these numbers are very important when
5 thinking through housing and traffic and other issues,
6 parking.

7 The graduate students, off campus, 63
8 percent of these students are off campus. We have a
9 higher percentage, however, of students that are
10 residing near the AU campus. We have 1,259, and
11 that's approximately 34 percent of the graduate
12 students. Again, looking at that 216 zip code, what
13 we've learned is that there are 832 full and part-time
14 graduate students that are living there.

15 So, one could ask, is that a lot, is that
16 not a lot? You have to sort of look at the total
17 numbers and the total numbers of people that are
18 living in that zip code to sort of get us -- what does
19 this mean in terms of 2000. What it means is that
20 near the AU campus, that includes west of Rock Creek
21 Park. We're talking 19 percent of their students, are
22 living in that geographic region.

23 When you break it down, it's
24 significantly, that's less than that when you're
25 looking at that one particular zip code, but we didn't

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1 find those numbers to be what you found in other
2 situations in other universities such as Georgetown or
3 GW where there was a much higher percentage of
4 students, which was of a concern.

5 So, when we looked at the 2010 numbers,
6 and mind you, these numbers came from the University.

7 These are projections, and they look at the most
8 extreme position, which is what if you go all the way
9 to 11,233? They may not get there, but let's just
10 assume that they do. What does that mean?

11 What that means is, and I'm just going to
12 cut to the chase. What it means with respect to the
13 total number of students that are near the AU campus
14 west of Rock Creek Park is we have an increase in one
15 percent of students. This is a projection. There
16 could be a number of flaws with respect to the
17 assumptions underlying this.

18 This was a similar exercise that we did
19 with George Washington as well, Foggy Bottom. The
20 numbers don't scream to us that there is an absolute
21 dire need or a dire concentration of students in the
22 216 zip code. That's where we come out at this point
23 with respect to the number of students and what does
24 that possibly mean with respect to an over-
25 concentration? We're not getting the sense that there

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1 is an over-concentration. Now and in the 2010, we're
2 not getting the sense that there will be an over-
3 concentration then.

4 Student behavior. This was one of the
5 items that came up in our many conversations with the
6 community. Mr. Hood, I know that you had raised some
7 concerns with, you know, it's not only just the
8 number. It actually has to do with the type of the
9 conduct, the quality, if you will. We heard that.

10 What we've heard also from AU is that
11 there is a number. There's an average of three to
12 four formal complaints per semester. We did not get
13 into the specifics of the quality of those or the
14 extent of those problems. It's our understanding that
15 they're not as extreme as maybe one or two examples
16 that could be raised by the community.

17 In response, however, the University has
18 agreed to adopt some similar programs to George
19 Washington University in Foggy Bottom, who they do
20 have a much higher student conduct issue. I think
21 it's our understanding that if this program can really
22 help drive the success or failure of AU in my mind
23 with respect to community relations, this is critical.

24 The success of this program is critical.

25 So, the Office of Planning recommended to

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1 approve AU Campus Plan with conditions, and I want to
2 emphasize with conditions because it is in the opinion
3 of OP that the plan does not adequately address
4 Section 210.2, that the use is located so that it is
5 not likely to become objectionable to a neighboring
6 property because of noise, traffic, number of
7 students, or other objectionable conditions.

8 Now, John is going to now follow up and
9 sort of walking through some of the specific
10 conditions that we believe and that we recommend to
11 the Zoning Commission to consider.

12 MR. FONDERSMITH: What we suggested in our
13 report on the 13 projects, and remember that there are
14 13 projects proposed, three of which are in for
15 further processing, we recommended at some length,
16 actually, page 14 through 22 in our report, we
17 described each building. We started with the nine
18 that had been in the 1989 plan, or some similarity in
19 the 1989 plan. As you look through the report, you'll
20 see that some of those have changed in some respect,
21 but there was some overlap.

22 Then, of course, we discussed the others
23 that are new buildings. We went into these in terms
24 of how they are sited with relation to the topography.
25 The Commission asked last time for, and I believe the

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1 applicant has given you, a topographic map of the
2 campus.

3 That's important in understanding how at
4 least some of these buildings relate and how important
5 it is in looking at the lights, and you've had some
6 -- and how that may work, in looking at landscaping
7 and how that can buffer the buildings from adjacent
8 residential neighborhoods. In some cases, we're
9 concerned with noise and the location of activity on
10 campus.

11 As has been said before, we did not feel
12 that the American University Campus Plan as proposed
13 without more detail and without these conditions was
14 adequate, which of course is why we provided these
15 additional conditions. These conditions really form a
16 framework when the buildings that will come in the
17 future will come for future processing.

18 Now, of course we can describe individual
19 buildings, but let me go on to the parking, which has
20 already been raised to some extent. Some sections of
21 the surrounding community, and you should know that
22 essentially, all around the University for varying
23 distances, I would say essentially two blocks or so
24 and more in some directions, there is already a
25 residential parking system in place. In other words,

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1 prohibition against parking over two hours.

2 There is the existing program that the
3 University maintains around the law school, and that's
4 in a way a separate issue because that's nearby but
5 it's outside the University. The feeling is that the
6 city regulations are helpful but not enough and that
7 an increased enforcement program, we feel, can both
8 really deter that illegal parking or undesirable
9 parking in the adjacent areas, and in some cases,
10 encourage students to use other modes of travel.

11 Certainly the parking program has to be
12 meshed with the increased transportation management
13 program that the University proposes. So, although in
14 all areas around the campus, it's not necessarily
15 serious right now, we think for the future that there
16 is need for an increased off-campus parking program,
17 and that's what's recommended.

18 I've skipped over the bleachers. Here we
19 are. The bleachers is project C, and project C has
20 two parts. The first part, which is simply to be as a
21 storage building built into the hillside for
22 maintenance equipment, which everybody understands
23 that. It's a very low volume, I think 2,000 square
24 feet of storage area.

25 The concern here is that the bleachers

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1 that are to be built there, the thousand bleacher
2 seats facing toward University Avenue and the
3 community to the west. In functional terms, of
4 course, this is a good place to put bleachers. It's
5 easy access and it's built into a hillside and so on,
6 but the fact is that that many bleachers -- there are
7 800, it's been testified -- 800 seats on the other
8 side of the field, this is adding 1,000 seats on this
9 side of the field.

10 The information we have from the
11 University is that the current numbers of fans is in
12 the range of 300 plus or minus at these events. So,
13 obviously, adding this number of bleachers is
14 potentially trying to quite a bit increase the
15 capacity of the number of people there, and having at
16 least a little over half of them, if they were all
17 full, facing the community across the sports field.

18 So, we have suggested that the number
19 either be reduced or eliminated completely in terms of
20 project C.

21 The Katzen Arts Center. The Katzen Arts
22 Center has undoubtedly been the building of most focus
23 in the discussions between the University and the
24 community. It's at the gateway location into on
25 Massachusetts Avenue there at Ward Circle. It's a

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1 very prominent location. It's really the other side
2 of the front yard for American University. It's their
3 gateway, in effect. If you come on Massachusetts
4 Avenue now and it's a special feeling coming from the
5 east and you rise up to Ward Circle. When you get to
6 Ward Circle, the University buildings are there on the
7 left. Of course, these older buildings and Nebraska
8 Hall are on the left. They don't make much of an
9 impression.

10 So, the Katzen Arts Center will be a kind
11 of civic building, and really, as I say, part of the
12 front yard for the University. It's also very
13 important from both the city standpoint and the
14 community standpoint. The gateway into Spring Valley
15 and the Spring Valley community, and that includes
16 Spring Valley Court and American University Park. So,
17 the community is very much concerned about that kind
18 of gateway aspect of that section.

19 Now, as you know, Massachusetts Avenue is
20 designated a special street in the comprehensive plan.

21 It's not always clear just what that is. The
22 standards aren't all laid out, but it's clear that
23 Massachusetts Avenue is one of the special streets in
24 the city, including this section. So, that
25 Massachusetts Avenue visual corridor through there is

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1 very important.

2 Now, in the design of the building itself,
3 there's been this long consideration. There have been
4 changes made by the University to address some
5 concerns. Obviously in some respects there are still
6 some concerns. The University has proposed a
7 comprehensive landscape program. We think that has to
8 be done and considered in effect with this
9 Massachusetts Avenue visual corridor.

10 We're concerned that as the building is in
11 for special processing now, we're concerned that there
12 is a need as the design is refined from this point on
13 into construction, that there be ongoing involvement
14 of the District agencies and the community with some
15 of the details that are still to be worked out.

16 They have proposed, the University has
17 proposed, really responding to the community, security
18 fencing at the north end of the building and extending
19 north beyond Nebraska Hall. The purpose of this is
20 really to try to discourage people relating to the
21 arts center from parking in the neighboring community
22 and kind of short cutting through to the campus, to
23 the arts center.

24 There are obviously some short term
25 construction programs that have to be addressed in the

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1 order. The University has offered some conditions.
2 We've addressed some others.

3 Finally, there's a need to provide for
4 ongoing, in the building operation, that is, after
5 construction is finished, to insure that the impacts
6 on the adjacent neighborhood, and especially the
7 Sedgewick Street houses, that there is not an adverse
8 impact.

9 Finally, again, as I've said, the full
10 consideration of the Massachusetts Avenue visual
11 corridor, and that is very important. That includes
12 not only the arts center this side of the street, but
13 the south side of the street also.

14 So, in conclusion, we would say that the
15 American University Campus Plan has benefits. We have
16 recommended conditions to mitigate objectionable
17 impacts. We see the need to try to repair this
18 strained relationship between the University and the
19 community. That is a concern. There's a basic good
20 working relationship, but there obviously are
21 differences that needs to be addressed through the
22 liaison program and so on.

23 Finally, that the enforcement of the order
24 is a key concern. We had hoped that the University
25 and the community would be able to come to an

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1 agreement, work through quite a process. There's been
2 a tremendous amount of time put in by the community
3 members, by the University, and by city agencies, but
4 that agreement is not yet arrived at. So, the
5 enforcement of the order and however that's worked out
6 is a very important consideration here.

7 CHAIRPERSON MITTEN: You need a little
8 slide that says the end, so we know where to stop.
9 Okay, thank you.

10 MR. FONDERSMITH: We do have some aerial
11 photographs of the campus here also and the
12 surrounding area. That may be helpful in seeing the
13 relationships.

14 CHAIRPERSON MITTEN: Do you have copies of
15 those in a smaller size that we could have for the
16 future?

17 MR. FONDERSMITH: We can make those
18 available. We don't have them here tonight.

19 CHAIRPERSON MITTEN: Terrific. Thank you.
20 So who would like to begin with questions
21 for the Office of Planning?

22 MR. HOOD: Madame Chair, I can go first.
23 I have one comment and one question, and I probably
24 should have asked the applicants when they were out.
25 Maybe the Office of Planning can help me.

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1 I'm just curious. This recommendation for
2 the University for outline and proposal for the
3 community liaison group, was there a liaison group
4 that existed previously?

5 MS. WAGNER: There was a liaison group. I
6 understand that in talking with the community in
7 particular, that that group probably could have been a
8 little bit more successful. I think one of the key
9 components of making it a success is that there's some
10 clear rules on having a liaison committee review
11 information before it's contemplated as a project,
12 sort of thinking through what the project could be and
13 look like and understand what the impacts may be prior
14 to flushing out a detailed rendering that may be
15 considered final, if you will.

16 I think that's a success in my mind of
17 sort of setting up a process for a liaison committee
18 in the future.

19 MR. HOOD: And also, I just wanted to
20 compliment the Office of Planning on its report. In
21 my view, it had the project, community concerns, the
22 OP comments, and their recommendations. While I may
23 not agree with all of them, I thought this was a well
24 articulated report.

25 No further comments or questions.

1 CHAIRPERSON MITTEN: Thank you, Mr. Hood.
2 Anyone else?

3 MR. HOLMAN: Well, just one. How do you
4 see -- apparently there must have been some problems
5 enforcing the last agreement. That appears to be the
6 case, and you said enforcement is key. What's your
7 plan?

8 MS. WAGNER: Well, let's see, that's a
9 tough one. I want to go back for a moment on the GW
10 case, okay, because in that particular plan, we had
11 sort of thought through really what the enforcement
12 details really need to be and weren't quite sure if
13 the enforcement in that case necessarily made the most
14 sense. I'm not quite sure if that was necessarily
15 adopted in that order or not, but the enforcement on
16 that was to make sure that the zoning administrator
17 reviewed the project and the compliance of the Campus
18 Plan for every further processing, that they would
19 specifically go through each one.

20 If they do not comply, that the University
21 could not even submit for further processing, could
22 not even, period.

23 Some of the questions that have been
24 raised about that is whether that should be left to
25 the zoning administrator, recognizing the volume of

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1 work that that individual has. There are some other
2 alternatives to consider. One is, for instance, if
3 there is going to be a community liaison group, which
4 we strongly recommend, and that that group meets at
5 least three times a year, which we strongly recommend,
6 that perhaps another option is that they submit a
7 status report yearly, and that status report goes to
8 you.

9 It goes to the Office of Planning. It
10 goes to the zoning administrator, and that it clearly
11 outlines where things are, where things -- and then if
12 there's dissenting views, you know, that somehow be
13 articulated in that. That will allow you, although
14 that increases your role on a more frequent basis. It
15 increases our role on a more frequent basis, but
16 enforcement is key.

17 That's another option that doesn't
18 necessarily rest in the hands of just one individual,
19 but it rests with the zoning commission and the Office
20 of Planning and the zoning administrator and that it's
21 through the form of the liaison group to submit that.

22 MR. HOLMAN: So, almost what you're saying
23 is there, and I'm going to be nice about this, that
24 zoning enforcement is difficult to achieve under any
25 circumstances, and you don't have a really clear

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1 recommendation as to how to achieve it in this
2 circumstance, or am I overstating it?

3 MS. WAGNER: Well, option B is one
4 recommendation. The recommendation that we had
5 outlined for GW is another recommendation, but just
6 recognize it puts less of a burden on you but
7 recognize that given the sheer volume of cases and
8 issues that are before the zoning administrator,
9 probably Office of Planning would be more comfortable
10 knowing that it would be -- the burden, if you will,
11 would be shifted.

12 MR. HOLMAN: So, this is a new type of
13 enforcement mechanism that you're suggesting.

14 MS. WAGNER: Just trying to be creative in
15 thinking through how best to make this work.

16 MR. HOLMAN: Okay, that's it.

17 CHAIRPERSON MITTEN: Just to follow up on
18 what Mr. Holman was asking about, one of the problems,
19 at least as far as this campus plan over the last ten
20 or 11 years, there's been so little further processing
21 that there's been no occasion for our traditional
22 enforcement mechanism. While there's this idea about
23 making periodic reporting to Zoning Commission, Office
24 of Planning, whoever, if there's not further
25 processing and we're not holding up a project as the

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1 enforcement mechanism, what would the mechanism be to
2 the extent that violations were determined to be --
3 that there were violations that were determined? What
4 then? Have you got that far?

5 MS. WAGNER: Let me tell you, we've
6 thought about this for such a long time, and
7 especially as it relates to the GW case because there
8 were some also some similar concerns with enforcement.

9 What we found was that the further processing really
10 was what you can hang your hat on. Have we gotten
11 that far in trying to think how else? I haven't. I
12 don't know, Ellen, if you --

13 MS. MCCARTHY: I don't think we have a
14 fool-proof method, and even if there, for one thing,
15 it appears from the University's plan this time that
16 there's likely to be more further processing. You
17 know, that always depends on donors being available
18 and whatever.

19 I think that our conversations with the
20 zoning administrator in the past about campus plans
21 have indicated an increased willingness on the part of
22 that office to become more active, and at the kind of
23 guidance that Julie is talking about that one could
24 get out of more regular meetings in the liaison
25 committee would help inform the zoning administrators'

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1 actions, particularly when we're talking about things
2 like design standards and landscaping. That precise
3 guidelines of the kinds we're talking about make it
4 easier for the zoning administrator to determine
5 whether or not landscaping, for example, is being
6 followed, and that for those kinds of activities, even
7 though there's not further processing, the zoning
8 administrator can still issue a violation notice to
9 the university.

10 Hey, the landscaping guideline said this
11 based on the discussion that's come out of the liaison
12 committee and the staff support that was issued, you
13 don't appear to be in compliance with that.
14 Therefore, if you're not, you know, we'll issue you a
15 zoning citation.

16 That I think, you know, begins to move us
17 in the direction of being more enforceable without
18 this draconian, you know, you will not even be able to
19 get to the Zoning Commission in order to be able to
20 present your further processing. So, anything that
21 makes it a more manageable step makes it also more
22 likely to be enforced.

23 CHAIRPERSON MITTEN: Okay. Mr. Parsons,
24 did you have some questions?

25 MR. PARSONS: I did. Thank you. I

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1 expressed some concern earlier about our special
2 street, Mr. Fondersmith, and I guess you're
3 responsible for that section of the report. You
4 characterized it verbally earlier by saying that
5 there's a special review going on at the moment in the
6 District of this building. Did I understand that
7 correctly?

8 MR. FONDERSMITH: No.

9 MR. PARSONS: Oh, okay. I misunderstood
10 you.

11 MR. FONDERSMITH: Yes. Well, there's been
12 this long discussion between the University and the
13 community over a little bit more than a year now about
14 this building, and over about the last four months
15 with the Office of Planning being involved. There
16 have been, you know, some refinements to the design,
17 especially with respect to some of the community
18 concerns and, of course, refinements in the design.

19 MR. PARSONS: You've taken a look at the
20 1989 plan, and the record therewith, I guess.
21 Apparently the board made a decision in 1989, I assume
22 with citizen participation, that there should be a law
23 center here, a building that was not quite as big but
24 seeming to have the same impact. Was there opposition
25 to that building at the time?

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1 MR. FONDERSMITH: There was.

2 MR. PARSONS: And I guess the University's
3 point of view is that there are buildings there now.
4 We're just using the same general footprint, so what's
5 the big deal. That's not the way they characterized
6 it here. I don't want to be flip about it, but you've
7 got an architectural mass there, and that's all we're
8 doing, is to replicate that in a much better way. Is
9 that what's driving this?

10 MR. FONDERSMITH: Well, of course, the
11 University wants to consolidate their arts functions
12 which are now, I believe, they indicated, scattered in
13 five or six places around the campus. They want to
14 bring those together, and I think clearly, they want
15 to have an impressive civic building, if you will, at
16 this location.

17 It is there on Ward Circle, as I say.
18 It's kind of the front yard of the University. I
19 mean, this building paired with the buildings on the
20 existing main campus across the Massachusetts Avenue.

21 MR. PARSONS: My observation here is that
22 the architect has done a good job, but the program's
23 too big for it for the space. What he's forced to do
24 then is push into public space, push towards people's
25 rear yards, and stuff this thing in there. That's why

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1 I asked you if you considered, and maybe nobody else
2 has asked, if this would be more at home on Nebraska
3 Avenue.

4 That is, the building seems to fit better,
5 not as was shown in the amateur diagram tonight, but
6 rather knowing the architecture on the other side of
7 that street and the space to its rear before you get
8 to the housing, that maybe it would really be an
9 amenity to the community here as opposed to this
10 location. If that's outside the box of where you're
11 been, I guess I just ask for your personal opinion.

12 MR. FONDERSMITH: Well, we of course have
13 primarily looked at it at this location and in terms
14 of what it's supposed to do. I mean, in addition, of
15 course, the main function of the building is to house
16 these arts programs. It has some small performing
17 arts spaces, and then the art gallery. In providing a
18 home for that, it is the University's intention to,
19 obviously, to build a prominent building, to have a
20 prominent building at this site, at Ward Circle.

21 MR. PARSONS: All right. Then you have
22 suggested a --

23 MS. MCCARTHY: I think Mr. Parsons, we
24 should probably also note that as a site, it's a very
25 difficult site. Here's the University with a piece of

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1 land that it's hard to find a program that fits in
2 gracefully, given that it is so long and narrow, given
3 the proximity to residential dwellings. The
4 University has gone through several iterations of this
5 building, paring it down substantially, paring down
6 the program that it had originally intended to be
7 there substantially, to try to fit it into the
8 topography as much as possible.

9 We probably should also mention that the
10 health building next door is not the most
11 distinguished gateway into that section of
12 Massachusetts Avenue either. So, there's something to
13 be said for distracting attention from that and to try
14 to do it in a way that minimizes the disruption to the
15 residential community behind it.

16 MR. PARSONS: Now, you say here the
17 University should take a comprehensive study of
18 Massachusetts Avenue corridor through the main campus.
19 Much of this work has already been done or
20 undertaken. Now, where is that?

21 MR. FONDERSMITH: Well, it's in the plan
22 and in the landscape plan. There are both, in
23 addition, in the landscape plan and in the addition to
24 the spiritual center, which is Project J, and the
25 proposed building back of the president's house, which

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1 is Project K, and various landscape improvements, of
2 course, both in relation to the arts center and on the
3 other side of the street with the main campus.

4 We simply suggested that because this is a
5 special street, they look a little bit more
6 comprehensively at how those buildings relate. We
7 were thinking, especially of the future building, the
8 building K back of the president's house and looking
9 at that landscape from Ward Circle, if possible, on
10 down to the bottom of the hill at University Avenue.

11 MR. PARSONS: Well, I guess the thing that
12 threw me is this term in here, most of the work has
13 already been done. You're talking from Mussley to
14 Ward?

15 MR. FONDERSMITH: Right.

16 MR. PARSONS: And that's generally what I
17 was asking the applicant tonight. Has the work
18 already been done that I was asking for, as a visual
19 analysis of Massachusetts Avenue as a gateway and what
20 the impact is on the trees and so forth?

21 MR. FONDERSMITH: I think they've done
22 much of it, but it's not all put together, so to
23 speak, that you can fully evaluate it.

24 MR. PARSONS: So, I can't find it here in
25 all this material before me?

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1 MR. FONDERSMITH: You can find it with
2 interpretation, I think.

3 MR. PARSONS: Well, you know, I didn't
4 want to ask for something that's already done. I was
5 embarrassed by your language use.

6 MR. FONDERSMITH: I see.

7 MS. WAGNER: I want to add that there is a
8 section, of course I won't find it now, but there is a
9 section -- Murphy's Law -- that looks at sort of the
10 visual corridor. There is a diagram. It's four
11 color. It looks at the relationship on both sides of
12 the street. I won't be able to find it, but there is
13 one, and that's a starting place.

14 MR. FONDERSMITH: Well, it's a campus
15 framework plan. It's Exhibit 10, which is actually in
16 the diagrammatic sense perhaps one of the most
17 important.

18 MR. PARSONS: No, I don't think I'm being
19 redundant. I want to see something. I want to see
20 photography and the feeling of the trees arching over
21 the avenue, the whole feeling of this beautiful
22 street, and what's going to happen when all of these
23 trees disappear and it's replaced by limestone
24 architecture. That's what I'm -- and it's not the
25 view from the circle. It's the view from --

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1 CHAIRPERSON MITTEN: We'd like you to
2 maintain order, even though you approve heartily of
3 what's been said.

4 MR. PARSONS: It's the view coming up the
5 hill that I'm interested in, not pretty shots of what
6 it's going to look like from Ward Circle. I don't
7 think that's the issue. Thank you.

8 MR. FONDERSMITH: Well, that's the kind of
9 thing we suggested.

10 MR. PARSONS: Good.

11 CHAIRPERSON MITTEN: Just to follow up on
12 some of the comments about the Katzen Arts Center, you
13 had made mention of the fact that, you know, the
14 design is sort of ongoing in its refinement and so on.
15 You made the suggestion that the community should
16 remain involved in that. How can that be accomplished
17 in a meaningful way once the approval is gained?

18 MR. FONDERSMITH: Well, and this is a
19 little unusual situation because usually, of course,
20 when a building is approved at further processing,
21 then it goes on through some refinements, and just
22 moving to construction drawings. Then it goes into
23 the zoning administrator and the permit stage. It's
24 looked at there, a rather straightforward process.

25 The major changes, at least as proposed by

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1 the University and their architect, have been made.
2 Obviously, you know, there may be other feelings about
3 that, but what the community has voiced in this case
4 is that they're concerned that as the building would
5 be approved and then would naturally go through some
6 refinement or could go through some slight changes as
7 it went to the construction stage, that something that
8 may be adverse to the relationship to especially the
9 Sedgewick Street houses to the north, would happen
10 that in effect, they didn't know about, nobody knew
11 about.

12 That's why we've suggested that in this
13 case, there be, along with the construction program
14 and so on, fashioned a program for the Office of
15 Planning to be involved and the community to be
16 involved to see those refinements as they're made and
17 to be able to judge.

18 CHAIRPERSON MITTEN: But is that merely to
19 see them, or is that to have some kind of say about
20 whether or not they're appropriate? I mean, once it's
21 approved, that's what I'm saying, how is this going to
22 be meaningful, other than just reporting to the
23 community and the Office of Planning, hey, here's what
24 we're going to do. Keep your opinions to yourself
25 because they don't matter anyway. I mean, how is that

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1 going to be meaningful?

2 MR. FONDERSMITH: Well, no, the assumption
3 is that a part of it is an information things, but the
4 assumption, of course, is that if something comes up
5 that somehow violates the spirit of what is proposed
6 at this stage, that you know, then it would be
7 remedied, that it be worked out in some way.

8 CHAIRPERSON MITTEN: That sounds pretty
9 vague.

10 MS. WAGNER: Actually, I want to add a
11 little bit because your question you asked, in a
12 meaningful way, and I want to emphasize. What could
13 it look like to have a meaningful conversation on
14 this, recognizing that it's already gone through
15 further processing and there's still the permitting
16 issue?

17 In my mind, there's a couple of things
18 that would make it meaningful. One is that there's
19 clarity on the scope. We're not talking about these
20 -- is the arts center there or not. That's not within
21 the scope of what this conversation is. It's looking
22 at refinements. So, that's one that there's clarity
23 on the scope.

24 Two is that information is made readily
25 available to the community. Three, that the agencies

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1 that are involved in the permitting are involved, that
2 they are not just in their office and their agencies,
3 but they're actually interacting and understanding
4 sort of the relevance of some of the concerns or ideas
5 or making sure that what was suggested by the
6 University was followed through on.

7 So, sort of those in my mind are some of
8 the key components to make this meaningful. I mean,
9 another, which is debatable, but if there was issues
10 with respect to how the University and how the
11 community is working together, that there would be a
12 facilitator to help move the conversation along.

13 It's in our opinion that there are still
14 some opportunities, especially when I hear things from
15 the University of we're thinking about that, we're
16 contemplating that, we're fleshing that out. Well,
17 some of those fleshing out pieces are of importance to
18 the community, and it's in our opinion rightly so.

19 CHAIRPERSON MITTEN: All right. I mean,
20 I'm going to leave this alone except to say that the
21 community, you don't want to give the community the
22 impression that they have some kind of power or veto
23 power or anything, if they, in fact, don't. So, you
24 know, setting up a process that is really just one of
25 keeping them informed about something that they really

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1 have no control over can just lead to additional
2 frustration.

3 MS. McCARTHY: Well, maybe it would be
4 useful to think through -- let me ask this to Julie in
5 the form of a question because I don't know for sure
6 what was in her mind, but what we would have said at
7 the end of further processing is essentially the math,
8 the program, the access egress, sort of the nailing
9 down all the major aspects of the building.

10 Things to come that were mentioned in the
11 slide include lighting, construction, mitigation, and
12 presumably, detailed materials and design finishes,
13 that sort of thing. Is that what you had in mind?

14 So, those are things where it's not a
15 major doing or undoing of the building, but they're
16 the kinds of the things that the University and the
17 community could agree to agree on and to pick a
18 solution that's mutually acceptable.

19 CHAIRPERSON MITTEN: And then what if they
20 don't?

21 MS. McCARTHY: As you say, what's the
22 importance of they don't?

23 CHAIRPERSON MITTEN: Right. So, maybe if
24 you think about it further and you want to propose
25 something that's more defined by way of conditions

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1 later, that would be helpful.

2 I'd like to know how much time or how much
3 consideration has OP given to examining existing
4 conditions, the kinds of things that Mr. Herstein was
5 extracting in terms of the lighting at Watkins Hall, I
6 believe it is, and the big sign of the eagle and
7 various things like that. We are, I mean, I think
8 there's really two aspects to what we're doing here.
9 One is to make sure that any existing adverse
10 conditions have been mitigated and then will be
11 mitigated, and then also whatever is planned for the
12 future.

13 So, how much time have you spent on that
14 and do you have opinions about some of the issues that
15 were raised?

16 MR. FONDERSMITH: We have looked at some
17 detail about the conditions involving the buildings,
18 and I should mention also, stress also the road
19 relocation. Those are outlined in our report.

20 I want to stress that we would not claim
21 that we have thought of everything in looking at those
22 building sites. We're really establishing a framework
23 that needs to be written into the order, and then in
24 future processing, when you're looking at detail at a
25 building design -- of course, the building design

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1 would be looked at in more detail.

2 We are generally aware, because they've
3 come up in the community meetings and so on of some of
4 these existing problems. I cannot say that we have
5 looked in detail at every one of them.

6 CHAIRPERSON MITTEN: Do you have an
7 opinion about the signs or any of the signs on campus?

8 I don't know how many there are. This is the first
9 we've heard about them.

10 MR. FONDERSMITH: I think there's two.
11 This is the logo. It's on the ends of the sports
12 arena. It's visible from --

13 CHAIRPERSON MITTEN: Do you have an
14 opinion about it? I know we got that it's visible and
15 you know, it's an eagle and so on. I mean, if you'd
16 like to respond later about that you can if you don't
17 have an opinion. I think we'd be interested in your
18 opinion about the sign in particular.

19 MS. WAGNER: Let me just add that we've
20 been to Bob Herstein's house and looked at what the
21 existing conditions are. There is landscaping there
22 now. Could there be improvements to the landscaping
23 to further the buffering, if you will. Yes, there
24 could be. One of the things that we had thought
25 through is how could that be thought through as

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1 you're, for instance, moving the road. So, we did tie
2 it to future projects.

3 The case could be made, however, that
4 maybe there should be some additional thought as to
5 mitigating some of the existing. I guess perhaps one
6 that might come to mind is the logo, which you do see.

7 In our opinion, I mean, the landscaping issue wasn't
8 so significant of an issue in that in our minds, it
9 was key to look through and look at that as we go
10 through further processing, to look at some
11 opportunities as it relates to building A, for
12 example, as it relates to building B, to make sure
13 that those sight lines are buffered.

14 CHAIRPERSON MITTEN: All right. What I
15 think our -- we'll have to set a modest goal for
16 ourselves at this point, which is I think I'd like to
17 get through the applicant's cross examination of the
18 Office of Planning and the ANC representatives and
19 then we'll hold Mr. Elliott and Mr. Herstein until we
20 reconvene on the 15th.

21 MS. WAGNER: I just want to let you know
22 that Ken Laden is here from DPW.

23 CHAIRPERSON MITTEN: Are you able to come
24 back on the 15th of March? Terrific, thank you.
25 Thank you very much.

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1 Ms. Dwyer, do you have any questions for
2 the Office of Planning on cross examination?

3 MS. DWYER: I do. I just have a couple of
4 questions. One question is that a lot of those
5 questions that you got from the Commission seem to
6 suggest that there had not been compliance with
7 conditions in the previous campus plan. I just wanted
8 to know whether you have reviewed the last campus plan
9 to determine whether, in fact, there has been a
10 noncompliance issue with any of the conditions or it's
11 something that was not part of your analysis. Have
12 you gone through each of those conditions?

13 MR. FONDERSMITH: We've looked at those.
14 I can't say that we have done a comprehensive list.
15 We probably need to make the point that the University
16 has done some impressive things that were called for
17 there in the plan. I would say that the landscape
18 treatment and the fence along University Avenue is
19 probably most important. There has been some
20 screening there.

21 By what we've heard from the community,
22 the fence, which is intended to keep students from
23 parking over there in that section of the neighborhood
24 and walking across the athletic field, has been fairly
25 effective in eliminating that parking in the

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1 community, maybe not entirely but has been fairly
2 effective.

3 That I think, as we understand it, has
4 been done fairly recently in the University in the
5 last couple of years. There's been some parking that
6 was eliminated around the sports field, so I mean,
7 there have been a number of things.

8 CHAIRPERSON MITTEN: But to Ms. Dwyer's
9 specific question, you haven't done a comprehensive
10 analysis about whether or not they complied or in
11 compliance with the 1989 plan, is that correct?

12 MR. FONDERSMITH: I would say not a
13 complete list because frankly, and also, some of the
14 things in the '89 plan just, of course, never
15 materialized.

16 CHAIRPERSON MITTEN: Of course.

17 MR. FONDERSMITH: They've laid it out what
18 they were going to do, and in fact, they only built
19 12,000 square feet. They kind of shifted their
20 priorities, and this is based on their deeds and
21 resources, to do renovations of several buildings.
22 So, there were some changes in direction there.

23 CHAIRPERSON MITTEN: I think we have the
24 idea. Thank you.

25 MS. DWYER: Thank you. In reviewing the

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1 conditions that you have in your report, I wanted to
2 understand which of those conditions would be part of
3 this order and which are intended to provide guidance
4 for the future. For example, the development
5 guidelines for the proposed new buildings. Is it your
6 understanding that these would be conditions in the
7 order but that the actual detail of those buildings
8 would await the further processing applications in the
9 future?

10 MR. FONDERSMITH: That's generally the
11 case. I mean, the idea of the conditions is to
12 provide a framework, but we want to make sure that the
13 conditions are out there and that we're just not
14 putting things off to further processing, that it's
15 understood what the framework is.

16 Furthermore, there are some things now
17 where we think there needs to be further direction at
18 this time. Project C is an example. This is the one
19 with the seats. There needs to be, we think, some
20 decision, maybe not the final decision but some
21 direction on the bleacher issue. Are they going to be
22 eliminated, the number going to be reduced, and
23 understanding of the problem.

24 We think that there needs to be some
25 special provision with respect to the relocated campus

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1 road. The relocated campus road is very important.
2 It's a key part of the transformation of the campus,
3 but the community is concerned, and we're concerned
4 about potential adverse impacts from shifting it to
5 the western core of the campus.

6 CHAIRPERSON MITTEN: I think Ms. Dwyer's
7 question was really running to the design guidelines
8 that you proposed for the various buildings, if I
9 understand you correctly, and are those intended to be
10 conditions of the plan to be refined further at
11 further processing. Is that what is being proposed?

12 MR. FONDERSMITH: That's right. They
13 should be in the order, but the form or framework for
14 the further processing.

15 CHAIRPERSON MITTEN: Okay, thank you.

16 MS. DWYER: Thank you. Moving quickly, I
17 do want to look at some of the other conditions, and I
18 appreciate your comments on the bleachers. My
19 understanding is that this something that you'd like
20 the applicant to address as part of this campus plan
21 application rather than wait until the further
22 processing before looking at the issue of the
23 bleachers. I think you clarified that for me.

24 Likewise, one of your conditions was
25 additional berm and vegetation along the new campus

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1 road alignment. Is it my understanding that that's
2 something you'd like to see more clearly defined now
3 as opposed to waiting until later?

4 MR. FONDERSMITH: We would. We'd like to
5 see it more defined now, or at least the process put
6 in place. As you know, I mean, a road being somewhat
7 different than a building, there may not normally be
8 further processing on that. It may be just part of
9 the campus plan and done.

10 In this case, this road section is so
11 important that it, in our opinion, needs to be dealt
12 with in more detail, either now or through a process
13 that's built in that it will get more detailed review
14 by the city agencies and by -- and the community have
15 a role in that. That's a little different from, you
16 know, normal procedures.

17 CHAIRPERSON MITTEN: Well, to the extent
18 that -- I think Ms. Dwyer's question is if the level
19 of detail that you ultimately want to see is not --
20 that you're not intending to have it be part of this
21 process, then you need to suggest to us what that
22 other process would be. She, I think, would like to
23 know because they'd like to know if they have to do
24 that sooner or later. So, maybe you could have some
25 additional discussion about that.

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1 MS. DWYER: Yes, we can do that. There
2 are issues that you talked about, conditions such as
3 parking strategies for the neighborhood, traffic
4 circulation issues where you mentioned that those
5 should be worked out with the community and DPW. Is
6 that something you see as an ongoing issue that would
7 be addressed by the liaison committee?

8 MS. WAGNER: We saw the issue. There's a
9 couple of different things as it relates to traffic
10 and parking, so I want to be clear. With respect to
11 off-campus parking and the enforcement of that, the
12 Office of Planning recommends that this be
13 specifically written into this order, to some degree,
14 that that should not just be left to the committee to
15 somehow think through and maybe the University adopts
16 it or doesn't. That is serious enough in our minds
17 that that needs to be written into the order.

18 With respect to resolve transportation
19 circulation issues, we defer to DPW of course on this,
20 but if there were things -- it was in our opinion that
21 DPW, the University and the community could be
22 fleshing those out through further processing as they
23 relate to specific buildings. The Office of Planning,
24 of course, will be playing a role in the further
25 processing and looking at traffic circulation as it

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1 relates to specific buildings, but that would be
2 specific to further processing.

3 MS. DWYER: All right. With respect to
4 the arts center building, I want to go back to a
5 question that Mr. Parsons had earlier of the
6 applicant's architect and ask you, Mr. Fondersmith,
7 whether you have looked at the urban design element of
8 the comprehensive plan and believe that that project,
9 that development is in accordance with those goals and
10 policies of the comp plan?

11 MR. FONDERSMITH: I think you can say --

12 CHAIRPERSON MITTEN: Could you turn on
13 your microphone?

14 MR. FONDERSMITH: Oh, yes. I'm sorry.

15 CHAIRPERSON MITTEN: Thank you.

16 MR. FONDERSMITH: I think that you can say
17 it is at least in some respects in the special streets
18 section of the references to special streets, which
19 actually is in the historic preservation section.
20 That just is where it is. There's a reference to --
21 there's a portion of that about having significant
22 buildings at important locations on special streets.
23 Clearly, the Ward Circle location is a place like
24 that.

25 MS. DWYER: And are there other elements

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1 of the comprehensive plan that this campus plan
2 carries out, such as the transportation element? I
3 refer specifically to the University's transportation
4 management program, its shuttle bus. Do those carry
5 out city policies with regard to promoting public
6 transportation and non-peak usage of uses in the ward?

7 MS. WAGNER: We did look at that. I mean,
8 I would, though, articulate that we focused primarily
9 on some of the other components of the Ward 3 plan,
10 but one of the issues that we saw with respect to the
11 off-street parking was that one of the benefits of
12 having off-street parking enforcement would be that
13 would increase the level of use of Metro and
14 alternative modes, or TDM measures, if you will.

15 So, while we looked at the comp plan and
16 we looked at the transportation element and we looked
17 at the design element, recognize that a lot of this is
18 realized in the actual implementation and that we do
19 see, though, some opportunities for there to be some
20 improvements in some areas and there are some areas of
21 the comp plan where we think that the University is
22 right on target.

23 The transportation one, since you
24 mentioned it, as I just said, we feel as though
25 providing the enforcement of off-campus parking will

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1 help raise your TDM measures.

2 MS. DWYER: Okay. Then one final
3 question, and I just wanted to confirm that with the
4 conditions that you've suggested and those that you've
5 discussed in your oral testimony today. Is it your
6 testimony that this campus plan meets the requirements
7 of Section 210 as well as the comprehensive plan?

8 MS. WAGNER: With the conditions that
9 we've outlined, it is our opinion that you have met
10 the requirements of Section 210 as well as the comp
11 plan.

12 MS. DWYER: Thank you.

13 CHAIRPERSON MITTEN: Thank you, Ms. Dwyer.
14 I didn't see Ms. Hamilton here today. Is there
15 someone representing ANC3-D this evening?

16 MR. FLETCHER: Yes, I can.

17 CHAIRPERSON MITTEN: Would you like to
18 come forward and identify yourself for the record?

19 MR. FLETCHER: My name is Fletcher Jewitt.

20 CHAIRPERSON MITTEN: Mr. Jewitt, do you
21 know that you have the right to cross examine the
22 Office of Planning on their testimony?

23 MR. FLETCHER: I got brought in here at
24 the last moment.

25 CHAIRPERSON MITTEN: Well, did you have

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1 any questions for the Office of Planning?

2 MR. FLETCHER: I was unaware of that, of
3 cross examining the Office of Planning.

4 CHAIRPERSON MITTEN: Okay.

5 MR. FLETCHER: But I think everybody else
6 here has done a fairly good job.

7 CHAIRPERSON MITTEN: All right. Well,
8 thank you for joining us this evening then.

9 MR. FLETCHER: That keeps everybody on
10 their toes, doesn't it?

11 CHAIRPERSON MITTEN: And I'll ask Ms.
12 Quinn if she has some questions on cross.

13 MS. QUINN: A good portion of my testimony
14 is going to be focusing on off campus housing and the
15 problems that the ANC has heard about or has been
16 brought to our attention. I notice that in one of
17 your slides, I think it was the one that Julie did,
18 mentioned that the number of students living in the
19 area surrounding the University, which is zip code
20 20016, is 962.

21 In a handout that I got from the
22 University back in the fall, the number is 1,276. So,
23 I just wanted to know if you know why there's a gap.
24 If you don't know why, you can say so.

25 MS. WAGNER: Don't know why, but

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1 recognizing that, I mean, I see that there is the
2 difference. I think the point that I was trying to
3 make in recognizing, I think, the Office of Planning's
4 sensitivity to try to make sure that those types of
5 impacts are successfully mitigated. Even with that
6 discrepancy, recognizing sort of the difference
7 between near AU campus and then breaking it down even
8 further to that specific zip code, the numbers of
9 students that are living both part-time and full-time,
10 we did not get a breakdown on that.

11 So, for all we know, there could be 50
12 percent, 20 percent, who knows, the number of students
13 that are working at least half-time. It's in our
14 opinion, especially having gone through the other
15 university campus plans that the number, the sheer
16 volume and the concentration of students in the
17 neighborhood is not a source of objectionable impact.

18 It's the issue of conduct. It's maybe the issues of
19 parking, and perhaps it's the issues of
20 transportation, which we defer to DPW.

21 MS. QUINN: Okay.

22 CHAIRPERSON MITTEN: Anything else?

23 MS. QUINN: No, that's it.

24 CHAIRPERSON MITTEN: All right, thank you.

25 Before we roll it up for this evening, we'll just --

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1 MR. ELLIOTT: Madame Chair, I do have
2 questions. Shall I wait until next session?

3 CHAIRPERSON MITTEN: I was just going to
4 say, we'll commence with your cross examination of the
5 Office of Planning when we reconvene. Ms. Dwyer?

6 MS. DWYER: Can I just make one suggestion
7 or request? There are three students that have been
8 waiting this evening to testify in support. Is it
9 possible to take them out of turn this evening?

10 CHAIRPERSON MITTEN: We're going to give
11 them turns of three minutes. Well, I guess I need to
12 ask, are there any other individuals who it would be a
13 hardship for them to come back to the March meeting
14 that would want to testify this evening? There's an
15 individual in the back, so we'd have to give the
16 opportunity for everyone who would find it a hardship.
17 Are the students unable to return?

18 MS. DWYER: I'll have them come forward
19 and address the issue with you directly.

20 CHAIRPERSON MITTEN: All right. I'd like
21 you to identify yourself for the record and state what
22 hardship there would be for you to return at our next
23 hearing.

24 MR. JACOBS: Madame Chair, my name is
25 Christopher Jacobs. The University is on spring break

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1 that week, and I will be home for that period of time
2 on the 15th.

3 CHAIRPERSON MITTEN: I understand. So,
4 that would apply to all of you?

5 MR. JACOBS: That's correct.

6 CHAIRPERSON MITTEN: All right. I think
7 that the best course of action is to allow you to
8 testify, and we'll have three minutes apiece for each
9 of you. Then each of the individuals, the applicant
10 and so on, will have the opportunity to cross examine
11 you, so don't jump out of the chair when you're done.
12 All right?

13 MR. JACOBS: Okay.

14 CHAIRPERSON MITTEN: Maybe Mr. Elliott
15 could slide over so that they could all have at least
16 a mike. Speak to staff while we're doing this and
17 tell them whatever your issue is and they'll relay it
18 to me, all right? You can speak to staff.

19 MR. ELLIOTT: Madame Chair, while they're
20 sitting down, also Ambassador Shaffer raised his hand
21 as having a hardship. Can he be added?

22 CHAIRPERSON MITTEN: I haven't forgotten
23 about him.

24

25 MR. ELLIOTT: Thank you.

1 CHAIRPERSON MITTEN: Please begin.

2 MR. JACOBS: Thank you, Madame Chair. I
3 am here tonight to voice my support for American
4 University's 2000 campus plan. The plan contains
5 numerous revisions to the proposed Katzen Arts Center
6 and other projects that reflect the concerns of the
7 residence of the AU community.

8 I believe that the University has gone to
9 great lengths to accommodate the neighbors' concerns,
10 often at significant budgetary costs to the
11 University. The final plan represents a reasonable
12 compromise which balances the neighbors' grievances
13 with the University's need to provide a quality
14 education to its students. As we've just heard, the
15 Office of Planning has endorsed the AU proposal, which
16 I believe speaks to the sensible nature of this plan.

17 In discussing this campus plan, I would
18 like to emphasize the contributions AU and its students
19 make to the Washington community. AU brings many
20 social and cultural events to the neighborhood
21 surrounding its campus and provides a direct economic
22 benefit to area merchants.

23 Patronage from AU students has helped to
24 inspire a revitalization in the Tenleytown area, which
25 has seen many new businesses open in the recent

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1 months. In addition, many of my classmates and I have
2 participated in community service projects throughout
3 Washington, a tradition that will surely continue.

4 Finally, on a personal note, I would like
5 to emphasize my personal ties to this community. I
6 have thoroughly enjoyed my four years here in
7 Washington, and I do plan to live here after I
8 complete my education. I know that many of my
9 classmates have similar plans, and that they firmly
10 believe in the principle of stewardship, both for the
11 community and the University. It is because of this
12 campus plan's adherence to those principles that I
13 support its contents and ask you to approve it.

14 CHAIRPERSON MITTEN: Thank you. Just hold
15 your seat, and we'll do all the questions together.
16 Next.

17 MR. HORNE: Can you hear me?

18 CHAIRPERSON MITTEN: yes.

19 MR. HORNE: Okay. Good evening, Madame
20 Chair and Commissioners. My name is Thaddeus Horne,
21 III, the president of the Black Student Alliance at
22 American University. I am here tonight to speak in
23 support of American University's campus plan and what
24 it means to the students of American as well as to its
25 neighbors.

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1 The ten-year campus plan has been put
2 forward to make improvements to the facilities on
3 campus, provide additional parking for students or for
4 new and expanded programs, as well as a first class
5 arts center that will be open to the public. The arts
6 center is the major component of the ten-year plan.

7 The center will be built on the site
8 currently occupied by the Casell Center. The Casell
9 Center is an eyesore to the neighborhood and is
10 overdue for replacement. The new arts center will
11 contain an art gallery, a music library, offices, and
12 performance areas. In addition, the center will offer
13 performances to the general public. The plan will
14 also contain much needed parking.

15 I believe this campus plan has been well
16 thought out. American has tried to balance the needs
17 of the University and at the same time be so sensitive
18 to the community's needs. American is uniquely
19 situated in a beautiful residential area of the city.

20 It has enhanced the neighborhood with its extensive
21 landscaping. In fact, many students will say that
22 they decided to attend American University upon their
23 favorable impression of the campus and its location.

24 The students of American University are
25 fully cognizant of the surrounding communities.

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1 Therefore, the incidents of student misconduct is very
2 low compared to other universities in the city.
3 Additionally, many students at American become
4 permanent residents of the District upon graduation.

5 I ask you that you not let a few residents
6 impede the University's efforts to enhance the
7 educational experience of its students and to
8 contribute to the cultural activities of the
9 neighborhood. Some residents are anti-everything, and
10 there's nothing you can do to satisfy them. However,
11 I do believe the majority of the neighbors eagerly
12 await the day when they can walk from their homes to
13 the new arts center to enjoy a first class
14 performance.

15 Thank you, Madame Chair, Commissioners,
16 for the opportunity to testify. Your favorable
17 consideration of American University's campus plan
18 will greatly be appreciated.

19 CHAIRPERSON MITTEN: Thank you, Mr. Horne.

20 MS. BAEZ: Good evening, Madame Chair and
21 Commissioners. My name is Lorenley Baez, and I'm here
22 on behalf of the African American Student Organization
23 at American University. I would like to take the time
24 to tell you how enriching my experience has been at
25 AU.

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1 From the first moment I saw it until now,
2 my third year at American, I knew that this was the
3 place for me. Whether it was the beautiful landscape
4 or the neoclassical buildings that lured me in,
5 American University's campus has a touch of beauty and
6 simplicity.

7 American University's master plan offers
8 to benefit the AU student body by providing us with a
9 building and comprehensive arts center with studios,
10 classroom facilities, and a gallery that will open to
11 all students as well as to the public. This plan will
12 help to beautify the campus with landscape and outdoor
13 work.

14 American University needs the master plan
15 to be approved so the University can adequately serve
16 and accommodate the student body, the faculty, as well
17 as the staff. This master plan does not only benefit
18 American University, but it also benefits the
19 surrounding area. American University has always
20 maintained its doors open to welcome all people of the
21 community.

22 In fact, several neighbors in the AU
23 vicinity use our facilities. In addition, in
24 comparison to other local universities in the area
25 such as George Washington University and Georgetown

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1 University, AU is fairly contained.

2 I cannot strongly emphasize how great
3 American University has become to me in my life, as
4 well as to other students. The people and the
5 ambiance are a part of my family at AU. Therefore, we
6 the student body of American University are asking you
7 to help the campus to develop to meet the needs of all
8 the students and to continue to progress their first
9 class higher education institution.

10 I wanted to also add that I understand
11 that this is a community outside of a community, but I
12 think that what people really need to understand is
13 that we're students, and many of us, like I'm from New
14 York, and I know Thaddeus here is from California.
15 Many of us are far, far, far from home, and this is
16 our home, too, and this is our community that we're
17 trying to build.

18 Thank you.

19 CHAIRPERSON MITTEN: Thank you, Ms. Baez.
20 If you have a written copy of your statement that you
21 could submit for the record, that would be helpful to
22 us.

23 Any questions from the Commission?

24 MR. HOOD: Madame Chair, I just had a
25 quick question. I just wanted to ask the students,

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1 did you all have any input into the existing plan
2 that's being presented to us tonight? Did you have
3 any input?

4 MR. JACOBS: I can say that I attended a
5 meeting with David Taylor about the plan. I guess it
6 would be January or February of last year. I also
7 personally serve on the University's budget committee,
8 and that deals with many of the matters because, for
9 instance, this year we've allocated additional money
10 to finance debt reserve for underground parking
11 anticipated with the plan and also shuttle bus service
12 from the law school to the Metro to improve some of
13 the off campus parking concerns that we've discussed
14 tonight.

15 MR. HOOD: Okay, thank you. What about
16 the two remaining?

17 MS. BAEZ: I've just seen a couple of the
18 drafts and blueprints of the project.

19 MR. HOOD: Okay.

20 MR. HORNE: I've had no direct input.

21 MR. HOOD: Okay, thank you. No further
22 questions.

23 CHAIRPERSON MITTEN: Anybody else? Ms.
24 Dwyer?

25 MS. DWYER: No questions.

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1 CHAIRPERSON MITTEN: Mr. Jewitt, any
2 questions on cross examination for these folks?

3 MR. JEWITT: No questions.

4 CHAIRPERSON MITTEN: Ms. Quinn?

5 MS. QUINN: I just have a couple. I
6 wanted to know, before any of you decided that you
7 were going to approve the plan, your own opinion, if
8 any of you had a copy of the plan, if any of you have
9 actually seen the plan?

10 MR. JACOBS: I have a copy of the
11 executive summary. I have looked at -- I've read
12 articles in our campus newspaper about the plan. I've
13 also researched our previous plans that went before I
14 guess the Board of Zoning Adjustments in 1974 and in
15 the mid-80's up to 1989.

16 MS. QUINN: You've definitely done your
17 research, but you haven't looked at a copy of the
18 plan?

19 MR. JACOBS: I've seen a copy of it. I
20 haven't had a chance to read it in depth.

21 MS. QUINN: Okay. Then my next question
22 is it troubles me that the comment that was made about
23 that the residents are anti-everything. That's
24 definitely not true. I want to know if any of you
25 have met with any of the residents to listen to any of

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1 the concerns or maybe decide for yourself, you know,
2 the validity of those concerns, if anything stood out?

3 MS. BAEZ: I haven't gotten the
4 opportunity to talk to any of the residents.

5 MR. HORNE: I've only been to a few ANC
6 meetings for a class, but I haven't really talked too
7 in depth. I've only heard. I haven't heard from both
8 sides. I've only heard, you know, the banter back and
9 forth. I haven't heard in depth either side.

10 MR. JACOBS: Unfortunately, I had class
11 the evening of the 15th. I was planning to attend the
12 meeting. I think some of the concerns addressed here
13 were very revealing and actually, I think discussing
14 the matter with AU administrators, I think they
15 accurately reflected the concerns of the neighbors,
16 whether or not they necessarily agreed with them or
17 not.

18 MS. QUINN: You may get a better idea of
19 what our concerns are by talking to us.

20 MR. JACOBS: That's true.

21 MS. QUINN: But thank you for coming down.
22 I appreciate it. That's all.

23 CHAIRPERSON MITTEN: Thank you, Ms. Quinn.
24 Mr. Elliott?

25 MR. ELLIOTT: No questions. I thank you

1 for coming down, too.

2 CHAIRPERSON MITTEN: All right. Let's
3 mark this down.

4 MR. ELLIOTT: I think it's past their
5 bedtime.

6 CHAIRPERSON MITTEN: It's past my bedtime.
7 Mr. Herstein?

8 MS. DWYER: That's just because it's your
9 birthday.

10 CHAIRPERSON MITTEN: Thank you all for
11 coming. Thank you, and now we'll have Mr. Ambassador
12 and Ms. Bilecky.

13 MR. ELLIOTT: Madame Chair, Ambassador
14 Shaffer has a prepared statement of one page and two
15 photographs, so I'll give these to the Secretary.

16 CHAIRPERSON MITTEN: That would be
17 excellent. Ms. Bilecky, why don't you come up and sit
18 beside him?

19 Please begin.

20 MR. SHAFFER: Thank you very much, Madame
21 Chairman. I'm going to be out of the country at the
22 next meeting, so I appreciate this opportunity.

23 I'm speaking specifically about project A
24 and project B. As a resident who would be strongly a
25 negatively impacted by the construction of these two

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1 projects along the periphery of the AU campus, I
2 strongly object to the University's plan to proceed
3 with these structures.

4 Both of these projects would be built on a
5 hither to relatively quiet portion of the campus.
6 They would each be very close to residences along
7 Rockwood Parkway. Project A would also have an impact
8 on residents on Woodway Lane.

9 Project A would have a particularly
10 troubling impact. As you know, it would connect two
11 existing buildings, Creager and Watkins, and it's
12 planned to be a three-story structure, 40 feet high.
13 The Creager building already looms over my residence
14 and others in the area.

15 The Office of Planning has said that
16 Creager and Watkins are both three-story buildings,
17 but appear lower because they are built on both sides
18 of a narrow ridge. That's surely true if you're
19 standing up on that ridge on the campus, but if you're
20 down below where I am and Creager is right on top of
21 you, it's something else again. I've submitted a
22 couple of photos that show you what I mean.

23 Adding another proposed three-story
24 building to connect the two existing ones will only
25 make matters worse for me and my neighbors. The

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1 visual impact will be damaging. We already have to
2 put up with security lights that shine all night from
3 Creager. The new building would only add to this.
4 The new structure would also create more noise from
5 air conditioning units. It will also generate greater
6 traffic and other noise producing activity. There is
7 no buffer to protect us from these problems.

8 Project B presents similar problems. The
9 Office of Planning has found that its design and
10 impact issues are even more difficult. It is claimed
11 that a slightly smaller building was approved for this
12 site in the 1989 plan, but I have found no record of
13 this.

14 I was glad to see that the Office of
15 Planning made some strong recommendations for
16 developing guidelines that would limit the negative
17 impact of these two projects. These recommendations
18 are welcome as far as they go, but I frankly don't see
19 how it would be possible for the University to
20 formulate designs that will allow the two projected
21 buildings to better relate to adjacent residences
22 while at the same time meeting what it claims are its
23 own requirements for space. In these cases 30,000
24 square feet for project A and 50,000 square feet for
25 project B.

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1 I certainly question its ability or
2 willingness to come up with something that, to quote
3 the Office of Planning, "is more domestic in character
4 and would allow these buildings to better relate to
5 residential buildings to the south," like my house,
6 for example.

7 More generally, I've got to wonder why AU
8 feels compelled to build new projects along its
9 periphery where it must know that there will be
10 serious impacts on local residences. These proposed
11 buildings to which the University in any event does
12 not appear to be a high priority should be, in my
13 view, deleted from the campus plan.

14 Thank you.

15 CHAIRPERSON MITTEN: Thank you, Mr.
16 Ambassador, and if you'd hold your seat and then we'll
17 do the questions together. Ms. Bilecky?

18 MS. BILECKY: I'm Pilar Bilecky, and I
19 live at 4444 Sedgewick Street, and I'm not going to be
20 here because I'm going to be out of the country.

21 CHAIRPERSON MITTEN: I understand.

22 MS. BILECKY: When I look out of the rear
23 windows of my family room, I see a lightly wooded area
24 behind the fence with mature trees. Looking slightly
25 to the left, I see the roof edge and several feet of

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1 solid wall of existing swimming pool building. No
2 lights, no windows, no invasion of privacy.

3 I also see, however, some very scary
4 scaffolding. The scaffolding itself is benign enough,
5 but the building that it represents makes me very
6 sick. I, like my neighbors, embrace the notion of the
7 new arts center being built on the existing Casell
8 side, but the end of the building that looms beyond my
9 rear window is entirely unacceptable.

10 The Office of Planning report describes my
11 end of the building as, "more open, especially on the
12 west end of the building with significant windows,"
13 and that the view of the building as oblique. That
14 oblique view affords me a line of sight of merely the
15 entire west end of the building. This building
16 exposure is currently designed to be nearly 100
17 percent glass. Windows overlooking my property and
18 lights shining into my home where there are currently
19 none.

20 The neighbors exposed to this view have
21 voiced objections to the windows on numerous occasions
22 in meetings with American University, only to be
23 entirely ignored. American University has not
24 provided any justification for a glass wall at this
25 end of the building. The center section of the

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1 building is corridor space on all three floors with
2 natural lighting being afforded by the large atrium
3 and a skylight at this end of the building.
4 Additional glass is not needed.

5 We recognize that the other spaces is
6 located on the west end require windows, but we
7 contend that the window sizes exceed need. I request
8 that the Zoning Commission reject the further
9 processing of the arts center until such time as an
10 enforceable agreement between American University and
11 the residents is achieved.

12 The windows of the west end of the
13 building cannot be accepted as currently presented.

14 CHAIRPERSON MITTEN: Thank you. Did you
15 have a written copy that you could submit?

16 MS. BILECKY: I already did.

17 CHAIRPERSON MITTEN: Oh, you did that,
18 okay. Thank you.

19 Any questions from the Commissioners for
20 these folks? Ms. Dwyer? Mr. Jewitt? Ms. Quinn?

21 MS. QUINN: No.

22 CHAIRPERSON MITTEN: Mr. Elliott? Mr.
23 Herstein?

24 All right, thank you very much.

25 Now, we need to review the additional

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1 materials that we've requested, and Mr. Bastida, we're
2 going to need a date so that we can have them in the
3 record in time for us to review before we reconvene on
4 the 15th of March.

5 MR. BASTIDA: Yes, Madame Chairperson. I
6 would suggest that they would be submitted by close of
7 business on Friday, March 9.

8 CHAIRPERSON MITTEN: All right.

9 MR. BASTIDA: And that will give you only
10 -- maybe we should do it on Thursday.

11 CHAIRPERSON MITTEN: Yes.

12 MR. BASTIDA: That way we can get it to
13 you on Friday.

14 CHAIRPERSON MITTEN: Yes.

15 MR. BASTIDA: So, it should be by close of
16 business Thursday, March 8.

17 CHAIRPERSON MITTEN: Okay, and did you
18 want to run through the list, or do you want me to?

19 MR. BASTIDA: We have a list. Would you
20 like to start?

21 CHAIRPERSON MITTEN: All right. We will
22 be receiving from the University a breakdown of the
23 full-time equivalent calculation. There's information
24 that Ms. Dwyer will be providing regarding the
25 conditions from the 1989 plan that they would modify

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1 and incorporate into the new plan, and there may be
2 some feedback also from Mr. Elliott on that by the
3 time that we reconvene.

4 Mr. Parsons has requested an exhibit
5 showing the existing street canopy for Massachusetts
6 Avenue. I've asked for a summary of existing and
7 planned residence halls by name and the number of beds
8 in each as they either are currently configured or as
9 planned. I asked for some clarification about the
10 land use categories and the text relative to the land
11 use exhibits and which uses are included in each land
12 use category.

13 Mr. Hood has requested a statement
14 regarding the relationship, and the working
15 relationship between American University security and
16 Metropolitan Police Department. I believe Ms. Dwyer
17 agreed to submit something for the record. I guess
18 it's some clarification about either efforts regarding
19 off-campus parking enforcement or a plan for our off-
20 campus parking enforcement. The Office of Planning
21 will be providing 8-1/2 by 11 copies of their aerial
22 photographs.

23 That's what I have.

24 MR. PARSONS: Madame Chair, you mentioned
25 that I requested the existing conditions. I don't

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1 know if this is possible by the 8th, but what I have
2 in mind is here is the street as we see it today, and
3 here's the street as we'll see it tomorrow. So, it's
4 a before and after.

5 CHAIRPERSON MITTEN: Yes. Is that
6 possible?

7 MS. DWYER: Yes.

8 CHAIRPERSON MITTEN: All right. Anything
9 else, Mr. Bastida or Mr. Forsberg?

10 MR. FORSBERG: Madame Chair, there was
11 also a request regarding development of the buffering
12 along the road that runs through the campus.

13 CHAIRPERSON MITTEN: Yes, that was in
14 response to Mr. Herstein, I believe. Additional
15 landscaping guidelines, particularly along the western
16 boundary of the campus. Yes, thank you.

17 MR. FORSBERG: Then that's all I have.

18 CHAIRPERSON MITTEN: Terrific.

19 MR. BASTIDA: Madame Chairperson, I am not
20 positive that it was requested, but there was a
21 discussion about the final grading of the new road, of
22 the piece of road that would be new, if that could
23 have been established in a better position. There's a
24 section of the road that is not presently built.

25 CHAIRPERSON MITTEN: I believe that we've

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1 had some discussion, and I think there will be some
2 additional conversation between Ms. Dwyer and the
3 Office of Planning, and we could perhaps get an update
4 on the issue about the level of refinement of the
5 design of the new road in its entirety, whether it is
6 expected to be a component of the campus plan approval
7 itself or whether there will be some form of further
8 processing in the future when that road is actually
9 built. We need to decide how we're going to handle
10 that, but perhaps we could just have a comment on that
11 in the conversation with Office of Planning what
12 you've decided in that regard. All right?

13 MR. BASTIDA: Thank you.

14 CHAIRPERSON MITTEN: Thank you. Ladies
15 and gentlemen, the other members of the Commission and
16 I thank you for your participation in this hearing.
17 We look forward to seeing you on March 15 at 7:00 p.m.
18 in this room. This hearing is adjourned.

19 (Whereupon, the above-entitled matter was
20 concluded at 11:05 p.m.)
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