

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
ARLOVA JACKSON

This transcript constitutes the minutes from the Public Hearing held on October 13, 2011.

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

2 6:31 p.m.

3 CHAIRMAN HOOD: Good evening, ladies
4 and gentlemen. This is the Public Hearing of
5 the Zoning Commission for the District of
6 Columbia for Thursday, October 13, 2011.

7 My name is Anthony Hood. Joining me
8 this evening are Vice Chairman Schlater,
9 Commissioner May and Commissioner Turnbull.

10 We're also joined by the Office of
11 Zoning staff Ms. Sharon Schellin.

12 Also, the Office of Planning, Mr.
13 Lawson and Ms. Jackson.

14 As you know, we are in continuation
15 of the American University Campus Plan.

16 This proceeding is being recorded by
17 a court reporter and is also webcast live.
18 Accordingly, we must ask you to refrain from
19 any disruptive noises in the hearing room.

20 We're also located in the Jerrily R.
21 Kress Memorial Hearing Room.

22 The subject of this evening's

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1 hearing is Zoning Commission Case No. 11-07.
2 This is a request by American University for
3 special exception relief pursuant to ' 210 and
4 3104.1 of the Zoning Regulations.

5 Notice of this hearing was published
6 April 1st.

7 The hearing will be conducted in
8 accordance this evening with provisions 11 DCMR
9 ' 3117 as follows:

10 Preliminary matters;

11 Organizations and persons in
12 support;

13 Presentation by the parties in
14 opposition;

15 Organizations and persons in
16 opposition, if we get this far; and then on
17 November 3rd, I think we are going to be doing
18 rebuttal. We'll be doing rebuttal and closing
19 by the Applicant at that time.

20 The following time constraints will
21 be maintained in this meeting:

22 Parties 61 minutes combined total;

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1 Organizations 5 minutes;
2 Individuals, 3 minutes.

3 Only persons who were previously
4 signed up to testify on the witness list should
5 fill out two witness cards prior to their being
6 called to come forward.

7 Would all individuals wishing to
8 testify, please, rise to take the oath? Ms.
9 Schellin, would you, please, administer the
10 oath?

11 MS. SCHELLIN: Please, raise your
12 right hand.

13 (Witnesses sworn.)

14 MS. SCHELLIN: Thank you.

15 CHAIRMAN HOOD: Okay. Thank you.

16 Ms. Schellin, do we have any
17 preliminary matters?

18 MS. SCHELLIN: No, sir.

19 CHAIRMAN HOOD: Okay.

20 MS. SCHELLIN: We may have to do
21 some swearing in later, too, as people arrive.

22 CHAIRMAN HOOD: Okay. Okay. We're

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1 beginning this evening with persons in support.

2 And we have no parties in support in this
3 case, so we're going to start with persons in
4 support and we're going to do the best.

5 And remember, when you do come into
6 the Zoning Hearing, please, print your name so
7 that makes it easier for us read it and to
8 pronounce it correctly.

9 Let me start with first Tom Hier,
10 Ward 3 Vision, John Wheeler, Deon Jones and
11 Cheryl Court, Sandra Walter Steinberg, Joe
12 Vidulich. Let's see, how many do we got? All
13 we have is four? Paula V. Kumar, Susan Elliot,
14 Matthew Lien, Nathan Bronstein.

15 Ms. Schellin, you have to help with
16 this next name, 53. I do need to see the eye
17 doctor, but you'll have to help me with this
18 one. 53? Okay. Okay, let's keep going until
19 we fill the table up.

20 Sam Hagdendyk, Merrill Yavinsky --
21 oh, I'm sorry. Okay. I'm sorry. Those last
22 two names, Hagdendyk and Yavinsky, please,

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1 excuse me.

2 Okay. Evan Brown, Thorn Pozen,
3 Reverend Dr. Charles Parker, Susan Rolnick, Ray
4 Rasenberger. Come on up to testify. Are you
5 here to testify? Do you want to testify in
6 support? Okay. And is that Michael Panek?
7 Okay.

8 All right. We have a full table.
9 I'm going to start to my right, your left, and
10 we're going to come down. If you can identify
11 yourself and let us know who you represent, and
12 you may begin testifying.

13 Yes, that's why I asked you, give us
14 your name and who you're representing.

15 MR. HIER: My name is Tom Hier.

16 CHAIRMAN HOOD: Turn your microphone
17 on and we can get started. There we go.

18 MR. HIER: My name is Tom Hier. I'm
19 representing Ward 3 Vision.

20 Should I start?

21 CHAIRMAN HOOD: Yes.

22 MR. HIER: Okay.

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1 Good evening, Members of the Zoning
2 Commission. Thank you for the opportunity to
3 testify on behalf of the Campus Plan.

4 I'm a native Washingtonian. A
5 graduate of Dale Junior High and Wilson High, a
6 resident of Ward 3 and Chair of Ward 3 Vision.

7 Ward 3 Vision is a grassroots
8 organization that advocates for community
9 development based on the principles of Smart
10 Growth and transit-oriented development. Our
11 ultimate goal is to promote and enhance
12 development of dynamic vibrant urban
13 communities that are sustainable and engaging
14 places to live, work and play.

15 Our vision for Ward 3 is to maintain
16 and enhance the high quality of life that
17 currently exists in our neighborhoods while
18 also recognizing and leveraging tremendous
19 assets that are already here to create an even
20 more interesting and exciting place to live.

21 One of the greatest assets in the
22 Ward centers around education. First, we are

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1 fortunate to have a highly educated population.

2 It's perhaps not a coincidence that we also
3 have a great number of educational institutions
4 that contribute to the intellectual vitality of
5 our community, American University being one of
6 them.

7 It is a wonderful thing that
8 universities are among the greatest constants
9 in our communities. Unlike most businesses,
10 they don't move, they tend to endure for
11 decades and centuries. That's why major
12 universities across the country think not in 10
13 and 20 year master planning increments, but
14 rather in 50 and 100 year increments. Harvard
15 University expanding from Cambridge to Allston
16 being one of them.

17 In the same way that universities
18 plan and strategize in 50 to 100 year
19 increments, Ward 3 Vision would like to
20 challenge the Zoning Commission and our
21 communities to adopt a similar long-term
22 planning horizon to think about how our

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1 community should evolve over the next 50 to 100
2 years.

3 The 21st Century is increasingly
4 referred to as a knowledge-based century fueled
5 by education and particularly knowledge
6 creation from our universities.

7 Over the next several decades, we
8 can envision upper northwest as becoming known
9 as the education corridor of Washington, in a
10 similar way perhaps that 14th Street is evolving
11 as the arts corridor.

12 Ward 3 should be a place that
13 celebrates our institutions of learning and
14 invites them to engage with the community.
15 This is not a novel concept, but rather
16 something that all great universities do.

17 American University stands ready to
18 invest some \$600 million over the next several
19 years. And as we review the campus plan, our
20 filter is long-term to measure the significant
21 investment in terms of adherence to Smart
22 Growth principles, impacts on sustainability

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1 and enhancement of vibrancy in Ward 3.

2 First, we would like to express our
3 support for two major thrusts of the campus
4 plan.

5 No. 1, moving undergrads from Tenley
6 back to Main Campus.

7 AU is a residential university and
8 it's appropriate that undergraduate students
9 live on campus and in close end neighborhoods.

10 We believe that East Campus is an excellent
11 location for move-up housing after freshman
12 year. It will also reduce the number and
13 impact of students in the neighborhoods.

14 No. 2, we applaud the moving of the
15 law school from Spring Valley to the Tenley
16 Campus. Relocating it there will reduce the
17 impact of the university in Spring Valley and
18 concentrate people and commercial activity
19 along transit-rich Wisconsin Avenue.

20 Specific comments about East Campus.

21 We believe that having more students in campus
22 housing is good for American University and

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1 good for the community as well.

2 We are dismayed that the community
3 has pushed to reduce the density of housing
4 from originally 800 plus beds to 590 beds with
5 the Office of Planning, we understand it,
6 suggesting only 400 beds. With Main Campus
7 being landlocked, we think it is irresponsible
8 to use land so profligately and weakens the
9 case for sustainability and LEED-certification.

10 We strongly urge the Commission to
11 consider the notion of requiring increased
12 density on the site.

13 The latest round of plans and
14 elevations suggest that AU has listened to
15 concerns among members of our community for
16 good urban design principles to create strong
17 streetscapes and lively activity at ground
18 level.

19 Along these lines, we strongly
20 encourage and support creation of an access to
21 public sidewalks, inclusion of highly visible
22 and accessible ground level retail, attractive

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1 to both students and the surrounding community,
2 in particular, cafes, sandwich shops, etcetera,
3 on New Mexico Avenue.

4 We encourage AU to work with the
5 D.C. Department of Transportation and the
6 Office of Planning to create a Transportation
7 Management Plan, including making Ward Circle
8 safer for pedestrians and bicyclists.

9 With respect to the Tenley Campus,
10 we know that AU, we believe, is getting it
11 right. The site is an excellent and
12 appropriate home for the law school and we are
13 pleased that AU has demonstrated a willingness
14 to listen to community concerns about how the
15 new campus will engage the community.

16 We know there will be further
17 processing, but we commend the university so
18 far for turning -- agreeing to turn the lawn in
19 the front of the Capital Hall into an
20 interesting public community space, rather than
21 a vacant plot of land, and orienting the law
22 school more toward Wisconsin Avenue and

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1 pedestrian access from Metro.

2 We will have further comments as the
3 Tenley Campus Plan evolves, but I would like to
4 close by acknowledging that while there are a
5 number of issues that will require good faith
6 efforts on the part of AU, we encourage the
7 campus -- we believe the campus plan overall
8 represents progress and encourage all to think
9 big over the next 50 to 100 years as to what
10 role American University should play in our
11 development. Thank you.

12 CHAIRMAN HOOD: Okay. Thank you.
13 Next?

14 MR. WHEELER: My name is John
15 Wheeler. I live at 4304 Yuma Street,
16 Northwest, which is just over a block from the
17 Tenley Campus, and I live a short walk from the
18 Main Campus.

19 I support American University's
20 proposal to move the law school to the Tenley
21 Campus. To me, it makes sense to move the law
22 school to a location that is much more

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1 accessible to public transit.

2 I hope the American University can
3 make the campus an important part of the
4 Tenleytown neighborhood that will contribute to
5 the revitalization of that part of Wisconsin
6 Avenue.

7 I support moving the student housing
8 currently on the Tenley Campus to the Main
9 Campus and placing housing on the East Campus,
10 which is currently a parking lot.

11 American University's East Campus
12 proposal to replace the parking lot with
13 student houses is clearly a Smart Growth move.

14 I am disturbed by the Office of
15 Planning recommendation that the number of beds
16 on the East Campus be reduced even more than
17 American University now proposes, starting with
18 a proposal of 1,000 beds and now reduced to 590
19 and Office of Planning, my understanding, is
20 recommending that it be no more than 400.

21 In doing so, it used a very odd
22 measure of beds per acre or something such as

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1 that to support its recommendation. And I
2 don't think that is -- it's my understanding,
3 that's something that hasn't ever been used.
4 And even the Office of Planning did not use
5 that at the Nebraska Hall, which -- and
6 Commissioner Fehrmann did an excellent job, I
7 think, of showing the incongruity there.

8 The -- I sent a letter last week
9 and, in that, I enclosed a copy of a 1977
10 article from the Washington Post, which
11 discussed the development of the Westover Place
12 and other areas around there where they call
13 that the "Last Remaining Undevelopment Tracts,"
14 and the objections being raised by people
15 living around there are very similar to the
16 objections being raised in 1977 to those
17 developments which now people living in are
18 developing about further developments.

19 And this reminds me of one of my
20 favorite Andy Rooney quotes where he said "It's
21 just amazing how long this country has been
22 going to hell without actually having gotten

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1 there."

2 Regrettably, I must say that I have
3 been very uncomfortable being in the same room
4 with people, including one elected official,
5 who have talked about students as a class as
6 being so repugnant that it is taken as a given
7 that no one would want to live near them.

8 This would not be tolerated if the
9 class distinction was race or ethnicity or
10 religion and should not be tolerated in this
11 case either.

12 Finally, I would like to thank
13 American University for the transparent process
14 it has adopted in its proposed 10-year plan.

15 CHAIRMAN HOOD: Okay. Thank you.

16 MR. WHEELER: Thank you.

17 CHAIRMAN HOOD: Next.

18 MS. WALTER: Thank you all for this
19 opportunity and your service.

20 My name is Sandra Walter and I have
21 lived near American University for 20 years in
22 both the AU Park and Tenleytown neighborhoods.

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1 I am proud to speak tonight in
2 support of the AU Campus Plan. AU is a
3 cornerstone of the 20016 ZIP Code of the
4 neighborhoods it borders. AU and the people it
5 attracts create communities, drive economic
6 development in and around its campus sites.

7 AU is a good neighbor, a valued
8 employer, a respected citizen and runs its
9 campus in a responsible manner. AU takes a
10 proactive approach in the neighborhood and is
11 responsive in ensuring that its students and
12 community are good neighbors.

13 In the two decades I have lived
14 there, I have never heard ne neighbor say a
15 negative word about the university. I have
16 heard my neighbors talk about using AU
17 babysitting services, going to the AU library,
18 attending AU lectures, working out at the gym,
19 taking their kids to soccer games and
20 basketball games on campus, but not one bad
21 word.

22 Knowing this has always made me

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1 proud to be an AU alumni who decided to stay in
2 the neighborhood after graduation like so many
3 others that I know. For several years, I
4 worked for DC Agenda, a well-respected
5 collaborative organization, working to
6 strengthen neighborhoods through economic and
7 community development.

8 Time and again across the city what
9 made good neighborhood great was a strong
10 community-based economy led by responsible
11 corporate and business partners who want to see
12 the whole community thrive and grow. AU was
13 such a partner bringing a positive economic
14 impact to the neighborhoods it touches.

15 AU students provide rental income to
16 local homeowners. AU alum stay in the
17 neighborhood, buy houses and send their kids to
18 our schools. New residents move into the area
19 attracted to the services, stability and safety
20 that AU offers. And businesses move in and
21 flourish, because AU students and employees
22 provide a base of customer sales.

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1 As both an alum interested in AU's
2 credibility as a university and a neighbor
3 interested in its direct impact on where I
4 live, I reviewed the AU Campus Plan with a
5 great deal of interest.

6 In my opinion, it makes sense. It
7 is a much needed next phase of development that
8 will enhance both the neighborhood, AU's
9 reputation and our great city. Frankly, it's
10 about time AU does something with the Nebraska
11 Avenue parking lot and transforms that massive
12 blacktop strewn with cars into an attractive
13 East Campus, rather than as asphalt
14 environmental eyesore.

15 The Nebraska Avenue parking lot will
16 be transformed into a beautiful space with
17 building and landscape grounds that will breath
18 life into this nondescript corner of Ward
19 Circle. It will be a place for students to
20 live in modern dorms that will alleviate
21 overcrowding on campus and in the neighborhood.

22 The East Campus will be a place for

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1 neighbors, all of us, to stroll, to gather, to
2 shop, to enjoy access to this oasis on Ward
3 Circle.

4 Frankly, I would much rather take my
5 morning walk through green trees and green
6 buildings than the cacophony of cars there now.

7 I'm pleased --

8 CHAIRMAN HOOD: Let me ask, do we
9 have your testimony?

10 MS. WALTER: I will hand it to you.

11 CHAIRMAN HOOD: Okay. We will
12 finish reading it once we --

13 MS. WALTER: Thank you very much.

14 CHAIRMAN HOOD: We will peruse it
15 once we get it. Okay. Next?

16 MR. VIDULICH: Good evening, Mr.
17 Chairman and Members of the Zoning Commission.
18 My name is Joe Vidulich. I am a former
19 neighbor, proud alumni, a consumer of goods and
20 services in the region and an individual member
21 of the William R. Singleton Masonic Temple
22 located in the heart of Tenleytown.

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1 In my professional capacity, I'm
2 involved in economic development and job growth
3 initiatives. I'm here this evening to
4 enthusiastically support American University's
5 10-year plan and the responsible growth it
6 seeks.

7 Let's be clear, AU has been in the
8 Spring Valley/Tenleytown area since 1893. It
9 has chartered a national university and since
10 that time the campus has grown significantly
11 and helped build the community.

12 Now, let me speak specifically about
13 the Tenleytown area. In my professional
14 capacity, we work with companies to find the
15 most appealing place to locate their business.

16 The Tenleytown area is ripe for development,
17 if revitalized and refreshed.

18 I believe the new location for AU's
19 Washington College of Law in Tenleytown could
20 be the catalyst for economic development.

21 To the northwest we have seen
22 tremendous commercial activity in the area of

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1 Friendship Heights and to our southeast we see
2 substantial activity in commerce in Cleveland
3 Park. All the while, Tenleytown has sadly been
4 left behind.

5 As a member of my lodge who travels
6 weekly to the area, let me tell you first hand
7 that a revitalization of the area will be
8 welcome. With this revitalization and
9 responsible growth, we can expect to see new
10 retail merchants in the area on Wisconsin
11 Avenue, the areas major economic corridor.

12 I believe if the plan is approved,
13 it will revitalize through traffic in
14 Tenleytown, attract new businesses and jobs and
15 produce revenues to the District offerors.

16 Our lodge engages in a number of
17 opportunities to serve the community from tree
18 planting to clean-ups in the area. We take
19 pride in our neighborhood. AU students have
20 been a blessing to our efforts to improve the
21 area. They have come out in groves to make
22 Tenleytown shine again.

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1 I could speak personally from my own
2 interactions with these students that they are
3 a welcome part to our community and the far
4 vast majority of them are well-behaved, well-
5 mannered and well-respected members of our
6 community.

7 They add to the character of our
8 neighborhood and have been a part of the makeup
9 of this area for quite some time. They live in
10 the Berkshire Apartments, in the houses in
11 Spring Valley, at the Avalon community across
12 the street and numerous other apartment
13 buildings and homes throughout the
14 neighborhood.

15 This plan proffered by the
16 university, this plan for responsible growth
17 helps relocate a number of students who have
18 tentacles farther away from AU closer to the
19 heart of campus.

20 Let's be clear, we are not talking
21 about building blocks and blocks away from the
22 university. We are talking about building next

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1 door in the Nebraska parking lot. A lot that
2 has been discussed here about the AU Campus,
3 what constitutes the East Campus, what
4 constitutes the West Campus. Nebraska parking
5 lot is the heart of AU's campus. It is right
6 next door.

7 In an article in the September 20,
8 2010 edition of The Eagle, the American
9 University student-run newspaper, Commissioner
10 Tom Smith was asked do AU students and AU
11 administrators make good neighbors? He
12 answered "Yes, this community is enriched by
13 the presence of American University, especially
14 its students."

15 CHAIRMAN HOOD: Okay. Thank you.
16 Do we have your testimony?

17 MR. VIDULICH: You do, sir.

18 CHAIRMAN HOOD: Okay. What's your
19 name again? I'm sorry.

20 MR. VIDULICH: Joe Vidulich.

21 CHAIRMAN HOOD: Vidulich, okay.

22 Okay. Next?

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1 MR. HIEMSTRA: Good evening. My
2 name is -- is this on? Good evening, Chairman
3 Hood and Members of the Commission. My name is
4 Hal Hiemstra. I live at 3318 45th Street, N.W.,
5 Washington, D.C.

6 As a long-time resident of Wesley
7 Heights and the owner of a home that is
8 literally across the street and three houses
9 away from the Main Campus, I come before you
10 today to express my support for the East Campus
11 portion of the American University 10- year
12 Campus Plan.

13 I do not believe that large surface
14 parking lots are a good use of urban space.
15 And I fully support the complete redevelopment
16 of the eight acre East Campus site.

17 Development of a mixed-use complex
18 on this site as proposed by American University
19 would add to the fabric of our neighborhood,
20 not detract from it, and help to fulfill a
21 significant retail void that now exists in our
22 neighborhood.

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1 While opponents have misleadingly
2 implied or even suggested that there is
3 unanimous neighborhood opposition to this
4 project, they do not represent my views or
5 those of many of my nearby neighbors.

6 Ironically, it is precisely because
7 of the ways American University contributes to
8 our neighborhood that some residents in the
9 adjacent gated community seem to prefer surface
10 parking lots to the redeveloped site.

11 If the existing parking lot wasn't
12 hidden behind a beautifully planted vegetative
13 buffer and instead looked like a K-Mart parking
14 lot, I suggest this opposition to the
15 redevelopment might be very different indeed.

16 I am particularly pleased by AU's
17 further revision of the proposed East Campus
18 site. AU has shown sensitivity in its proposed
19 building height and site plan for the East
20 Campus site, especially in the ways that it is
21 oriented the new buildings westward away from
22 the Westover townhouses, proposed to locate the

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1 dormitories on the other side of non-
2 residential buffered buildings and propose
3 substantial green buffered zones between the
4 two developments.

5 Concerning all the hypothetical
6 scenarios raised by attorneys of the opponents
7 to the East Campus proposal, I want to
8 emphasize that in the 11 years that I have
9 lived across from American University, my real-
10 life experience with American University is
11 nothing like the nightmare scenarios that you
12 have been hearing about for the last several
13 months.

14 I live across Nebraska Avenue and
15 just three houses away from the Clark-Roper
16 Dormitories. Never once have I heard loud
17 music coming from those forms. Never once have
18 I been woken in the middle of the night by
19 inappropriate behavior spilling out from them.

20 Clearly, on-campus buildings are
21 well-policed by Campus Security and I have no
22 reason to believe that that would be any

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1 different on the East Campus sites.

2 And by the way, for the record, the
3 Clark-Roper Dormitory windows do open.

4 Since opponents of this project
5 often bring up traffic concerns, I suggest that
6 if the Westover and the NLC Coalition were
7 truly interested in creating a more livable
8 community, rather than just opposing American
9 University, they would, in the least, be
10 supporting traffic calming measures on Nebraska
11 Avenue that would prioritize pedestrians and
12 bicyclists over vehicles, that is not taking
13 place.

14 Finally, I want to speak for a
15 moment to the civic responsibility. While I,
16 too, have been extraordinarily frustrated with
17 AU's stubborn insistence on the retail space
18 formerly occupied by Balducci's, and that they
19 rented out a rental rate that has kept it
20 vacant for two years, overall, I will say that
21 American University has been a good neighbor in
22 the 11 years my wife and I lived in the

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1 neighborhood.

2 They contribute to Horace Mann
3 Elementary School.

4 CHAIRMAN HOOD: Okay. I'm going to
5 have to cut you off. Do we have your
6 testimony?

7 MR. HIEMSTRA: No, you don't.

8 CHAIRMAN HOOD: Okay. Well, we are
9 going to need your testimony.

10 MR. HIEMSTRA: I have it right
11 here.

12 CHAIRMAN HOOD: I want to make sure
13 I'm fair to everybody. I'm going to cut
14 everybody off when --

15 MR. HIEMSTRA: All right.

16 CHAIRMAN HOOD: We've got a lot of
17 people that want to testify. Okay. All right.
18 Next?

19 MS. ROLNICK: Good evening. Thank
20 you for the privilege of speaking with you. My
21 name is Susan Rolnick. I own a condominium at
22 the Greenbrier at 4301 Massachusetts Avenue,

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1 where currently there are upwards of 40 AU
2 students living in our building.

3 I am speaking this evening only for
4 myself. Our board has elected to take no
5 position as a community.

6 For a full disclosure, it's only
7 fair to tell this Commission that I work for
8 Georgetown University in the Law Center for
9 over 12 years during which the university
10 sought approval from this same body for its
11 previous 10-year plan. Not engaged in the
12 current one.

13 In 1956, I moved to Washington. I
14 lived in Glover Park. I moved from that
15 location to a Bethesda community at
16 Massachusetts Avenue and Goldsboro Road,
17 subsequently moved to another Bethesda
18 community off Bradley Boulevard for just 20
19 years of this 56 year time.

20 In 1989, I returned to D.C. to live
21 in American University Park in the shadow of
22 the current law school, prior to my move to

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1 4301. My 50 year membership at Washington
2 Hebrew Congregation, a neighbor of AU brought
3 me -- brings me and brought me to this
4 neighborhood regularly.

5 I think we could all agree that we
6 live in one of the most pleasing D.C.
7 neighborhoods spanning the largest swath of
8 land. AU has played an incredible role in
9 beautifying our surroundings as well as
10 offering us access to university facilities.

11 I endorse the university's interest
12 in continuing to build the university in all
13 its component parts. Its facilities, its
14 faculty and the composition of its student
15 body. None of these elements can remain at a
16 standstill if the university wishes to remain
17 competitive and relevant.

18 Its rise from a local or regional
19 academic institution to a national institution
20 has brought more residential students to its
21 doors.

22 I observed while Georgetown's Law

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1 Center the dramatic improvements, the presence
2 of a residential population brings to the
3 fabric of education, even as in Georgetown's
4 case housing only its first year students.
5 Improvements are seen in academics, civic
6 engagement by students that benefits the
7 community and society at large.

8 What is the reality today? No one
9 can deny nothing stays the same.

10 In 1956, there was no Sutton Place,
11 Embassy Park, Westover or Foxhall, just to name
12 a few of the residential additions to this
13 neighborhood.

14 Garfinckel's occupied the Crate and
15 Barrel location. The site of the law school
16 was the Apex Theatre and the Katzen Center was
17 a dilapidated facility that housed the AU
18 swimming pool, where two of my oldest children
19 learned to swim.

20 Homeland Security was an active Navy
21 facility at one time, became dormant, American
22 University was here in 1956.

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1 Is the traffic horrendous in the
2 hours of 7:00 to 9:00 and 5:00 to 7:00?
3 Absolutely. It has never been good. It is the
4 responsibility -- is the responsibility of the
5 increase attributable -- okay. That seemed
6 shorter than the others, but that's okay.

7 CHAIRMAN HOOD: Well, the issue is
8 always -- here is --

9 MS. ROLNICK: Huh? That's okay. I
10 have --

11 CHAIRMAN HOOD: Here is the issue.
12 The issue is always going to be when you hear
13 the bell, just make sure we have your
14 testimony. If we have it, we have it. If we
15 don't --

16 MS. ROLNICK: That's fine.

17 CHAIRMAN HOOD: -- make sure we get
18 a copy.

19 MS. ROLNICK: Thank you, sir.

20 CHAIRMAN HOOD: Okay. Thank you.
21 Next?

22 MR. RASENBERGER: Thank you. My

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1 name is --

2 CHAIRMAN HOOD: Is your microphone
3 on?

4 MR. RASENBERGER: -- Ray
5 Rasenberger. And I have --

6 CHAIRMAN HOOD: Okay. There we go.
7 Thanks.

8 MR. RASENBERGER: Thank you. It's
9 not counting against my time, I hope. I
10 represent the Osher Lifelong Learning
11 Institute, which we call OLLI for short. I'm
12 currently chair of the Committee on Facilities
13 and Development and was recently chairman of
14 the board.

15 I live at 3900 Watson Place in the
16 District and I have been taking classes at OLLI
17 for the last 14 years. Fortunately, you never
18 have to graduate from OLLI.

19 OLLI is an independent nonprofit
20 corporation, those are important words, founded
21 30 years ago. Until five years ago, we were
22 called the Institute for Learning and

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1 Retirement, a name that succinctly describes
2 our mission.

3 Although our name has changed, the
4 thing we are doing is the same as what we
5 started doing, offering classes for older
6 adults in subjects they want to know more
7 about.

8 Currently, we offer a number of
9 courses in 10 week fall semester and again in
10 the spring. We offer intensive one week
11 courses after each semester. We sponsor a
12 series of lectures each academic year by well-
13 known writers and other people distinguished in
14 their field. These are open to the public free
15 of charge.

16 Our classes are led entirely by
17 unpaid volunteers. Some of our study group
18 leaders are active or retired members of
19 university faculties, others are professionals
20 whose careers in other fields who know us --
21 who love a subject and love to teach it.

22 OLLI has students come from all

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1 parts of the Washington area. They pay modest
2 tuition compared to programs which have --
3 don't have as much volunteer participation. We
4 also have a scholarship program, based on need.

5 OLLI got its start with the
6 encouragement of AU. And AU has been
7 supportive of our program by providing some
8 lecture and classroom space, as well as access
9 to other university facilities, such as the
10 library.

11 In addition, some of our courses are
12 led by faculty members from various AU schools
13 and departments and these and other ways OLLI
14 and AU sought to maintain a partnership which
15 benefits both. As many universities have
16 found, the interaction between students seeking
17 degrees and older students who are seeking
18 knowledge for its own sake adds energy to both
19 groups.

20 Unfortunately, we haven't been able
21 to take advantage of that because -- full
22 advantage because AU has not been able to

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1 provide space on its campus for most of our
2 lectures. Most of our classes are offered in
3 the Sunday school classroom on Temple -- on the
4 -- not the Temple Baptist Church. We now offer
5 classes at a church in Bethesda as well.

6 For many reasons, the church
7 facilities are unsatisfactory, particularly, we
8 do -- since we do not have handicap access,
9 last spring our problems took on greater
10 urgency when the church suspended our lease and
11 now we are out of that place on the spring of
12 2013.

13 I'm pleased to agree that we turned
14 again -- that when we turned again to AU for
15 help, they agreed that a small portion of the
16 additional space provided by the plan could be
17 used to enhance the AU/OLLI partnership by
18 providing the space AU/OLLI needs.

19 At least three ways the campus plan,
20 if approved, can be of enormous benefit.
21 First, it assures OLLI can grow at a single
22 location in the District and will not have to

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1 settle for one of the less convenient locations
2 available in Maryland suburbs.

3 Second, it avoids equally
4 unattractive alternative of having to disperse
5 our classes to a variety of different
6 locations, minimizing student and faculty
7 interaction, which means so much to our
8 members.

9 Third, it increases the
10 opportunities for interaction between OLLI
11 students and AU students in a university
12 environment, the kind of interaction that has
13 proven benefits for both.

14 So far, we have had a taste of that.
15 We believe the AU plan can help turn that
16 taste into a more rewarding program for
17 everyone we serve.

18 CHAIRMAN HOOD: Okay. Thank you.
19 Next?

20 MR. PANEK: Hello, hello? I would
21 like to thank the Chairman and all the
22 Commissioners for giving me the opportunity to

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1 come and speak to you all tonight. My name is
2 Michael Panek. I live at 4400 Massachusetts
3 Avenue in the Hughes Dormitory, Room 405. I'm
4 a sophomore at the American University and I
5 serve as President for the AU Chapter of DC
6 Student Speak.

7 I come in front of you guys tonight
8 to talk about why exactly students support the
9 campus plan.

10 You know, in general, you know, it
11 might not seem surprising, oh, students support
12 the campus plan, they get housing, it's
13 wonderful. But especially in the realm of
14 housing, the most controversial, and arguably
15 most important part of this plan, there are few
16 sole reasons why students desperately need
17 housing on campus and why the approval of this
18 plan is imperative to improve student quality
19 of life.

20 I just want to comment in front of
21 you and share these reasons with you.

22 Housing on campus is very

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1 overcrowded. For a majority of -- for a large
2 amount of freshmen, who come to campus, they
3 are put, at least at the beginning of their
4 freshman year, into triples where three
5 students are put into a regular-sized
6 dormitory.

7 That's three students sharing a
8 dormitory of 85 square feet with three beds,
9 too, which are lofted with 1.5 feet between the
10 mattress and the ceiling, that's three students
11 sharing two chest of drawers and two closets.
12 That's three students without too much space to
13 live, without too much space to put their
14 stuff.

15 There is obvious space constraints
16 that leave you -- that lead you into a pretty
17 cramped lifestyle. But the space constraints
18 are manageable. There is a more subtle thing
19 going on which makes triples, you know, a
20 really, you know, hard part of the university
21 experience for freshmen and something that sort
22 of puts a mark on what should be a well or

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1 wonderful first year at American University.

2 Imagine you are a college student.
3 I'm going to paint a little picture. You are a
4 college student. You have a really hard
5 political science test in your night class.
6 You stay up all night studying, the night
7 before. You come back, you ace it. All you
8 want to do is fall back in your bed and go to
9 sleep.

10 But one of your roommates has a paper
11 he needs to write for the next day and really
12 needs to sit in his room and write his paper
13 and just zone out everything and go to town.

14 Another one of your roommates has a
15 long distance relationship, his girlfriend he
16 has, he is in a long distance relationship.
17 She is in town and she wants some -- and they
18 want to spend some time together. Like you
19 have three people who want to use this 85
20 square foot space for three really different
21 things.

22 What happens? Only one student can

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1 use this room. So you have two students who
2 need to use this dorm room, who are kicked out,
3 who have to adapt, who have to find other
4 things. It sounds pretty manageable, but after
5 a pattern, after a number of times this
6 happens, you start to adapt your lifestyle.
7 You realize, okay, I can't always use my dorm
8 room. I have to find other things. I have to
9 write papers in the library. I have to sleep
10 in the lounge. I have to, you know, catch naps
11 when I can.

12 But when you start doing that, your
13 dorm stops becoming your home. It becomes a
14 place where you sleep and you put your stuff.
15 And for students coming to a school that is
16 hundreds or even thousands of miles away, it
17 really -- you really need that personal space
18 to have a good transition.

19 The transition is hard. You are
20 away from your family. You are away from
21 everything you once knew. And if you don't
22 have that one personal space that you can call

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1 your own, that one personal space you can go
2 when the world becomes too much, problems can
3 happen.

4 Freshmen are really vulnerable and
5 it makes a hard transition even harder.

6 The second reason to support
7 additional housing on the university campus is
8 for upperclassmen. You know, contrary to
9 belief, a lot of upperclassmen want to live on
10 campus. And it makes sense why they would.

11 On campus, you have all the
12 amenities you could possibly want. You have
13 over a half dozen places to eat, restaurants,
14 the dining hall. You have a doctor's office.
15 You have the library, a gym, all the -- it's
16 easy access to classes. You can roll out of
17 bed five minutes before class instead of 25 and
18 still make it on time.

19 What keeps a lot of upperclassmen
20 from staying on campus, I'm talking about
21 juniors and seniors, is the size of the dorm
22 rooms. You know, there is -- you have suite-

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1 style living in Centennial. You have
2 apartment-style living in Nebraska Hall.

3 But after two years, the 85 foot
4 square room becomes a little old.
5 Upperclassmen who can get into Nebraska live
6 there and they love it, upperclassmen who can't
7 move off campus, because they need a little bit
8 more space.

9 The great thing about the campus
10 plan is it provides more suite-style and
11 apartment-style living, both in the additions
12 to Nebraska Hall and on the East Campus.

13 So if the campus plan is approved,
14 you will have more upperclassmen come onto
15 campus. They will be thrilled. You will have
16 upperclassmen moving out of the neighborhood.
17 The neighbors will be thrilled. And everyone
18 will be really happy and there will be sunshine
19 and rainbows.

20 I have a minute left. Other parts
21 of the campus plan make a lot of sense. The
22 move of the law school to Tenley makes sense in

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1 two ways.

2 Students living on Tenley Campus
3 often complain, because they are cutoff from
4 the rest of the community. They come to
5 school. They live in Tenley Campus. And while
6 it's great and they make a lot of friends, you
7 have to take the shuttle to class. You feel
8 like you are less of a part of the university
9 community.

10 And after second semester comes
11 around, these kids have a choice. They can
12 either move to campus and get the added
13 convenience or they can stay on the Tenley
14 Campus and feel cutoff. And some people leave,
15 some people don't. And it's a real problem
16 because students feel cutoff and they feel like
17 they have to make a choice between being part
18 of the university or staying with their
19 friends.

20 Meanwhile, the space, the commercial
21 space currently rented for the law school is
22 crowded, people complain. There aren't enough

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1 spaces, meeting spaces. It's awkward and
2 that's my time.

3 CHAIRMAN HOOD: Great. Thank you.
4 And thank you all. We appreciate your
5 testimony. If you can just hold your seats, we
6 may have some questions. And you're also
7 subject to cross-examination.

8 Commissioners, any questions of this
9 panel? Commissioner May?

10 COMMISSIONER MAY: Just a couple of
11 quick ones. Ms. Walter, you made the comment
12 that you had not heard one bad word about the
13 students as your neighbors.

14 MS. WALTER: Yes.

15 COMMISSIONER MAY: I'm not sure how
16 you phrased it, but so can you remind me
17 exactly where you live in relation to the
18 campus?

19 MS. WALTER: I have lived in two
20 locations --

21 COMMISSIONER MAY: Yes.

22 MS. WALTER: -- over the last 20

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1 years. I lived at 47th and Ellicott, which is
2 in the AU Park area. And I lived at Wisconsin
3 and Porter Street.

4 COMMISSIONER MAY: And in both of
5 those locations, were there students living in
6 proximity to where you were living?

7 MS. WALTER: Um-hum, there were.
8 One was a house and we had students in group
9 houses in the neighborhood. And the other is
10 an apartment building and I actually had two
11 students who lived across the hall and down one
12 door.

13 COMMISSIONER MAY: Yes. And I don't
14 know exactly where these locations are, but
15 about how far away from the campus proper were
16 they?

17 MS. WALTER: Within a mile or so.

18 COMMISSIONER MAY: Yes.

19 MS. WALTER: I mean, I walked by the
20 campus every day as part of my walk.

21 COMMISSIONER MAY: Yes, okay. And
22 this is a question for anybody else who lives

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1 in close proximity and I don't need everybody
2 to answer, but if somebody could answer it.
3 You know, one of the things that we heard about
4 was the very bad behavior that occasionally
5 happens at a group house.

6 And I know this happens, you know.
7 I remember going to college.

8 MS. WALTER: Good.

9 COMMISSIONER MAY: So I know what,
10 you know, it could be like. So I'm just
11 wondering, the -- did any -- have any of you
12 had experiences good or bad with group houses
13 in close proximity? Okay.

14 MS. ROLNICK: Prior to my living at
15 4301 Massachusetts, I lived at 4901 Chesapeake
16 Street, which is just a few blocks down from
17 the law school, and directly across the street
18 from me, I lived at that residential facility
19 for 18 years, there was a group house.

20 I would actually say that the
21 students who occupied it over the years were
22 better behaved than the owner of the house, who

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1 never mowed the lawn.

2 COMMISSIONER MAY: Yes.

3 MS. ROLNICK: Or painted the front
4 door.

5 COMMISSIONER MAY: Yes.

6 MS. ROLNICK: So they were really
7 quite good. Currently, I live two doors down
8 from a group of students, now this is the
9 second group of students, in a rental apartment
10 that has two bedrooms and houses three to four
11 students.

12 The first year, there were both male
13 and female students in this apartment. This
14 year, there appears to be only female students.

15 COMMISSIONER MAY: Yes.

16 MS. ROLNICK: And they have --
17 except that you see more people coming in and
18 out of the apartment and the apartment door is
19 almost directly opposite mine, that's about it.

20 COMMISSIONER MAY: Yes.

21 MS. ROLNICK: And we do have 40
22 students in our building.

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1 COMMISSIONER MAY: Yes, right.

2 MS. ROLNICK: At different
3 locations, obviously.

4 COMMISSIONER MAY: Right.

5 MR. HIER: Mr. May, I live on 45th
6 Street, nearly directly across the street from
7 the campus. And two doors down from me is a
8 group house of AU students. I have never had
9 any negative interaction. I have never had any
10 loud party noise. And, in fact, my 96 year-old
11 neighbor on the other side of my house praises
12 the AU students for shoveling his walk when it
13 snows and it is really a competition between
14 them and me who can get to him first.

15 So, you know, our experience has
16 been very positive. Right across the street
17 from that house on the corner is an apartment
18 building. It is actually kind of a commercial
19 building with apartments on the basement level.

20 AU students rent those spaces. And I've just
21 never had any trouble.

22 COMMISSIONER MAY: Okay. And I just

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1 want to follow-up on this and, again, anybody
2 who can answer this, if you would. Has anybody
3 lived in close proximity to a group house where
4 there was a problem and that it was
5 successfully addressed by working with the
6 university or the police or whoever?

7 MR. VIDULICH: I have not had that
8 experience, but I would say that I was on the
9 adjudication body at American University and
10 heard some neighbors complaints. And as one of
11 the student representatives, at the time,
12 worked with the university and the students,
13 the faculty and staff representatives in
14 hearing grievances about it.

15 And the university, in my opinion,
16 always took a proactive stance.

17 COMMISSIONER MAY: Yes.

18 MR. VIDULICH: And in some cases,
19 the sanctions that are handed down were quite
20 severe for the students.

21 COMMISSIONER MAY: Such as?

22 MR. VIDULICH: Involving myself, I

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1 signed a confidentiality waiver to it, but all
2 -- everything that was on the student handbook
3 was on the table.

4 COMMISSIONER MAY: Okay. So nobody
5 else had the experience of a bad neighbor
6 house?

7 MR. WHEELER: There was one. I live
8 very close to the one you heard testimony about
9 last week, but you -- just being a little ways
10 away, all you do is hear about it. But there
11 was another one around the corner from me that
12 I heard it was another one of these fraternity
13 houses and that was a very bad situation.

14 And American University was
15 eventually able -- I think something happened
16 that those students are out now, but those
17 situations, you know, do happen. And sometimes
18 it's not even necessarily students.

19 Actually, I have thought a lot about
20 this because of what's going on and I think
21 that, of course, when it is a university --
22 when it is university students, the university

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1 has responsibility. The city has
2 responsibility and probably could do more.

3 And so the incident we have not
4 heard anything about is the landlord. The
5 landlord has responsibilities and I think that
6 they are looking for the top dollar and not
7 doing what they should do. And I'm actually
8 going to propose to the city, to my Council
9 Member Mary Cheh, that they look at making the
10 land -- because she is already proposing to
11 make the landlords responsible for shoveling
12 the snow off the sidewalk, make them
13 responsible for keeping the peace in their
14 house as well.

15 And there can be a fine if -- to the
16 landlord. I think that might be one of the
17 most effective approaches we have. Saying that
18 because some students are bad, they have all
19 got to live on campus is -- might be an
20 overreaction.

21 COMMISSIONER MAY: Yes. Okay.

22 Thanks. Thank you all.

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1 CHAIRMAN HOOD: Okay. Any other
2 questions?

3 COMMISSIONER TURNBULL: I just had
4 two. I'll just reassure Mr. Panek that you are
5 not alone. Most colleges do have the same
6 issues. And they -- my son went to William and
7 Mary. In his sophomore year he had four
8 students. There was four of them in a room
9 very similar.

10 It's just part of college life.
11 You're just going to have to grin and bear it.

12 All those four guys are very much friends
13 today and it builds relationships and just sort
14 of enjoy it while you are at it.

15 CHAIRMAN HOOD: Okay. Mr. Hiemstra.

16 MR. HIEMSTRA: Hiemstra.

17 CHAIRMAN HOOD: Hiemstra, I'm sorry.
18 I'm just curious, you know, you sit here and
19 you heard some of the testimony.

20 MR. HIEMSTRA: Yes.

21 CHAIRMAN HOOD: And this kind of
22 piggybacks on my colleague's questions to you.

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1 You have heard some of the testimony where
2 people are saying that this is going on, this
3 is a bad house or the students are encroaching
4 on our community.

5 But you live in the same community
6 and your view is a little different. Let's go
7 down this road. Is it that, and I'm going to
8 make sure I say the right thing, because at one
9 point in time I hear this and I know everybody
10 in here, the majority of us, have been to
11 college. I don't know whether you stayed away.

12 You had a good time and you went to a party.

13 Anthony Hood understands that. But
14 the issue is how do we balance that? You
15 know, now when we are older, we are not doing
16 some of those things that we did when we were
17 in school. So and I understand that. But I
18 guess I'm just trying to figure out how we live
19 in the same neighborhood and come out with two
20 total different perspectives of exactly what is
21 going on.

22 MR. HIEMSTRA: Yes.

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1 CHAIRMAN HOOD: I can see if we were
2 close. I'll tell you, we had a case one time
3 where at 11:00, there was a parking issue. And
4 this kind of reminds me of it. At 1:00 on a
5 Sunday, the person took a picture and there was
6 no parking.

7 The next person came up at 1:00 on a
8 Sunday or maybe 2:00 and there was plenty of
9 parking. So I'm just saying from our
10 standpoint, we are going to have to make a
11 decision. And what do you -- what is the
12 difference?

13 What are you not seeing or what are
14 you seeing that they don't see or what are they
15 seeing that you don't see?

16 MR. HIEMSTRA: Well --

17 CHAIRMAN HOOD: And how does that
18 happen in the same neighborhood?

19 MR. HIEMSTRA: -- I was here last
20 week and the testimony that I heard last week
21 was really heartbreaking. It is actually a
22 different neighborhood than the one I live in.

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1 I live in Wesley Heights. And the
2 neighborhood that you were hearing about is on
3 the other side of American University, American
4 University Heights maybe or AU, AU Park, so
5 they are different neighborhoods.

6 I think we probably have fewer
7 student houses in Wesley Heights than they do
8 in AU Park. There are probably just generally
9 fewer rental houses in Wesley Heights.

10 It's a very legitimate question. I
11 don't have the answer. I can only speak to my
12 experience and my experience has been positive.

13 I know that the student house -- the
14 students that live at the -- in the house two
15 doors down, I don't really have any interaction
16 with them. They don't have any real
17 interaction with me. We just have never had
18 any problem and I have never heard any noise
19 problems.

20 There is another student house
21 another half block down across the street. I
22 happen to know the family that lives

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1 immediately adjacent to that house, I play
2 tennis with that fellow every weekend. And we
3 have conversations about the students and I
4 have asked him what his experiences are. And
5 he says, you know, I kind of like having the
6 students around because it's just a little
7 lively.

8 And so, you know, he has not
9 complained to me. So there are horror stories
10 out there, clearly, but my experience and those
11 of my neighbors who have talked to me about
12 this have not been the same.

13 Like many of us, I, too, went to
14 keggers when I was in college. And I have
15 thought back, especially after the testimony
16 last week, I thought gee, I wonder if I would
17 have been that person 35 years ago.

18 And I hope I wasn't, but I might
19 have been. And I think that it sounds to me
20 like American University is trying to police to
21 the extent they can. I agree with my fellow
22 witness here, there is a great responsibility

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1 of the landlord.

2 MR. RASENBERGER: Commissioner --

3 CHAIRMAN HOOD: Well, let me ask
4 this. With your -- yes?

5 MR. RASENBERGER: Okay.

6 CHAIRMAN HOOD: Okay. With your
7 knowledge of what is being presented today, the
8 campus plan, do you think this will, from what
9 you know of the campus plan that's being
10 presented today by American, do you think what
11 is being presented today is well-enough to help
12 us?

13 If we were to approve this, do you
14 think this would help some -- exactly as it is,
15 do you think this would help improve some of
16 the situations that you heard about?

17 MR. HIEMSTRA: I do. And one
18 paragraph that I was not able to read in my
19 testimony actually talked about --

20 CHAIRMAN HOOD: Okay. Go ahead and
21 read your paragraph.

22 MR. HIEMSTRA: Okay. I was going to

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1 -- when I was talking about transportation, I
2 wanted to go on and say that supporting new
3 urbanist infill development as proposed on this
4 campus lot, rather than fighting to keep the
5 surface parking lot in place, provides new
6 infill on campus housing that will in turn
7 reduce the need for students to move off
8 campus.

9 There are going to be students who
10 will always move off campus. I couldn't wait
11 to move off campus when I was a junior. But
12 I'm sure that not everyone is the same. I have
13 a daughter who is a junior at William and Mary.

14 Actually, she wants to stay on campus her
15 entire career there, because she can't imagine
16 having to live in an apartment and cooking.

17 So, you know, she wants to live
18 where there is food and it is served to you.
19 And I'm sure that there is a combination of
20 those kinds of students everywhere.

21 I think having options though for
22 the students, that they don't have now, is

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1 going to resolve some of these neighborhood
2 concerns. Right now, I hear the stories like
3 this gentleman, the student that is down to my
4 right, talked about where they don't really
5 have much of an option, so they have to move
6 into the neighborhoods. And then you end up
7 with these potential problems.

8 CHAIRMAN HOOD: Okay. And I want to
9 do one other thing. Let me get to you. I
10 noticed that when I mentioned about the red and
11 white buttons a couple of hearings ago, we have
12 only had one or two, I think, but anyway a
13 couple of hearings ago, I noticed I only saw
14 red. Then all of a sudden at the last meeting,
15 I noticed, and I want you to know that I
16 noticed it, some other buttons.

17 MS. WALTER: Good.

18 CHAIRMAN HOOD: But let me ask this
19 question. And it's not a popularity contest.
20 I'm just curious. Everybody who has that
21 button, I would like for you to just by a show
22 of hands if you don't -- other than the

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1 neighborhood.

2 I want to know who has that button
3 on that lives in the neighborhood. Not the
4 employees of AU or anything. If you are a
5 former employee and you live in the
6 neighborhood, you can raise your hand. Just
7 raise your hand and let me see.

8 Okay. Okay. I'm sorry. I know
9 about the red and white button, believe me.
10 I'm just talking about the new buttons that
11 showed up at the last meeting, which are the
12 support buttons.

13 So everybody who has a support
14 button and does not work with AU, that lives in
15 the neighborhood, could you raise your hand?

16 MR. RASENBERGER: I don't have a
17 support button with me, but I have a support
18 button.

19 CHAIRMAN HOOD: You should wear it
20 tonight. Okay. Good.

21 MR. RASENBERGER: And I --

22 COMMISSIONER TURNBULL: We will

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1 count that.

2 CHAIRMAN HOOD: Oh, I see, you're
3 getting -- you got a sticker. You've got a
4 sticker, oh, okay.

5 MR. RASENBERGER: I knew I'm in
6 trouble.

7 CHAIRMAN HOOD: Oh, I didn't see
8 them handing them out when I came in.

9 MR. RASENBERGER: Yes.

10 CHAIRMAN HOOD: Okay. Good. Okay.

11 MR. HIEMSTRA: And, Chairman Hood,
12 for the record, I would just say I'm not a
13 button wearing person. I, you know, don't work
14 for American University. I'm just a neighbor.

15 And I'm not going to wear a button one way or
16 the other.

17 I will say that, you know, I respect
18 my neighbors very much who are opposed. I
19 understand where they are coming from. I just
20 happen to disagree with them. My experiences
21 are very different than the nightmare scenarios
22 that are being painted.

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1 I happen to live almost as close as
2 you can live to the campus without living on
3 campus. I live three houses away. And my
4 experience has been very, very different from
5 what is being painted as the nightmare scenario
6 that we will all be faced with.

7 CHAIRMAN HOOD: Okay. And the
8 reason I went down that road with you a little
9 more and I'll explain is because we don't have
10 a lot of support and it's good to hear another
11 view, so we can try to make that balance. So I
12 appreciate you tolerating that.

13 MS. ROLNICK: Excuse me, can I make
14 one --

15 CHAIRMAN HOOD: Yes?

16 MS. ROLNICK: -- additional comment?

17 CHAIRMAN HOOD: Yes, ma'am. Then
18 I'm going to go to --

19 MS. ROLNICK: Oh, I'm sorry.

20 CHAIRMAN HOOD: -- Ward 3 Vision.
21 Okay.

22 MS. ROLNICK: Excuse me, I didn't

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1 see that.

2 CHAIRMAN HOOD: Okay. You can go
3 ahead.

4 MS. ROLNICK: The difference in
5 perception of the experience, I think, is
6 accountable to two things. One is anyone of
7 our individual tolerances for discomfort
8 momentarily, we all react differently to that.

9 For some, noise for five minutes is
10 noise for 50 minutes, even if it's only five
11 minutes. So, as individuals, we all vary on
12 those spectrums. And that's probably why there
13 is less acceptance for what is basic -- what my
14 view is, is an annoyance. But that's my view
15 and not somebody else's. That's one thing.

16 And I will say having been part of a
17 different community's presentation to this
18 Board, that the major challenges for off campus
19 housing, not necessarily in an apartment
20 building where there is a lot of other people
21 living, but landlords are not necessarily good
22 community members for either the residents who

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1 are not housing students or for the university
2 whose students are housed.

3 They do not take care of their
4 property. They do not maintain it at a high
5 level. And that just leads to abuse.

6 CHAIRMAN HOOD: Okay.

7 MS. ROLNICK: If the bathroom is
8 filthy and the plumbing doesn't work, then we
9 don't care. And that's something that can be
10 addressed --

11 CHAIRMAN HOOD: Okay.

12 MS. ROLNICK: -- by the city.

13 CHAIRMAN HOOD: All right. Okay.

14 MS. ROLNICK: So --

15 CHAIRMAN HOOD: Thank you.

16 MR. HIEMSTRA: Commissioner, you
17 asked earlier about what can be done about the
18 issue of balancing the community interests. It
19 was in my written testimony, only I didn't
20 mention it because I was trying to save time,
21 my profession is actually as a campus planner.

22 And one of the things that I have planned for

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1 the past 25 years is student housing.

2 And I know quite a bit about it.
3 And what I will tell you is that there is more
4 ability to control the behavior of students in
5 campus housing, obviously, than off campus.
6 And it also depends on the type of housing that
7 you have.

8 And the university is proposing
9 suite-style housing, as I understand it, for
10 the East Campus. Suite-style housing is
11 appropriate for sophomores and above. It's not
12 appropriate for freshmen. And as you --
13 students have a natural progression in terms of
14 their development.

15 As they get older, they get more and
16 more -- they get less and less crazy about
17 partying and when they do do it, they tend to
18 do it not in their rooms, but either in a place
19 like Washington, Downtown or probably in frat
20 houses or other kinds of houses, group houses
21 in the neighborhood.

22 So having more students living on

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1 campus, first of all, it gives the university
2 direct control, because there is no question
3 about who runs the university. Security can be
4 there. It's not an issue of jurisdiction. And
5 if there is something going on in the
6 university residents' hall, the university has
7 absolute authority to manage and control that.

8 So there is going to be a lot less
9 activity, negative activity, in my view as an
10 experienced housing professional, than there
11 would be if you have students living in the
12 community and group houses where it's very
13 difficult to control.

14 CHAIRMAN HOOD: Okay. I think we'll
15 let the young fellow go, but I think my
16 questions have been answered. You students, I
17 want to hear from you.

18 MR. PANEK: I mean, as a student who
19 may or may not be participating in some things
20 that people in the community might find
21 objectionable, I mean, there is -- the
22 difference you might find in perception of what

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1 is going on in terms of living next to group
2 houses, a lot of it has to do with how the
3 situation -- I don't want to say how the
4 situation is dealt with, but just what happens
5 after -- what am I trying to say?

6 The majority of AU students, the
7 vast majority, are relatively good kids. You
8 know, we don't come and move into the community
9 with the intention of disrupting it and
10 breaking things and being, you know, eyesores
11 or hurting anyone's lifestyle.

12 Yes, college students, I'm sure, as
13 many people in the room can say, do like to be
14 a little ruckus on Friday nights, but we also
15 don't want to hurt people. So what does this
16 mean? If a college group house is being -- and
17 I know multiple people in fraternities who, you
18 know, have -- I have talked to who have like
19 had complaints and worked it out with the
20 neighbors.

21 If a college -- if you live next to
22 a group home that sometimes is disruptive, a

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1 dialogue can usually happen and it can usually
2 be resolved. That doesn't mean marching over
3 at 10:30 on a Friday and demanding they turn
4 off that music right now this instant.

5 It means going the next day when,
6 you know, the students are more level headed
7 and everyone is a little cooled down
8 explaining, you know, speaking to the testimony
9 at the last meeting, that, you know, my
10 daughter has a hard time falling asleep at
11 night and has nightmares because you guys are
12 really loud.

13 And 99 percent of the students, if
14 you go and you explain that to them, they will
15 be willing to say they will have their parties
16 earlier. They won't be as loud. They will be
17 conscious of the fact that they are disturbing
18 you and a lot of time the relationship is
19 resolved and it all works out well.

20 At least those are the experiences I
21 have known and the experiences I can speak to.

22 CHAIRMAN HOOD: Thank you for that.

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1 Okay. Let's see if we have any cross-
2 examination. That was our questions.
3 Commissioner Turnbull?

4 COMMISSIONER TURNBULL: Yes, Mr.
5 Chair, I just had one. Mr. Hiemstra,
6 whereabouts do you live? I'm just curious.

7 MR. HIEMSTRA: I live on 45th Street
8 on 3318 45th. So 45th Street deadends into
9 Nebraska Avenue right there at Horace Mann
10 Elementary School.

11 COMMISSIONER TURNBULL: Okay.

12 MR. HIEMSTRA: And I'm the third
13 house in from the corner.

14 COMMISSIONER TURNBULL: Okay. Thank
15 you.

16 CHAIRMAN HOOD: Okay. Let's see if
17 we have any cross-examination. The applicant,
18 no cross-examination. ANC-3D? ANC-3F? ANC-
19 3E?

20 MS. SKLOVER: I have a question.

21 CHAIRMAN HOOD: You have a question?
22 Let's see, is this 3E? Jonathan Bender, is he

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1 -- he's not here tonight? Okay. Come on.
2 Come on. Okay. All right. Let's see.
3 Whoever you are going to ask the question to,
4 make sure they don't get up.

5 MS. SKLOVER: The lovely gentleman
6 from OLLI.

7 CHAIRMAN HOOD: Okay. So one of you
8 all can get up and just don't go too far.

9 MS. SKLOVER: Thank you.

10 CHAIRMAN HOOD: If you can identify
11 yourself?

12 MS. SKLOVER: My name is Beverly
13 Sklover. And I wanted to ask a question of the
14 lovely gentleman from OLLI, because I will soon
15 be taking courses there as well. I'm becoming
16 of age.

17 And I wanted to ask you a question.
18 It has been rumored, and perhaps you can
19 clarify it for us, that a letter was sent out
20 by the President of American University that
21 indicated that if the plan was passed, then
22 space might be made available to OLLI for all

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1 of its services, with the implication that were
2 the plan not passed, it would not be made
3 available to OLLI. Space would not be made
4 available to OLLI.

5 And it requested that letters be
6 sent by members of OLLI to the Zoning
7 Commission requesting the Zoning Commission
8 approve the American University 10-year Campus
9 Plan. Is that the gist of the kind of letter
10 that was sent out?

11 MR. RASENBERGER: Well, for years we
12 have been talking to Neil Kerwin and his
13 predecessors about getting more space on
14 campus. And with all good intentions, they
15 haven't been able to do anything significant
16 for us.

17 We did have a meeting with them last
18 spring when we got notice that we were going to
19 be kicked out of the Temple Baptist Church and
20 would have nowhere to go and again raised these
21 issues and he was, again, sympathetic.

22 And we said well, would you be

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1 sympathetic enough to write us a letter saying
2 that you would provide space for us, because we
3 need some thing like that to go out and raise
4 money against the possibility that we would
5 have to spend more money, which I think we
6 would, to use space at AU. We have a very
7 cheap rate now at the church, but we are losing
8 that.

9 So we know we are going to -- it's
10 going to cost us more. And we need a way of
11 raising the money to pay for that and in
12 advance, too. And he said yes, he would write
13 that letter and he did write the letter. I
14 don't remember anything -- any commitment --

15 MS. SKLOVER: When I read the
16 letter, I thought that it said --

17 CHAIRMAN HOOD: Commissioner
18 Sklover, when I have a chance, I'm going to
19 come to one of your ANC meetings and I'm going
20 to ask a question. And I'm going to make it
21 just as long as your question. And I promise
22 you I'm going to come up there and do that.

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1 But here is what we need to do. We
2 need -- I need you to ask him a question. You
3 asked about the letter. He gave you an answer.

4 MS. SKLOVER: And I appreciate it.

5 CHAIRMAN HOOD: And you want to talk
6 about --

7 MS. SKLOVER: I apologize.

8 CHAIRMAN HOOD: No, that's all
9 right. I'm coming there.

10 MS. SKLOVER: I apologize.

11 CHAIRMAN HOOD: I'll be there.
12 Trust me. But -- and I have been up there in
13 the past. But I'm just trying to make sure, we
14 don't need to expound on what your view was of
15 the letter.

16 MS. SKLOVER: I apologize to you.

17 CHAIRMAN HOOD: No, but I want you
18 to finish asking your question about the
19 letter.

20 MS. SKLOVER: So did the letter, in
21 fact, go out requesting that all OLLI members
22 write to American University -- write to the

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1 Zoning Commission requesting that they approve
2 the plan, the 10-year plan, so that OLLI would
3 be able to have facilities available?

4 MR. RASENBERGER: I don't, frankly,
5 have the letter with me. And I don't recall
6 that particular sentence. I'm not saying it
7 didn't happen, but the request to our members
8 went out from our board saying, sorry, that we
9 have an opportunity here finally to get some
10 better space, particularly since we are losing
11 what we have now. And --

12 CHAIRMAN HOOD: Okay.

13 MR. RASENBERGER: -- if you think
14 that's a good idea, and I think most of our
15 members are very unhappy with the space we are
16 in now, please, write a letter in support.
17 Some of our members don't support the plan, as
18 you know. But the vast majority do and many of
19 them did write letters, but that was at our
20 instance, not at the instance of --

21 MS. SKLOVER: I see.

22 CHAIRMAN HOOD: Okay. And I think

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1 that's his answer.

2 MS. SKLOVER: Thank you very much.
3 It turns out that apparently when TC&A
4 testifies, they will be distributing the
5 letter.

6 CHAIRMAN HOOD: Okay.

7 MS. SKLOVER: I apologize.

8 MR. RASENBERGER: The letter is--

9 CHAIRMAN HOOD: We will all find out
10 what the letter says.

11 MR. RASENBERGER: That's right.

12 MS. SKLOVER: Thank you.

13 CHAIRMAN HOOD: Okay. Thank you.
14 Let me see, Neighbors for a Livable Community?
15 Ms. Horvitz?

16 MS. HORVITZ: No.

17 CHAIRMAN HOOD: Okay. That's also
18 Westover Place. Spring Valley, Wesley Heights
19 Citizens Association? Mr. Mazzuchi?

20 MR. MAZZUCHI: No.

21 CHAIRMAN HOOD: Okay. Now, is it
22 Mr. Wilson tonight or is it Mr. Ferenbach? Do

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1 you have any questions?

2 MR. FERENBACH: No questions.

3 CHAIRMAN HOOD: Okay. Tenley
4 Neighborhood Association, Ms. Chesser?

5 MS. CHESSER: I can shout from here.
6 I have one question for Mr. Hier.

7 I'm curious, Biddison Hier makes its
8 money getting hired by universities to advise
9 on construction projects. Is that true?

10 MR. HIER: Well, not exactly
11 construction projects. I do planning work for
12 colleges and universities that lead sometimes
13 to the construction projects, but I do a
14 variety of other things as well.

15 MS. CHESSER: Okay. I just wanted
16 that on the record. Thank you.

17 CHAIRMAN HOOD: Okay. Thank you.
18 Mr. Herzstein?

19 MR. HIER: I'm not working for AU.

20 CHAIRMAN HOOD: Mr. Herzstein? Is
21 Mr. Herzstein here?

22 MR. HIER: He is coming up.

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1 CHAIRMAN HOOD: Okay. Does he have
2 any cross-exam? If you can just ask him does
3 he have any cross-examination?

4 Do you have any cross-examination?
5 Okay. Good. All right. I want to thank this
6 panel. We appreciate all your testimony.

7 MR. PANEK: Thank you.

8 MR. HIEMSTRA: Thank you.

9 CHAIRMAN HOOD: Ms. Schellin, let me
10 see where we left off. Stephanie Partridge,
11 Stephanie Partridge, okay, I gotcha, and Mike
12 Kiplinger. Is Mike Kiplinger here? Okay. Ms.
13 Partridge, it looks like you are the last
14 person we have in support.

15 MS. PARTRIDGE: Okay.

16 CHAIRMAN HOOD: Do we have anyone
17 else who would like to testify in support?
18 That's on the list, excuse me. That's on the
19 list. You all are already on the list? Are
20 you all already on the list?

21 MR. JONES: I was walking in and I
22 do have --

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1 CHAIRMAN HOOD: Oh, so you all were
2 late?

3 MR. JONES: Yes, I am.

4 CHAIRMAN HOOD: Yes, check with Ms.
5 Schellin. You all were late, huh? Okay.
6 We're going to talk about that first. Okay.
7 Ms. Partridge, you can begin.

8 MS. PARTRIDGE: Thank you,
9 Commissioner. I live in Embassy Park which is
10 a homeowners association right next to
11 Westover. I am testifying as a resident that
12 has no problems with the expansion of American
13 University.

14 I have heard the comments flying
15 back and forth and I take issues with some of
16 the statements. I would prefer students to be
17 housed on campus, rather than in apartments in
18 the surrounding neighborhoods.

19 At the moment, they use Embassy Park
20 Drive as a cut-through when walking and
21 driving, putting more on campus would alleviate
22 this problem. Also, by putting them on campus,

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1 as other people have testified, you can control
2 the students' behavior better because there
3 will be RAs in the dorms and I also understand
4 with the new dorms, many universities are
5 putting professors in those dorms as well.

6 The neighbors say they want more
7 retail, but don't want it in the new location.

8 I can't understand this thinking. You can't
9 have it both ways. I would love to have retail
10 at the new location, as it would give me more
11 places to shop that are within walking
12 distance.

13 One of my examples would be to move
14 the UPS store that is on the campus now into
15 the new location, so it may get more accessible
16 for all the neighbors.

17 They state there will be more
18 traffic. I have lived in this neighborhood for
19 20 years and have observed something very
20 interesting. When the Berkshires were rented
21 to non-students, there were cars parked all up
22 and down Massachusetts Avenue.

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1 Now that there are more students,
2 the cars that are parked on Massachusetts
3 Avenue have dropped by 60 to 70 percent. I
4 have also spoken to the manager of 4100
5 Massachusetts Avenue, it's Avalon, and their
6 population now is 64 percent students.

7 Their parking revenue has dropped by
8 over half. The students don't want cars. It's
9 different from when you and I went to school.
10 And the students are now more comfortable with
11 mass transportation and have more available
12 than when we went.

13 Finally, Westover neighbors don't
14 want students looking into their bedroom
15 windows and I agree. But what I would suggest
16 to them is do what I do, close your drapes.

17 I also don't think a co-ed is really
18 interested into seeing into the bedroom of a
19 person over 40 years-old. Sorry.

20 Also, what you may not realize is
21 that Westover overlooks our property, so they
22 can see in our bedroom windows and, frankly, I

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1 have not heard any complaints from Westover or
2 from our neighbors either.

3 I think that putting more housing on
4 the campus is a better idea than having the
5 students in amongst the neighbors. I have had
6 students that have lived right next door to me
7 and I have dealt with them as the young
8 gentleman suggested.

9 I have talked to my neighbors and
10 when we have an issue, which we did one time,
11 my husband went over and asked them to politely
12 stop the party, they did immediately.

13 CHAIRMAN HOOD: Thank you. Next?
14 What time did the hearing start?

15 MR. JONES: 6:30.

16 CHAIRMAN HOOD: What time did you
17 all get here?

18 MR. JONES: I got here at 6:35.

19 CHAIRMAN HOOD: Oh, okay.

20 COMMISSIONER MAY: Did you drive?

21 MR. JONES: No, sir. I took the
22 Metro.

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1 CHAIRMAN HOOD: How long do you have
2 to wait on the -- for a professor, what is it
3 the whole class time?

4 MR. JONES: Well, if they --
5 generally, it's like if it's a -- I don't know
6 if it's official or not, but if they have a
7 master's, then you wait 15 minutes. If they
8 have a PhD, you wait 20 minutes.

9 CHAIRMAN HOOD: Okay. Well, since
10 you were only five minutes late, we'll go ahead
11 and let you all go ahead and identify yourself.

12 MR. JONES: I have a bachelor's with
13 me, 10 minutes.

14 My name is Deon Jones. I serve on
15 Advisory Neighborhood Commission, 3D,
16 representing 3D07, which is the American
17 University Rockway Parkway, Indiana and
18 Nebraska.

19 Good evening, my name is Deon Jones.
20 I serve on Advisory Neighborhood Commission
21 3D, representing SMD 3D07, which includes the
22 majority of American University students.

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1 I am also a student major in
2 political science at the American University.

3 I came to American University last
4 year from a single parent home in the inner
5 city of Atlanta, Georgia where I had been
6 student body president at my high school and
7 started a nonprofit organization called Men of
8 Destiny to bring resources to African American
9 boys in my community.

10 CHAIRMAN HOOD: Mr. Jones, I want
11 you to do us a favor. I'm going to stop the
12 clock. I want you to do us a favor. I want
13 you to back up just a little bit.

14 MR. JONES: Yes, sir.

15 CHAIRMAN HOOD: There we go.

16 MR. JONES: I came to American
17 University last year from a single parent home
18 in the inner city of Atlanta, Georgia where I
19 had been student body president at my high
20 school and started a nonprofit organization
21 called Men of Destiny to bring resources to
22 African American boys in my community and the

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1 Atlanta Public School System.

2 I also served as director of student
3 affairs for City Council Member Scott Vaughan
4 and as a student advisor for State Senator
5 Kasim Reed, who is now Mayor of Atlanta.

6 Currently, I'm a Congressional Black
7 Caucus emergent leader in Senator Gillibrand's
8 Office with urban education issues and black
9 male achievement.

10 Last year, AU students sought to
11 fill a long vacant ANC seat representing a
12 portion of the AU campus and adjacent
13 neighborhood streets. I now hold that seat and
14 I'm one of many AU students who wants to be a
15 part of our community.

16 We are grateful for the new friends
17 we have made in the neighborhood who welcome us
18 into their homes.

19 This is my second year living in the
20 residence hall on campus. The university has a
21 structure in place that includes residence
22 assistance and a residence hall association

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1 with hall councils that act as the community
2 government for each residence hall.

3 The structure provides a good
4 support system for students living on campus.
5 Many of our residence halls on campus are older
6 buildings. To my knowledge, the last new
7 residence hall was opened in the 1980s.

8 Today, many freshmen live in tripled
9 rooms designed for two people. Improving the
10 quality of our residence halls is something
11 that AU students support. If you would like to
12 see firsthand, you should come visit our
13 residence halls and see our rooms, especially
14 the triples.

15 The residence halls with new designs
16 proposed for the East Campus will mean that
17 students will have more modern living space and
18 still be a part of the AU Campus. Students do
19 want to live on campus and be a part of the
20 campus life, study at the library, have access
21 to our professors, participate in our clubs and
22 other activities and see friends.

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1 This is important to our academic
2 life, our student activities, our connections
3 to each other and to the community. Because
4 the structure of our residence halls and the
5 rules that are in place, they should not pose a
6 problem to neighbors.

7 The university's efforts to buffer
8 the residence halls from immediate neighbors
9 will also help. The existing AU Campus Plan is
10 not a large one. And putting more residence
11 halls there would remove green space and
12 further crowd the campus.

13 Within the new East Campus, on what
14 is now a parking lot, providing new housing and
15 additional green space as well. A number of
16 students have participated in the Council
17 planning process and the plan has been
18 discussed several -- in several student
19 classes.

20 You might be surprised to know that
21 a number of students have actually read the
22 plan. We are engaged in this process because

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1 it is important to us.

2 While I am only in my second year, I
3 have been here long enough to get to know many
4 other students on campus.

5 As I close, I would like to add one
6 point. I believe that our students have been
7 misrepresented and even maligned by some people
8 in this process. A few bad apples have
9 magically created a bucket of bad apples.

10 That should not be the case. The
11 students love the city. Most of them stay here
12 after college, some become teachers with the
13 Teach for America Program, some go to work in
14 the Federal Government and some stay for
15 graduate school.

16 American University is creating
17 world leaders and making dreams a reality. As
18 said before, I come from the inner city of
19 Atlanta where in my neighborhood it's hard to
20 see the light and the midst of crime, drugs,
21 domestic abuse and so much more.

22 Going to prison is more of a reality

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1 than going to college. Since I have been on
2 this campus interacting with students, staff
3 and faculty, it has shown that through service
4 and determination, I can change that image and
5 give hope to the young people back in my
6 neighborhood in Atlanta.

7 When you look at me, you look at
8 what the American University AU students are
9 about.

10 CHAIRMAN HOOD: I guess you --

11 MR. JONES: I guess, Commissioner,
12 if I don't cut you off, I'm going to get in
13 trouble. So I'm going to have to cut --

14 MR. JONES: I was on the last
15 sentence, Mr. Chairman.

16 CHAIRMAN HOOD: -- you off. Finish
17 your last sentence.

18 MR. JONES: I am hopeful --

19 CHAIRMAN HOOD: I might be already
20 in trouble over this.

21 MR. JONES: I am hopeful that when
22 this is over, that we will all work together to

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1 build new bridges to make our community, the
2 campus and the neighborhood an even better
3 place to live. Thank you for your time and
4 thank you for your service.

5 CHAIRMAN HOOD: Okay. Thank you.
6 Next?

7 MR. BROWN: Mr. Chairman and the
8 Board, I would like to thank you for allowing
9 me to speak. My name is Evan Brown, I'm a
10 sophomore at AU. I live at Hughes Hall, which
11 is at 4400 Massachusetts Avenue, N.W., and I
12 come here to support the plan, mainly because I
13 believe it improves the student quality of live
14 at American University in many regards.

15 As previous people have spoken, it
16 provides some more dorms and reduces the
17 overcrowding on the -- by offering better
18 facilities for students.

19 Another point that I would like to
20 make is that currently the apartment housing is
21 limited. And just from a personal example,
22 when I become a junior/senior, I'm no longer

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1 guaranteed housing. And I personally and many
2 other students may pay for their housing from a
3 personal education fund and those funds can
4 only be made payable to the university.

5 So if they -- some of these people
6 and those funds, they can't use that money to
7 buy an apartment at, say, like the Berks or the
8 Avalon and in my case, I can only use that
9 money to pay for housing through the
10 university.

11 So I believe that additional
12 upperclassmen housing is beneficial to some
13 people like myself who do have that particular
14 case and would like to see more upperclassmen
15 housing.

16 Furthermore, I believe that the use
17 of East Campus on the Nebraska parking lot
18 would maintain the character of the university
19 as it currently exists and maintain green space
20 appropriately.

21 I also feel that the additional
22 proposed gym and other facilities will be

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1 beneficial to the students. Currently, the gym
2 often gets overcrowded. There is most of the
3 athletes opting to use it. So I also support
4 that provision.

5 And again, also with the Tenley --
6 bringing students from Tenley back to the Main
7 Campus, that often you can feel a disconnect
8 from those who live at Tenley. And I support
9 bringing that group back, so they can be
10 integrated within the AU community itself with
11 additional housing on the core campus.

12 And overall, I just feel that this
13 plan is a fair proposal that provides for an
14 agreeable solution and that keeps the interests
15 of the resident students in mind. And I thank
16 you for your time.

17 CHAIRMAN HOOD: Okay. Thank you.
18 Next?

19 MR. LIEN: Good evening. My name is
20 Matthew Lien. I'm a student at American
21 University. I currently live at 4400
22 Massachusetts Avenue in Hughes Hall, Room 305.

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1 I support the campus plan because,
2 as many students have said, it really solves a
3 lot of the critical needs of housing shortages,
4 facility shortages that are really affecting AU
5 students. There are 2,700 students living on
6 campus out a total undergrad population of
7 6,000.

8 I haven't talked to everyone, but I
9 haven't met a student yet who says I don't want
10 more dorms on campus. I don't think we need
11 more dorms on campus. I don't think we need
12 more facilities. And I feel like that critical
13 need and that critical group of our community,
14 the whole Tenleytown community has been not
15 represented well in this process.

16 So I'm just here to speak on behalf
17 of myself and other students who have-- are
18 kind of living with these needs and really see
19 the -- will see the usefulness of them.

20 Another thing that I think I would
21 like to speak about is the idea of group homes.

22 I'll take off my halo right now and say that I

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1 have been to some of these group home parties.

2 I've never had the cops called on me. I have
3 never had a neighbor come and address any
4 problems.

5 I lived in a group home over the
6 summer off of Albemarle Avenue, 43rd Place and
7 we didn't have any complaints. We actually
8 lived in a duplex, so we shared a physical wall
9 with a neighbor. And one night we were on our
10 front porch until about 11:00 and she asked us
11 if we couldn't do that, so we took it to the
12 back yard the next night.

13 And there were no problems. And
14 those are the kind of interactions I see as a
15 student. And those are the kind of experiences
16 I have had. I love AU. I know I have only
17 been here two years and I'm living with some
18 people who have lived here 20, 30, 50 years,
19 but I still feel like I am an active engaged
20 member of this community. I love it and I
21 would like to work more with the community.

22 As for East Campus, I have heard a

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1 lot of concerns from residents and I do think
2 that they have a legitimate right to speak
3 about their concerns, but some of the things
4 don't really mesh well in my mind having
5 actually lived in the dorms.

6 One of the examples is I have heard
7 a lot of residents complain about there not
8 being enough buffer space, an academic building
9 can't be a buffer. And that dorms won't create
10 too much light and noise.

11 I currently live in Hughes Hall,
12 which is right next to McDowell Hall, which
13 across the street has the Kogod School of
14 Business. It is almost the same setup of a
15 similar amount of beds with an academic
16 building buffer. And from the quad on any
17 given night, I can't see any noise -- I can't
18 hear any noise, excuse me. I can't see any
19 light even because the dorms have giant
20 blackout shades that keep light from coming in
21 and light from going out.

22 So I think the plan isn't as bad as

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1 some people make it out to be. Thank you.

2 CHAIRMAN HOOD: Thank you all for
3 your testimony. Commissioners, do we have any
4 questions? Let me just ask, Commissioner
5 Jones, I don't want to make it look like I'm
6 picking on you, but I want to ask you, you
7 represent part of AU and the rest of your
8 Single Member District are residents who reside
9 in the area, correct?

10 MR. JONES: Yes, sir.

11 CHAIRMAN HOOD: You are obviously
12 pro-AU, you are student AU. How do you balance
13 that with the resident -- let me ask you this.
14 Are any of your constituents -- do any of your
15 constituents express issues to you about the AU
16 Campus Plan?

17 MR. JONES: Yes, sir. One
18 individual, Martha Holland, who represents --
19 who I represent, she -- during this -- during
20 the early process, me being involved with the
21 campus plan, she expressed the idea of having a
22 tall building and it's seeming like she is

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1 looking out her building and it's a lot of
2 lights. So the idea that she didn't want a lot
3 of lights when she looked out of her building.

4 Another thing was the idea of
5 bleachers being on the field, so those are her
6 -- were here biggest concerns.

7 CHAIRMAN HOOD: So you only really
8 basically -- besides the AU residents or the
9 students or the AU folks, you only heard from
10 one person in your Single Member District?

11 MR. JONES: Yes, sir.

12 CHAIRMAN HOOD: About any feedback
13 as far as that. What do the rest of them say?

14 The rest of them just don't respond? I'm just
15 curious because you are in a unique situation.

16 You represent both sides, kind of like where
17 we are. So I'm trying to take the lead from
18 you, how did you balance that?

19 MR. JONES: Yes, sir. Well, from
20 the people that I represent, she has really
21 been really the most involved in this process.

22 A lot of the other neighbors, even when I was

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1 running, there were a lot of people who had
2 just moved into the neighborhood. There were a
3 lot of people who just didn't care about the
4 situation that was going on. But she has been
5 the most vocal point and has been in contact
6 with me and she is the person from my Single
7 Member District that I talked to the most about
8 the campus plan.

9 CHAIRMAN HOOD: What kind of
10 assurances have you given her? What have you
11 did to be supportive? I'm just trying to
12 figure out how to balance it, because, at some
13 point, I'm going to have the same task and I
14 just want to know what did you do?

15 MR. JONES: Yes, sir. One thing
16 that I also talked to her about is the idea
17 that where student activity as far as loud
18 music when it comes to windows and then the
19 idea of the lights, really assuring her about
20 the behavior of students now in today's time.

21 So where back in the '80s you had
22 the boom box on the shoulder and things like

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1 that, we have iPods, we have -- we listen from
2 our computer and it's not really a -- we -- I
3 would say my generation is a really inclusive
4 generation to themselves.

5 So people are not really trying to
6 share what they listen to to everybody, like
7 back in the day. So --

8 CHAIRMAN HOOD: Watch out now, that
9 was my day.

10 MR. JONES: It was the day. That's
11 what I said, the day. But so people -- so
12 that's where as far as her concern about loud
13 music. And then when I talked about the idea
14 of the lights, I told her, you know, we do have
15 drapes that really block out light and it's not
16 the idea of a cruise -- you looking up at a
17 cruise ship, you know, your rationale.

18 CHAIRMAN HOOD: Was she receptive?
19 I'm just curious. I don't want to pinpoint.
20 I'm just trying to figure out after you, I
21 don't want to say hipped her, but after you
22 brought her up to date, was she more receptive

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1 to your issues? Did you all kind of have a
2 meeting of the minds?

3 MR. JONES: I think with me serving
4 on the commission, this whole community has
5 been receptive to listening. As soon as I know
6 Mr. Mazzuchi has had us over to his house, I
7 have been to a lot of the community members'
8 houses and been to a lot of community meetings
9 within the community.

10 So I think this whole community has
11 been receptive to the students' point of view
12 of the situation and the campus plan.

13 CHAIRMAN HOOD: Okay. Good. All
14 right. Any other question? Commissioner
15 Turnbull?

16 COMMISSIONER TURNBULL: Yes, thank
17 you, Mr. Chair. So, Mr. Lien, you are one of
18 those group homes people.

19 MR. LIEN: One of those good alums.

20 COMMISSIONER TURNBULL: Yes. We
21 have been waiting for you now. I'm sure that a
22 lot of the residents who have had issues, if

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1 they had someone like you, you seem like a nice
2 guy --

3 MR. LIEN: Thank you.

4 COMMISSIONER TURNBULL: -- but let
5 me just ask. I mean, the group homes, you have
6 heard the stories or maybe you haven't heard
7 some of the testimony here, but there have been
8 some issues about some group homes.

9 And I'm not asking you to relate,
10 but from your own experience and the students'
11 viewpoint, what is the stigma attached or what
12 are some of the issues that have focused --
13 that you see are issues with group homes and
14 how students can deal better with them?

15 MR. LIEN: Well, my particular
16 situation is a little bit unique. I stayed to
17 do an internship over the summer, so I
18 subletted a group home for the summer. A
19 number of the people living in that home were
20 part of a fraternity, not all of them were. It
21 wasn't a frat house. It was small, so there
22 were no frat parties there.

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1 But you could consider it a frat
2 house if you can -- if your definition means
3 that all the members there were in a frat,
4 which, at one point in the year, there were.

5 I guess one of the big stigmas is
6 group homes are where parties are. There is no
7 getting around that, because a home can
8 accommodate a party. And if the people that
9 live in that home want to have a party, they
10 will have a party.

11 Just like any resident wants to have
12 a Christmas party or whatever will have a
13 party. I really -- the way I see the issue is
14 if you rent in a community, if you live in a
15 community, you are part of that community and
16 you are held to that community standards.

17 So I have no problem with -- if
18 someone has guests over who are vandalizing
19 neighbors' homes, being excessively loud, call
20 the cops on them, that's what the system is
21 there to do. It's there to keep people in
22 check. It's there to make sure that the people

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1 that are living well and living according to
2 the rules and being contributing members of
3 their community can do so without ridicule or
4 without objection.

5 COMMISSIONER TURNBULL: Well, let's
6 talk about students. Is there sort of a review
7 amongst students themselves? You are looking
8 at your peers. You have peer review attitudes.
9 Is there some input that you have on group
10 homes that you -- that there are discussions
11 about these amongst yourselves, amongst student
12 body that talks about this kind of thing?

13 MR. LIEN: I mean, I have talked to
14 my classmates and I have talked among a lot of
15 the people here about group homes. And I'm
16 just wondering in what regard do you mean is
17 there a review? A general opinion of whether
18 or not they are good or whether or not --

19 COMMISSIONER TURNBULL: No. I'm not
20 saying whether they are good. But I mean,
21 there has been a big concern about policing.

22 MR. LIEN: Yes.

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1 COMMISSIONER TURNBULL: How do these
2 group homes get policed? And do the Metro
3 Police get involved? Is there a -- there is
4 the code, the Standard of Ethics, the Code of
5 Ethics for what you live by and how it applies
6 to you off campus.

7 As a student and meeting as
8 students, do you talk about these things? Do
9 you have input with the bodies? Do you -- is
10 there a peer pressure review to make those
11 students in those homes that aren't complying
12 comply? Is there peer pressure from the
13 student body themselves at those other
14 students?

15 MR. LIEN: Well, I haven't
16 personally had any experience working with the
17 Student Code of Conduct or kind of the
18 adjudication of any of those issues, so I
19 wouldn't really know what -- because I know
20 there are students that work on certain issues
21 like that.

22 There is a group called the Student

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1 Advocacy Center, which is, I believe,
2 affiliated with the student government, which
3 helps with student code of conduct issues. I
4 don't know directly what some students are
5 doing on those issues.

6 COMMISSIONER TURNBULL: Okay.

7 MR. JONES: Commissioner, I would
8 say that I proposed to our student body
9 president, Tim McBride, the idea that we should
10 have a town hall with fraternities, because I
11 know there are a lot of fraternities who do
12 have group homes. I'm in a fraternity myself
13 and we have a group home.

14 But in the idea that we have a town
15 hall discussion with these students to know --
16 to tell them, you know, there are some of your
17 brothers in this room who are causing problems
18 in the community and really making bad impact
19 and making it seem like a bad look on the whole
20 entire student body as a whole.

21 So I have proposed that to the
22 student body president at our campus and he has

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1 been very receptive to that idea.

2 COMMISSIONER TURNBULL: But that
3 hasn't been implemented as yet, as an action
4 plan within the campus?

5 MR. JONES: No, it hasn't been
6 issued as an action plan within the campus.
7 But and Tim, myself, have been working with our
8 Dean of Students to start going down that
9 process.

10 COMMISSIONER TURNBULL: Okay. You
11 know, you mentioned about the style of music is
12 different, people have iPods, but I can't
13 imagine a group home party with everybody
14 wearing an iPod. I mean, it would look like a
15 bunch of mimes out there, you know, I just--

16 MR. JONES: I was speaking to the
17 dorm life, to dorm life.

18 COMMISSIONER TURNBULL: Okay.

19 MR. JONES: You know, we don't have
20 boom boxes in the window --

21 COMMISSIONER TURNBULL: Yes.

22 MR. JONES: -- any more.

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1 COMMISSIONER TURNBULL: Okay. Thank
2 you.

3 CHAIRMAN HOOD: Any other questions,
4 Commissioners? Okay. Let's see, do we have
5 any cross-examination from the applicant? ANC-
6 3D? 3F? 3E, in cross? Neighbors for a
7 Livable Community in Westover Place? Spring
8 Valley? Tenley Campus? Tenley Neighbors? Mr.
9 Herzstein? He's not in the room. I'm sure,
10 hopefully, he doesn't have any.

11 Okay. Thank you all very much.

12 MR. LIEN: Thank you.

13 MR. JONES: Thank you.

14 CHAIRMAN HOOD: Do you have any
15 cross? Okay. Good. Thank you.

16 Okay. We are now ready to move into
17 our party in opposition. Parties, okay.
18 Parties in opposition. We are going to take
19 two minutes and let you all get your -- I
20 guess, what do you need, two minutes or five to
21 get yourself --

22 MS. HORVITZ: We have to go over all

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1 our stuff.

2 CHAIRMAN HOOD: Okay. We are going
3 to give you five minutes to get situated and we
4 will start after five minutes with all of the
5 parties. Okay.

6 (Whereupon, at 7:59 p.m. the above-
7 entitled matter went off the record and resumed
8 at 8:05 p.m.)

9 CHAIRMAN HOOD: Okay. We are ready
10 to get back started, ready to go back on the
11 record.

12 Let me see now, I don't know how the
13 party members -- Ms. Schellin, are you going to
14 help me out? Are the parties going to --
15 they've got it all worked out?

16 MS. SCHELLIN: They are doing it
17 joint.

18 CHAIRMAN HOOD: All the parties are
19 together. You have exactly 61 minutes and I'll
20 turn it over to you. I'm not sure who to turn
21 it over to. Mr. Herzstein, I see you are
22 reaching for the mike. Are you going to lead

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1 it off? Okay. Whoever is going to lead it
2 off.

3 MR. HERZSTEIN: We will work our way
4 down.

5 CHAIRMAN HOOD: Okay.

6 MS. SCHELLIN: Do you guys have any
7 experts that need to be proffered? We need to
8 do that as a preliminary, if you do.

9 MS. HORVITZ: Good evening. This is
10 Laurie Horvitz. We have two experts as part of
11 this panel. One is Deana Rhodeside and she has
12 been designated as a planner and she has a PhD
13 in planning. And we did submit her CV in
14 advance and did previously designate her.

15 And we also have a traffic expert,
16 Mr. Joe Mehra, who has appeared before this
17 body previously.

18 CHAIRMAN HOOD: I'm familiar with
19 Mr. Mehra, Commissioners. Does anyone have any
20 issues with Mr. Mehra? He has been proffered
21 previously in front of this Commission.

22 Now, Ms. Rhodeside, have we

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1 proffered her previously? We haven't? Okay.
2 I'm going to be honest with you, if I look for
3 your rèsumé, I'll be here all night, so does
4 anyone have it handy or did we just get it? I
5 don't remember.

6 MS. SCHELLIN: No, it was in last
7 week's package.

8 CHAIRMAN HOOD: Last week's?

9 MS. HORVITZ: The rèsumé was Docket
10 No. 466.

11 CHAIRMAN HOOD: I'll put my hands
12 right on it. Commissioners, let's take a
13 moment and whoever finds it first -- yes, do
14 you have it? Okay. Why don't you review it,
15 Mr. Turnbull? Could you pass it down? That
16 might be quicker. Do you have it?

17 COMMISSIONER TURNBULL: Somewhere.
18 One question. Is Ms. Rhodeside being proffered
19 as an expert in landscape architecture?

20 MS. RHODESIDE: No, actually, I'm a
21 planner. I have a doctorate degree in
22 planning.

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1 COMMISSIONER TURNBULL: Urban
2 planning, campus planning?

3 MS. RHODESIDE: Yes, I do. I would
4 be happy to give you some examples of the work
5 that I have done in campus planning.

6 CHAIRMAN HOOD: If you could give us
7 some examples for those of us who might not
8 have your rèsùmè in our hand? You've got it?
9 Okay.

10 MS. RHODESIDE: Sure. I worked on
11 the master plan for Mount Saint Mary's
12 University Campus, the Johns Hopkins University
13 Applied Physics Laboratory Campus Master Plan,
14 the University of Maryland Baltimore County
15 Campus Plan, the University of Mary Washington
16 Stafford Campus Land Use Plan.

17 CHAIRMAN HOOD: Ms. Rhodeside, I
18 hate to keep interrupting you. I think we are
19 fine now. I was looking for one page, but I
20 think we --

21 MS. RHODESIDE: Okay. Thank you.

22 CHAIRMAN HOOD: -- I don't think we

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1 have any objections.

2 MS. RHODESIDE: All right. Thank
3 you.

4 CHAIRMAN HOOD: Okay. Now, we are
5 ready to begin. Mr. Turnbull? Whenever you
6 are ready.

7 MS. FARRELL: Thank you. Good
8 evening, Commissioners. My name is Susan
9 Farrell and I am President of the Westover
10 Place Homes Corporation.

11 Tonight you will hear from six
12 parties in opposition to the proposed AU plan.
13 Five neighborhood associations and one
14 individual. We will demonstrate that AU has
15 failed to establish that its plan does not
16 create objectionable conditions.

17 This is not a session about whether
18 the properties should be developed, but how
19 they should be developed, not whether there
20 should be more dorms on campus, but where they
21 should be located.

22 The AU plan creates a classic domino

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1 effect. The law school currently sited in a
2 commercial zone would move into a residential
3 area resulting in 2,500 new students and staff
4 on the Tenley site. That move will push
5 existing dorm rooms and parking needs along
6 Nebraska to the Main Campus.

7 The effect is an increase of over 30
8 percent in the number of enrolled students
9 living and studying on the campus within the
10 mature Wesley Heights, Westover and Tenley
11 neighborhoods.

12 The plan as proposed should be
13 rejected. But we believe the plan can be
14 modified if the university would work with the
15 parties to make appropriate changes. We will
16 discuss these changes listed here and how they
17 might be implemented during this session.

18 We will ask that you direct the
19 applicant to engage with the parties following
20 the guidelines, following these guidelines to
21 construct a revised application which is
22 acceptable to all parties.

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1 There is precedent for that action.

2 This approach was taken by the BZA on May 9,
3 1988 when the BZA issued a detailed set of
4 guidelines to AU to be addressed in a revised
5 application. There was an acceptable outcome
6 and a revised plan was approved.

7 Now, I'll talk about the East
8 Campus. The East Campus complex would cause
9 multiple negative impacts on the surrounding
10 residential neighborhoods. It is positioned on
11 the periphery of AU's Main Campus in a
12 residential neighborhood of single-family, low-
13 density homes, the Westover Place Townhomes and
14 an elementary school.

15 The East Campus complex would be
16 sited on 6 of the 8 acres currently used for a
17 parking lot. It would be next to Westover
18 Place, which is located on the adjoining 8
19 acres and across the street from Wesley
20 Heights.

21 The Westover and Wesley Heights
22 neighborhoods were developed before the parking

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1 lot was brought within the AU Campus boundaries
2 in 1988. Hence, AU knew that if it should
3 eventually develop the site, it had to do so in
4 a manner which did not create objectionable
5 conditions.

6 Westover Place is home to 149
7 families who live in three-story townhouses.
8 More than 30 of the homes share the 950 foot
9 border with the AU parking lot. Our balconies
10 and bedroom windows average less than 20 feet
11 from the property line, with the closest home
12 11 feet. Please, refer to the prehearing
13 statement.

14 We believe the proposed East Campus
15 complex is just too dense and too urban. It
16 would overwhelm the community. AU is trying to
17 force too much development onto this site.
18 Seven new buildings, of which two are five-
19 story dorms and one a six-story dorm. They
20 would stand nearly twice as high as the
21 adjacent homes.

22 Following the comments of

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1 Commissioner May during some of these
2 proceedings, we employed the balloon test to
3 look at the relative heights. The two little
4 dots at the top of this slide are balloons
5 which represent the relative height of five and
6 six-story dorms proposed by AU.

7 The six-story would be at 78 feet or
8 more than twice as high as the 35 foot homes.
9 Quite simply, the East Campus complex is out of
10 character with the surrounding neighborhood.

11 AU's towering and oversized
12 buildings would be seen and heard from long
13 distances and change the character of the
14 neighborhood.

15 Zoning in these R-5-A Districts
16 would only allow as-of-right development for
17 low height and density residential dwellings
18 with the specified height of three-stories and
19 40 feet. A private developer simply could not
20 build on this area with the four, five and six-
21 story buildings, retail businesses and
22 commercial parking lots.

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1 No building should be allowed to be
2 taller than three-stories or 40 feet high in
3 order to reduce the objectionable conditions.

4 Now, what about density? The
5 proposed East Campus would house 590 new
6 student residents on 6 of the 8 acres. This
7 density of 98 per acre is over 2.5 times the
8 density of Westover Place and eight times as
9 dense as Wesley Heights.

10 And this density does not count
11 the hundreds of students and staff who would be
12 using the classrooms, the administrative
13 facilities, the Welcome Center and the retail
14 services.

15 In addition, the existing AU
16 dormitory nearest to other neighbors, such as
17 the one mentioned earlier, Clark-Roper, is 247
18 feet away and it's only two-stories.

19 The residential density of East
20 Campus should be reduced to no more than 40 per
21 developed acre and located in buildings three-
22 stories or less. Placing this many students on

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1 the periphery of campus and immediately next to
2 neighbors will create, we believe, a permanent
3 conflict of lifestyles.

4 There are extensive records of
5 student misconduct and behavior, which include
6 hundreds of on campus alcohol violations.

7 Now, what about the buffers? The
8 administrative buildings that AU is proffering
9 as buffers from the five-story dormitories
10 will, in fact, have windows which open, hold
11 classes until 11:00 p.m. and include a fitness
12 center.

13 These buildings will themselves
14 create substantial light, noise and privacy
15 objections for the neighbors. They are too
16 closely sited. They are 40 feet from the
17 property line.

18 This slide shows Westover resident,
19 Christine Spencer, standing in her bedroom
20 window. The photographer is standing 40 feet
21 from the property line wall or exactly where
22 the nearest administrative building would sit.

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1 Hundreds of students and faculty will look out
2 of those windows and straight into the nearby
3 homes.

4 And the nearby homes will be looking
5 straight over the administrative buildings from
6 the balconies and bedrooms to the towering
7 five-story dorms. The proposed distance is
8 simply inadequate to enable sufficient
9 landscaping.

10 To act as a buffer, landscape
11 distances from the property line to the
12 administrative building should be increased to
13 a minimum of 100 feet and run the full length
14 of the property. The building should have
15 windows which do not open and fencing should be
16 provided to ensure the buffer is truly a buffer
17 and not a party area.

18 AU cited in other cases, Nebraska
19 Hall is a dormitory which is close to private
20 dwellings and has emphasized there is even a
21 house within 100 feet. What AU has not
22 volunteered is that this one single home is

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1 owned by AU. There are no -- there is no
2 unaffiliated home which sits closer than 130
3 feet from a dormitory.

4 East Campus should not create that
5 precedent.

6 And then there is the landscaping.
7 AU should work with the community to develop
8 adequate landscaping. AU's visualization of
9 the existing summer foliage from their
10 presentations would lead one to think that a
11 little more landscaping has to be done to
12 create an acceptable buffer.

13 The reality is that over half of the
14 homes along the property line can be seen
15 directly from the current parking lot during
16 the summer. Can you imagine what the winter
17 view is like? Well, here it is. Virtually all
18 of the homes will be visible during most of the
19 school year from the proposed distances.

20 Then there is the provision to
21 retain some of the surface parking lot. The
22 current parking lot is used by commuters.

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1 There are virtually no cars present at night.
2 In the proposed plan, this lot is likely to
3 become a 24 hour nightmare for the neighboring
4 residents.

5 The plan retains only a 35 foot
6 buffer from the Westover boundary, which is not
7 enough to shield the immediate neighbors from
8 increased noises, smells and loss of privacy.

9 Unlike the current use by daytime
10 workers, the new parking lot would change
11 significantly if 590 students were living on
12 the site. Westover residents should not be
13 subject to headlights in their bedroom windows
14 as late night revelers come home at 3:00 in the
15 morning.

16 The neighborhoods believe that more
17 underground parking should be built. In the
18 event surface parking does remain, the buffer
19 should be at least 100 feet and fenced with
20 adequate nighttime patrols.

21 Remember, students are getting up --
22 are getting ready to go out when we are already

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1 asleep and coming home when we are getting up.

2 That juxtaposition sets up a permanent
3 conflict.

4 And then there is the retail. AU
5 has not provided any retail plan for the 17,000
6 square feet proposed along New Mexico and
7 Nebraska. Without this plan, it's impossible
8 to accurately predict the effects on
9 pedestrian/vehicle traffic.

10 But such retail uses are certain to
11 bring hundreds of students and others from the
12 Main Campus across Nebraska and down New
13 Mexico. Residents fear late night hours,
14 alcohol, music, frequent deliveries and trash.

15 We would like to see no retail on the site,
16 but if it is included, retail space should be
17 drastically reduced and eliminated from
18 buildings on New Mexico.

19 In sum, building a massive complex
20 called the East Campus next to established
21 communities at the edge of campus would subject
22 neighbors to the same problems suffered by

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1 neighbors of off campus housing. Noise,
2 conduct issues, trash and other continuing
3 conflicts.

4 MR. MAZZUCHI: Good evening. I'm
5 Michael Mazzuchi from the Spring Valley Wesley
6 Heights Citizens Association.

7 The adverse effects that East Campus
8 would have on Westover homes are coupled with
9 broader issues for the Wesley Heights
10 neighborhood, because East Campus will remove
11 Nebraska Avenue as an effective buffer from AU.

12 As a result, a petition opposing the
13 East Campus development has received
14 overwhelming support in Wesley Heights. The
15 petition was signed by 96 percent of the
16 households that we reached and by over 80
17 percent of all Wesley Heights households
18 period. We have given you a copy of the over
19 600 signatures and we ask that you hear these
20 concerns.

21 First, East Campus will create
22 serious pedestrian safety risks. Many of our

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1 neighbors already report near accidents with
2 pedestrians crossing Nebraska Avenue and
3 observe pedestrians constantly crossing against
4 the light and in the middle of the street, as
5 AU's own traffic study confirmed.

6 A huge housing and retail
7 development on this site will effectively turn
8 the busiest street in our area into an internal
9 roadway of AU and create a serious hazard.

10 These concerns are being papered
11 over by AU and DDOT. Common sense should tell
12 you that adding a new crossing signal will not
13 fix the safety problem where people ignore the
14 current signals. DDOT's lack of concern for
15 this risk is based on no data and flies in the
16 face of their own study of the area.

17 Please, listen to hundreds of people
18 who live here when they tell you that AU should
19 not build so much housing where the risk of
20 accidents is highest.

21 In their own 2000 Campus Plan, AU
22 removed roads from its Central Campus to

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1 "improve safety and minimize conflicts between
2 pedestrians and vehicular traffic." They ought
3 to take their own advice and build where it is
4 safer.

5 Second, East Campus housing would be
6 located almost directly across the grounds of
7 Horace Mann Elementary School. The park is so
8 close that it almost appears on AU's model of
9 the site. The park has a turf field and other
10 improved spaces, whereas East Campus would
11 include no outdoor recreational facilities at
12 all.

13 As a result, AU students in large
14 numbers will use the Horace Mann grounds, but
15 Horace Mann is the only playground in
16 reasonable walking distance for residents and
17 children should not have to compete with
18 college students to use their neighborhood
19 park.

20 A field could easily be included in
21 the center of the East Campus areas buffered
22 from Westover residences. AU should scale back

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1 its plans and use some of its own land to
2 provide for its own students.

3 Finally, the huge scope of East
4 Campus development where AU would add almost as
5 many people as live in Wesley Heights threatens
6 to create noise and disruptions on New Mexico
7 Avenue.

8 East Campus housing will be built
9 500 feet from an existing liquor store. A few
10 more feet down New Mexico, AU has brought in a
11 tenant to open a pizza restaurant aimed at
12 serving its students, which is seeking a liquor
13 license. And another existing restaurant with
14 a liquor license is just next door at a spot
15 that under prior management had enormous
16 problems with noise and disruptions.

17 The scope of AU's development plans
18 risks New Mexico Avenue becoming the late night
19 entertainment district for the future residents
20 of East Campus. That would be badly out of
21 place in a quiet residential neighborhood where
22 most residents go to bed early and still expect

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1 to keep their windows open at night.

2 As the Office of Planning has
3 indicated in its report, alternatives to East
4 Campus exist. In particular, many alternative
5 housing sites in the campus interior have been
6 demonstrated through the efforts of Neighbors
7 for a Livable Community.

8 Early in the campus planning
9 process, NLC retained Rhodeside and Harwell, an
10 experienced design firm, so that AU would hear
11 from the community not just objections, but
12 also alternatives. Deana Rhodeside of
13 Rhodeside and Harwell joins us tonight to
14 describe her firm's evaluation of the AU Campus
15 and its housing options.

16 MS. RHODESIDE: Thank you for the
17 opportunity to submit this testimony. My name
18 is Deana Rhodeside and I am a director of
19 Rhodeside and Harwell, a planning urban design
20 and landscape architecture firm based in
21 Alexandria.

22 I am pleased to submit these

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1 comments on behalf of Neighbors for a Livable
2 Community, NLC.

3 In the fall of 2010, NLC retained
4 Rhodeside and Harwell to evaluate the AU Campus
5 Plan and explore options for minimizing the
6 impact of proposed campus development on
7 surrounding residential areas. Through field
8 visits and analyses, we looked carefully at the
9 campus and came to the conclusion that
10 opportunities exist to reinforce the campus
11 core with more intense development while
12 minimizing density and building heights along
13 its periphery.

14 These opportunities are illustrated
15 in the alternative framework that was
16 developed. As the basis for developing the
17 framework, we established a set of guiding
18 principles for campus development, which
19 included:

20 Exploring the potential to further
21 concentrate residential land uses and overall
22 campus density on the interior of the Main

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1 Campus;

2 Ensuring that new development at the
3 edges of the campus is not likely to become
4 objectionable to surrounding residential areas;

5 And applying best practices to
6 strengthen the overall organization experience
7 and sustainability of the campus.

8 Following these principles, the
9 alternative framework recommends potential
10 sites for thoughtful increases in density and
11 intensity on Main Campus. It aims to take
12 advantage of potential synergies between land
13 uses and reinforce existing campus character
14 and assets while reserving land for the future.

15 In the framework, the highest
16 density and tallest buildings are proposed for
17 sites in the interior of the campus with
18 building heights significantly stepping down
19 closer to campus edges. A total of 15 building
20 opportunity sites are identified for further
21 consideration, including 11 dormitory sites.

22 All of the proposed residential

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1 building sites are located on the interior of
2 the Main Campus and similar or complimentary
3 uses are clustered together to reinforce and
4 build on existing campus functions.

5 We have suggested development on
6 East Campus for administrative and academic
7 uses with building footprints located close to
8 Nebraska Avenue to allow for sufficient buffers
9 between homes and campus buildings.

10 In addition, placement of the
11 proposed building close to Nebraska Avenue
12 would protect nearby residences from activity
13 and noise.

14 If the Zoning Commission ultimately
15 approves limited low-density housing on East
16 Campus, a significant landscape buffer would
17 certainly be necessary and appropriate.

18 As part of our study, we prepared a
19 building height and square footage analysis.
20 We found that even by limiting residential
21 development to the interior of Main Campus, it
22 would be possible for AU to meet or exceed its

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1 stated needs for on campus housing without
2 constructing dormitories near low-density
3 residential communities.

4 If AU wants to minimize the adverse
5 impacts of new dormitories on adjacent
6 neighbors, we have provided an extensive list
7 of potential sites for further analysis.

8 In conclusion, we believe that it is
9 still possible to achieve a solution that
10 addresses the legitimate needs of both the
11 university and its neighbors. We hope that AU
12 will accept its neighbors' invitation to
13 discuss these ideas further and negotiate a
14 consensus-based solution that is acceptable to
15 all parties. Thank you.

16 MR. HERZSTEIN: I am Robert
17 Herzstein, President of Neighbors for a Livable
18 Community. I am speaking now in that capacity.

19 My personal testimony as an adjacent neighbor
20 will come later.

21 When we received the Rhodeside and
22 Harwell framework, NLC organized a meeting with

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1 AU to discuss it. Together with the Rhodesside
2 firm, we showed options for how AU could locate
3 new housing on sites that would avoid
4 objectionable impacts for nearby residential
5 communities.

6 Many sites in the alternate
7 framework were, in fact, sites AU itself had
8 identified early in its planning, but AU
9 declined our suggestion that we return for
10 further meetings with the planners for one or
11 more careful looks at the options identified in
12 the framework.

13 As a result, AU's plans continue to
14 push height and light and noise to the edges of
15 the AU Campus where the affect on neighbors is
16 greatest.

17 I will now summarize the concerns of
18 AU's neighbors in Spring Valley. You have
19 heard about the East Side and Wesley Heights,
20 this is the remaining part of the picture.

21 First, South Hall would place a six-
22 story building with 200 student beds on the

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1 highest point on that end of AU's campus,
2 directly facing Spring Valley homes.
3 Significantly, AU has not generated any scale
4 renderings of South Hall or any elevations to
5 show the perspective from the neighboring
6 properties.

7 AU has over the years installed
8 substantial trees and shrubs along its
9 boundary, but due to the topography at the site
10 of this proposed dorm, AU cannot eliminate its
11 adverse effects with landscaping or revisions
12 to the building during further processing.

13 The building would be directly
14 visible to neighbors, especially at night and
15 in the winter.

16 For similar reasons, the BZA in 1989
17 rejected AU's proposal for a parking garage at
18 this site. Surely there are alternative sites.

19 For example, the Rhodeside framework
20 identified the location at or near the existing
21 Asbury building, a 100,000 square foot
22 structure was, in fact, approved for this site

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1 during the last two campus plans, but was never
2 built.

3 There is simply no reason to choose
4 the objectionable South Hall site.

5 Second, North Hall. You have
6 already heard about how this institutional
7 structure would tower over Massachusetts Avenue
8 threatening the very special and distinctly
9 non-institutional qualities of that street.
10 Without satisfactory changes, North Hall should
11 not proceed as proposed.

12 Third, the university is proposing a
13 60,000 square foot addition to the Beeghly
14 Science Building. The existing building on a
15 ridge above the soccer field is already visible
16 to neighbors on University Avenue and
17 elsewhere, especially at night and in the
18 winter. These are views from University
19 Avenue.

20 We ask the Commission to require AU
21 to scale down and break up the structure, so it
22 does not present a solid massive wall along the

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1 top of the ridge.

2 Fourth, AU also seeks to construct
3 two new sports buildings without providing
4 sufficient information to evaluate the
5 likelihood of objectionable impacts on the
6 neighbors. Hereto, it has failed to provide
7 renderings from the neighbors' perspective.

8 The sketchy submission does not
9 allow a judgment regarding visual and noisy --
10 and noise impacts. These buildings should not
11 be approved on the basis of the current
12 submission.

13 Fifth, landscaping. 20 years ago
14 and again 10 years ago, AU was instructed to
15 establish effective landscape buffers against
16 day and night views of its busy institutional
17 campus from neighboring homes. It has done a
18 good amount, but the results still fall short.

19 Here are photos of the campus from
20 University Avenue and here is one from Woodway
21 Lane, my home. The problem persists at night.

22 Our final concern is the proposed

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1 bleachers which you have heard about recently
2 and also 10 years ago. These plans, even if
3 scaled down, should be rejected again.

4 MR. MAZZUCHI: We will now turn to
5 traffic where every resident knows this plan is
6 a recipe for gridlock and dangerous cut-through
7 traffic on what should be quiet local streets.

8 The neighborhood groups have
9 retained a traffic expert, Mr. Joe Mehra, whose
10 report has already been made part of the
11 record.

12 Mr. Mehra authored the first U.S.
13 Department of Transportation Manual on traffic
14 impact evaluation and has worked on both the GW
15 and Georgetown Campus Plans.

16 Mr. Mehra will now summarize the
17 major findings of his report.

18 MR. MEHRA: Thank you. Good
19 evening. My report describes a series of flaws
20 in how Gorove/Slade estimated future traffic
21 and levels of service in the year 2020 and in
22 the campus plans contribution to future traffic

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1 and delay. All of these flaws have the effect
2 of underestimating traffic and delay.

3 The question is do these flaws add
4 up to something significant or are they just
5 minor mistakes? I hope you read my 10 page
6 report to see that just correcting for some of
7 these flaws gives us a very different traffic
8 picture.

9 My main findings and conclusions are
10 as follows:

11 First, Gorove/Slade seriously
12 underestimates the number of peak hour trips
13 that the AU Campus Plan generates. In
14 particular, you find that the actual number of
15 peak hour trips generated by the campus plan is
16 about double Gorove/Slade's estimates on Main
17 Campus and about triple on the Tenley Campus.

18 Second, once these additional trips
19 are put into the traffic simulation model, the
20 same one Gorove/Slade used, we see that the AU
21 Campus Plan severely degrades surrounding
22 traffic conditions as shown in the sample of

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1 the four key intersections I studied.

2 Third, I conclude that based on AU's
3 substantial adverse impact on traffic, serious
4 consideration should be given to scaling back
5 AU's requested growth and development plans or
6 mitigating the adverse traffic impacts.

7 In addition to correcting the number
8 of peak hour trips, I also made a few technical
9 corrections, such as using actual lane widths
10 and the actual share of trucks and buses in the
11 total vehicular traffic. And for reasons also
12 explained in the report, I assumed background
13 traffic grows over the years, 2010 to 2020, by
14 a total of 10 percent instead of the 1 percent
15 used by Gorove/Slade.

16 Rerunning the same single seven
17 traffic model as Gorove/Slade used with
18 everything else the same as in Gorove/Slade's
19 analysis, the results on traffic delay are
20 dramatically different.

21 The pair of tables show the delay
22 time and corresponding level of service letter

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1 grade in 2020 for the sample of four key
2 intersections under Gorove/Slade's analysis, in
3 the upper table, and mine in the lower table.

4 As seen in the upper table,
5 Gorove/Slade finds nearly all B levels and so
6 it's Bs and Cs, both with and without the
7 campus plan. The average delay for the four
8 intersections are all in the 20 to 30 second
9 range, as shown in the bottom row of the upper
10 table.

11 When we allow for the technical
12 parameter corrections and also for higher
13 background traffic growth, Gorove/Slade's Bs
14 and Cs turn to mostly Cs and Ds, a
15 deterioration of about one letter grade, as can
16 be seen in the first two columns of the lower
17 table.

18 The average delay in the four
19 intersections increases to about 30 seconds in
20 the a.m. peak and 64 seconds in the p.m. peak.

21 Finally, using the corrected figures
22 for the number of peak hour trips the campus

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1 plan generates, the results turn to mostly Es
2 and Fs, as seen in the last two columns of the
3 lower table. That is very good deterrence in
4 rough terms by about an additional two letter
5 grades.

6 In terms of the extra delay caused
7 by the campus plan in the four intersections,
8 average delay increases in the a.m. peak hour
9 from 30 seconds without the campus plan to 55
10 seconds with the campus plan. And in the p.m.
11 peak hour from 64 to 129 seconds. This clearly
12 shows that AU's Campus Plan has severe effects
13 on traffic in the area, in contrast to the
14 insignificant impacts found by Gorove/Slade.

15 I conclude that serious
16 consideration should be given to scaling back
17 AU's requested growth and development plans or
18 mitigating the adverse traffic impacts. Thank
19 you.

20 MR. WESTLEY: Good evening. My name
21 is Glenn Westley and I live in Wesley Heights.

22 I have submitted as my own non-expert

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1 testimony a readers guide to key flaws in
2 Gorove/Slade's traffic analysis using
3 Gorove/Slade's own tables.

4 It also shows how MCV corrects these
5 flaws and is included in the group's written
6 submission. I hope you will read it and
7 believe you will find it user-friendly.

8 In addition to generating
9 substantial traffic, AU's growth is displacing
10 businesses of great importance to the
11 neighbors. I wish you could have been in the
12 room to feel the depth of the feeling and anger
13 at the ANC meeting this past February when AU
14 presented its draft campus plan shortly after
15 rejecting a viable proposal to bring a grocery
16 store back to the building it owns at 3201 New
17 Mexico Avenue in Wesley Heights.

18 Neighbor after neighbor rose to say
19 we needed a food store back. Later, we met
20 with AU and we showed them the hundreds of
21 Wesley Heights petition and other petitions
22 that were calling on them to support this need.

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1 But instead of a grocery store, AU
2 has used almost half of this prize walk-in
3 retail space for AU mail sorting and such. AU
4 has recently stated its goal is to buy and
5 convert commercial properties to university
6 uses.

7 Wesley Heights has only two
8 buildings with retail space. AU owns one of
9 them. The resolution shown here was
10 unanimously adopted at the Spring Valley Wesley
11 Heights Citizens Association meeting last month
12 and asked the Zoning Commission for its help in
13 neighborhoods -- in protecting that remaining
14 building and other scarce commercial properties
15 in our two neighborhoods from such repurposing
16 by AU.

17 The Foggy Bottom neighborhood
18 received such help in the 2007 GW Campus Plan
19 and PUD, which forbid GW from repurposing
20 residential property.

21 Our problem is AU's repurposing of
22 retail and other commercial property, an

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1 objectionable condition that this Commission
2 should treat as such. The D.C. Comprehensive
3 Plan issues calls which include support and
4 sustain local retail uses and protect
5 neighborhood commercial centers from
6 encroachment.

7 We hope you will give force to these
8 mandates. Thank you very much.

9 MR. MAZZUCHI: All these concerns
10 dictate that AU should continue to be subject
11 to an enrollment and staff cap in line with
12 AU's history, not AU's wish list.

13 In the 1989 Campus Plan, the Zoning
14 Commission endorsed a cap on AU's enrollment of
15 11,233 for this campus. In 2001, the Zoning
16 Commission again used this limit of 11,233 as
17 the basis for the present cap.

18 Moving the law school back into the
19 same campus area would break this cap sending
20 AU staff and enrollment well-beyond the limit
21 that has helped keep the balance between the
22 university and the neighborhoods around it.

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1 As a result, AU's neighbors in great
2 numbers have objected to the campus plan,
3 signing a second petition that calls for AU to
4 continue to be subject to the 11,233 limit.

5 We have presented you with these
6 signatures and this map of the area around AU
7 shows with a red exclamation point each signer
8 and where they live. As you can see, hundreds
9 and hundreds of residents living near AU attest
10 to the pressures it puts on their quality of
11 life.

12 They report objectionable conditions
13 from traffic, pedestrian-risks, loss of
14 parking, noise, loss of neighborhood businesses
15 and problems from student conduct all tied to
16 the size of AU's overall operations.

17 AU has, of course, also organized
18 letters of support for its plan, but these are
19 mostly not from neighbors. This is the same
20 map I showed you before, but shows with a blue
21 exclamation point the AU neighbors who have
22 filed letters of support. You don't see too

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1 many, because more than two-thirds of such
2 letters have come from people who don't live
3 near the university. 40 percent do not even
4 live in the District of Columbia.

5 This Commission needs to assess
6 whether residents will suffer objectionable
7 conditions from AU's growth. The best evidence
8 to consider is not AU's flawed traffic study or
9 empty assurances that a new committee or
10 procedure will solve long-standing noise or
11 student conduct problems. It is the reports of
12 AU's neighbors.

13 The cap for AU's current campus plan
14 should thus begin where this Commission has
15 previously struck a balance. If AU is
16 permitted to upset that balance by moving its
17 law school, additional limits should be
18 adopted.

19 First, AU should not be allowed to
20 increase law school enrollment or other
21 graduate enrollment. Secondly, AU's
22 undergraduate population should be separately

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1 capped at its current size. AU never projected
2 or planned for the more than 27 percent growth
3 in undergrad enrollment that occurred during
4 the present campus plan and its projection
5 cannot be relied on this time.

6 A cap at present enrollment would be
7 a small change from AU's current projection and
8 hold them to it. Without a cap on undergrad
9 growth, the supposed requirement that AU have
10 capacity to house two-thirds of its students on
11 campus is just an empty goal that the campus
12 plan fails from day one.

13 AU already violates the current two-
14 thirds housing requirement and increased
15 enrollment -- and increased its enrollment
16 knowing it did not comply. And the first
17 element of its plan now is the destruction of
18 500 beds of housing at Tenley.

19 An undergraduate cap at AU's current
20 enrollment that applies until AU actually has
21 two-thirds of its students living on campus is
22 what it will take to get this situation under

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1 control.

2 The neighborhood groups are not
3 saying no to housing and are willing to
4 negotiate. Earlier, Mr. Tummonds asserted that
5 our groups insist that AU have zero beds on
6 East Campus. That is untrue. And before these
7 proceedings started, we personally participated
8 in discussions with AU where we recognized some
9 housing on East Campus could be acceptable.

10 The real problem is that AU has at
11 all times insisted on the full-blown housing
12 and retail development you can see in its
13 model. And the height, density and other
14 effects of that huge development put an unfair
15 burden on AU's neighbors.

16 AU's David Taylor testified that the
17 university's neighborhood location is one of
18 its greatest assets. We agree. Unlike many
19 other universities in our city, AU is situated
20 in quiet, long-established suburban
21 neighborhoods with single-family homes.

22 It takes a lot of work to protect

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1 those neighborhoods as AU pursues its plans,
2 but that work should continue. We hope that
3 the Zoning Commission will reject the campus
4 plan as currently proposed and encourage the
5 parties to address the objectionable elements
6 we have identified and with care, we can see
7 that one of the university's greatest assets
8 and ours is preserved.

9 MR. HERZSTEIN: I am now resuming
10 the microphone, testifying in my individual
11 capacity as a resident of 4710 Woodway Lane,
12 which is immediately adjacent to the
13 university's Jacobs Athletic Field.

14 There is no road separating my
15 property from that of the university. 25 years
16 ago, my late wife and I struggled a lot and
17 borrowed a lot and bought this house. We were
18 attracted by the fact that it was a nice old
19 stone house on wooded land and it was in a very
20 serene location at the end of a short deadend
21 street.

22 Six or seven years ago, that

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1 serenity came to a startling end. AU converted
2 the field adjacent to our home from an
3 intramural field where informal games were held
4 with little commotion into an intercollegiate
5 field. They enlarged it, moved the field
6 closer to my property, installed astro-turf and
7 a big electronic scoreboard and established a
8 full-schedule of games with other colleges.

9 They also made the field available
10 for games between other colleges where AU was
11 not a participant. And even for multiple day
12 playoffs between national teams, such as the
13 U.S. and Argentina where no college was
14 participating.

15 AU never sought Zoning Commission
16 approval for these changes, despite the
17 language of Section 210(4)(c) of the Zoning
18 Regulation calling explicitly for this
19 Commission's review of "athletic and other
20 recreational facilities."

21 These games are accompanied by loud
22 rock music and announcements all amplified by

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1 loudspeakers. Periodically, a loud airhorn
2 blast is omitted from the scoreboard.

3 A certified consulting firm of sound
4 engineers has reported that the noise on our
5 property from these activities exceeds 70
6 decibels and sometimes reaches 80, which is two
7 to four times the 60 decibel level allowed by
8 the D.C. Noise Ordinance.

9 When AU has field hockey practice,
10 we hear a loud series of whacks from balls
11 hitting the wooden frame inside the goal cages.

12 The effect has been compared to being in a war
13 zone.

14 In addition, on many days when AU's
15 games or practices are not taking place,
16 outside groups such as Cricket teams, Lacrosse
17 leagues and so forth use the field.

18 AU also leases the field to
19 Georgetown University for multiple sessions
20 each week, even without amplifiers, the
21 resulting noise from these diverse outside
22 events precludes us from using our garden for

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1 family enjoyment or entertainment.

2 The noise we hear is not just
3 occasional. The field is in active use on many
4 days from 6:00 a.m. to 8:00 p.m. or later.

5 In April 2010, for example, a
6 calendar of which is shown here, there were 78
7 events of which 19 were Georgetown team
8 practices. Even in August of 2009 when the
9 university was not in session, there were 66
10 events in the course of 18 days.

11 So even when amplified sound is not
12 in use, we hear a steady den of shouting,
13 whistles and horn blasts. The decibel level
14 may frequently be less than 60, but the
15 persistence of this noise throughout the day is
16 none the less itself an objectionable
17 condition.

18 Several years ago, my wife sent this
19 plea to my office. She said "The noise level
20 from a game was "awful. No one could sleep
21 through this in our east side bedrooms and I
22 wonder if I'm going to be able to work."

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1 I forwarded the message to David
2 Taylor in the hope that it would bring some
3 relief, but repeated complaints, that one and
4 many others, to the AU officials have brought
5 no change in this noise problem.

6 The officials have refused offers to
7 consult with noise engineers for advice on
8 altering the amplification system, so it might
9 meet the needs of the university without
10 intruding on neighbors.

11 The officials have even refused my
12 repeated suggestion that one of them come to my
13 property during an event, take sound
14 measurements with me and work together to find
15 a satisfactory solution. The speakers are
16 located and pointed today exactly as they were
17 in 2007 when Wiley Labs, the sound engineers,
18 made their measurements.

19 In my supplementary document
20 submission, I set forth the extraordinary and,
21 indeed, bazaar experience that I and ANC-3 had
22 when we tried to induce D.C. Government

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1 officials to take action regarding AU's
2 activities, based on the Zoning Commission's
3 2001 order. I don't have time to go into that
4 today, but I direct -- request your attention
5 to it.

6 The new plan should include several
7 rules governing use of the athletic fields.

8 (A) The fields will be used only for
9 activities of AU students, except for a
10 limited number of charity events.

11 (B) The university will avoid
12 amplified sound until it is able to devise an
13 alternative sound system that is satisfactory
14 to neighbors.

15 (C) The university will comply with
16 D.C. sound limits and will also avoid
17 persistent or repetitive sound at levels below
18 the D.C. sound limit that are objectionable to
19 its neighbors.

20 In my written testimony, I also
21 discuss the South Hall problem and landscape
22 screen deficiencies which pose objectionable

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1 conditions for my property.

2 In conclusion, I wish simply to add
3 one very practical lesson that has emerged
4 clearly from my long and sometimes painful
5 experience with the university and its campus
6 plans. The Zoning Commission's mandates for
7 protection of the neighbors must be detailed
8 and specific, otherwise, they will be
9 interpreted by the university to suit its
10 convenience and the neighbors will be left for
11 another 10 years without the protection the
12 Commission seeks to bestow.

13 We hope such detail can be achieved,
14 both with regard to the use of the playing
15 fields and with regard to the other provisions
16 designed to protect against objectionable
17 construction and behavior by the university in
18 our residential neighbor.

19 Some mechanism is also needed to
20 resolve disputes in the event neighbors assert
21 that the university is not complying with the
22 order. The Government enforcement agencies

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1 completely failed to act on our complaint
2 regarding the playing field and we fear similar
3 inaction if we have a problem under the new
4 campus plan.

5 The order entered in this case
6 should call for a joint dispute resolution
7 committee with AU and neighbor representatives
8 and an independent party, if needed, to resolve
9 compliance controversies with binding
10 determinations.

11 MR. FERENBACH: Thank you, Bob.
12 Good evening, Commissioners. My name is Greg
13 Ferenbach and I'm the President of the Tenley
14 Campus Neighbors Association. I'll be
15 presenting testimony on behalf of both TCNA and
16 also the Tenley Neighbors Association. My
17 colleague, Judy Chesser, is in the room and
18 available to answer questions.

19 At the outset, I just wanted to note
20 that our organizations are a little bit
21 different. Our's, the Tenley Campus Neighbors
22 Association, was formed in response to AU's or

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1 I should say reformed in response to AU's
2 Campus Plan.

3 And Ms. Chesser's organization has
4 been around for over 20 years and meets on a
5 regular basis. Together, our two
6 organizations, although we have overlapping
7 membership, represent upwards of 200 households
8 in both ANC-3E and 3F.

9 And many others in our neighborhood
10 have signed petitions opposing the AU Campus
11 Plan, in general, with regard to caps, as Mr.
12 Mazzuchi testified, but also specifically with
13 regard to Tenley. And in our supplement that
14 we filed in June, we submitted those petitions.

15 You will be relieved to know I have
16 not asked members to testify on their own
17 tonight, but several may anyway.

18 We oppose the AU plan for Tenley as
19 presented for a number of reasons.

20 First of all, we would submit it is
21 an inappropriate use per the history of this
22 site. And you have heard a little bit about

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1 the '86 agreement and I'm going to give our
2 side of that tonight.

3 We would submit that there are
4 numerous objectionable conditions arising from
5 the proposal. The chief among them being
6 number of students, faculty and staff, a 500
7 percent increase, traffic and parking impacts
8 that are unacceptable.

9 We would also submit that the plan
10 still does not meet D.C. requirements for a
11 campus plan and, therefore, any further
12 processing hearings should be postponed.

13 The record before you shows that the
14 plan for Tenley fails to meet the standard for
15 a special exception and should be rejected.
16 Should the Zoning Commission proceed,
17 substantial conditions are justified.

18 Next slide, please. You have heard
19 the Tenley Campus described as being in a
20 commercial corridor. And that is not our
21 perspective and that is not the legal fact.
22 Tenley site is in R-1-B District, designed to

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1 protect quite residential areas with only a few
2 additional compatible uses to be permitted.

3 And I just have a few slides I want
4 to click through showing some of the homes
5 here, because they are quite different in
6 character from what you see over in the East
7 Campus.

8 The one on the lower right is
9 actually on the National Register of historic
10 places. It is a classic Stickley-style home.
11 These next homes are over on 42nd Street to the
12 west of the campus, as are these. These
13 pictures were taken on a sunny Saturday, so you
14 don't see a lot of parking and a lot of
15 traffic.

16 And this last home is a modern home
17 that has actually been purchased by American
18 University.

19 The 1986 agreement. In 1985, AU
20 purchased this site specifically to put their
21 law school here and, at that time, there was
22 only 1,000 students. The neighbors objected

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1 under the same rule as in effect today.

2 And the BZA ultimately granted a
3 special exception, but it imposed conditions,
4 which were agreed to by AU and ANC-3E on behalf
5 of the neighbors.

6 The '86 agreement, which is Exhibit
7 A to our prehearing statement, has no
8 termination provision and, in 2001, the Zoning
9 Commission expressed no opinion as to its
10 enforceability.

11 I'm not here to debate whether that
12 is an enforceable agreement, however, but we
13 view it as the appropriate baseline for
14 development on this site on an historic basis.

15 The 1986 agreement, essentially,
16 carried forward the uses of the former
17 Immaculata School with a student population cap
18 of around 500, faculty and staff capped at 125.

19 No student cars at all and future uses to be
20 compatible with AU's stated use at the
21 Washington semester.

22 In 2001, the Zoning Commission

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1 approved Project M for Tenley with conditions.

2 And this was a mixed classroom administrative
3 building, but they also -- the Zoning
4 Commission increased the cap to 700 students.

5 So what is proposed today is more
6 than four times Project M.

7 I just want to contrast our approach
8 and our group to the campus plan a little bit
9 with AU. And I would echo what the witness
10 said before, I'm not a button wearer and I
11 looked at the history in some boxes that some
12 of the old timers brought over the '86
13 agreement and whatnot and I thought that we
14 could do better than that.

15 And we engaged land use planning
16 experts and architects and whatnot and we tried
17 to engage with AU. And we started to make a
18 little progress, but there was not a lot of
19 give and take. And we did submit a compromise
20 proposal that was extremely detailed to put the
21 western part of the property under easement.

22 And it was a lengthy 11, 12 page

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1 document, but we never even got a written
2 response. And from there, negotiations really
3 stopped. This was about March of this year.
4 Since then, except for a few design issues,
5 there really haven't been many constructive
6 discussions.

7 My experience of the AU approach to
8 the campus plan is a highly adversarial one.
9 What we have seen is that the AU administration
10 ignore our ANC's request for information and
11 documents as well as our own, brush off City
12 Council concerns, create an appearance of
13 processing -- process and listening, invest
14 heavily in PR and legal, use the design
15 discussions to avoid the underlying issues and,
16 frankly, cynically spin the community's
17 involvement in its Zoning Commission filings.

18 Unless you think that I'm just a
19 cranky nimby, I put a couple of AU quotes up
20 here for you. And AU can say it in their own
21 words, but I think the key one here is the one
22 from David Taylor explaining why he was

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1 indifferent to ANC-3D's rejection of their
2 plan.

3 And he uses the word prevail and I
4 think that's the attitude that we have had.
5 And I think that's unfortunate, because I do
6 think it would be possible to reach
7 accommodation with AU.

8 Before I chug through the
9 objections, I just wanted to highlight that
10 virtually all homes near the AU Tenley Campus
11 site object to the plan. These are based on
12 our members and also on the Tenley petition.

13 The only two are the home owned by
14 AU, which they recently purchased in the lower
15 left, and one owned by the Arch Diocese of
16 Washington.

17 Our primary objection to the AU plan
18 is the number of students, faculty and staff.
19 AU plans to, at least, quintuple the density of
20 use on this low-density site, which would be
21 like moving an entire small college to this
22 site.

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1 AU has also withheld data on the
2 future enrollment in its rapidly growing
3 special programs. And this is an important
4 point because they are taking their square
5 footage from 170,000 to 310,000 and, to us,
6 that signals growth.

7 According to U.S. News, AU is
8 already one of the biggest law schools in the
9 country and it is hugely profitable. If you
10 look at the bar graph at right, you will see
11 the growth in AU's law programs. And beyond
12 the scope of the Zoning Hearing, but one
13 questions whether this growth rate is
14 sustainable.

15 There is a New York Times article we
16 have submitted to the record that I recommend
17 to you.

18 AU's rationalization for this
19 extraordinary density is to assert that there
20 will only be 800 students on the site at any
21 one time. Now, we can't find any basis in the
22 record for this claim. The cross-examination

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1 of Georgia PUD yields little information.

2 But I would submit to you that this
3 number is really ludicrous on its face. If you
4 think about a law school, it is divided into
5 three classes, first, second and third, and
6 then you have graduate programs, LLM and
7 whatnot.

8 And as an attorney, I can tell you
9 that the first years have to go to class every
10 day. They have a set core curriculum. So if
11 we guesstimate in the future law school that
12 you are going to have a third of the -- or a
13 little less, 600 or so, and then you
14 extrapolate from that, quickly you get over
15 1,000 and maybe even twice what AU has
16 estimated.

17 The zoning standard says nothing
18 about peak use as estimated by the proponent.
19 It talks about number of people on the site.
20 And the total level of activity outside the
21 building is really what we are concerned with,
22 not with survey that goes on inside the

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1 building.

2 As Joe Mehra has testified, we
3 expect that there will be upwards, somewhere in
4 the vicinity, of 3,000 trips to this site every
5 day. And using AU's estimate, it's 1,200
6 drivers or, you know, 50 percent more than what
7 they have estimated.

8 Traffic and parking will be a
9 significant impact on the neighborhood, as you
10 have heard from our traffic expert. And I
11 think it is important to realize Mr. Mehra did
12 not address this in his testimony tonight, but
13 it's in his report, that a very significant
14 number of people exiting the law school are
15 going to hit the traffic on Nebraska Avenue.
16 And according to AU's own consultant, 50
17 percent of them are going to take a right turn
18 and go on Warren Street into the residential
19 neighborhood.

20 Some of them will turn left,
21 particularly if they are headed for Virginia.
22 Some will turn right, if they are headed back

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1 towards Maryland. Some will go around the
2 block on Yuma Street and end up back in Tenley
3 Circle. And it's quite possible that someone
4 may make an illegal left and go back into
5 Tenley Circle that way.

6 So we are expecting significant
7 traffic impact on both sides of Wisconsin
8 Avenue.

9 Parking. Illegal parking by AU
10 students at the current law school is a long-
11 time sore point. And to park at AU today,
12 students are charged almost \$1,000 a year,
13 faculty almost \$1,500 a year and so students,
14 in particular, routinely park in the
15 neighborhood.

16 After two years of promises to ANC-
17 3E, AU has still not proposed any credible
18 parking enforcement solutions relying on its
19 existing good neighbor policy.

20 Again, we believe the parking
21 impacts will be felt on both sides of Wisconsin
22 Avenue.

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1 Metro. Some would have you believe
2 that Metro is a magic bullet. The facts
3 suggest otherwise. Virtually all faculty and
4 staff will drive and require parking. Only 15
5 percent of students take Metro now.

6 All AU projections regarding their
7 mode split exclude future growth and special
8 events programs and part-time users. So if you
9 do the math here, you will see that even if you
10 want to use AU's projections, again, this would
11 be 40 percent of the students using Metro
12 instead of 15 percent, the increased number of
13 users, which we are guessing at around 500
14 versus the current law school, cancels out most
15 of the projected local benefit, because you are
16 talking about a higher percentage of Metro
17 users, but of a much bigger number.

18 And all of this is in addition to
19 whatever goes to the current law school.

20 Loss of green space. There is a lot
21 of talk about green space and sustainability in
22 the AU plan. But the AU site plan for Tenley

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1 actually reduces important neighborhood green
2 space.

3 The beautiful west side of the
4 property, which you heard Council Member Cheh
5 describe last week extends a quarter mile into
6 the neighborhood and it is the site of historic
7 Dunblane. There is still no long-term
8 protection for the green space around Dunblane.

9 This overview shows where Dunblane
10 is and the ballfield on the previous slide.
11 And if you look up to the top, you see I have
12 circled a couple of the Yuma Street homes that
13 will be next to the expanded law school.

14 And that gets us to our next
15 objection, which is scale. These are those
16 homes directly across the street from the
17 proposed law school expansion. And this is
18 their future view. And this is their future
19 view in cross-section.

20 The scale of the project is just too
21 big for an R-1-B District. Ironically, much
22 more density is proposed here than for parts of

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1 the East Campus, even though R-1-B is zoned for
2 less density.

3 And the obvious solution to this is
4 to reduce the campus population. There has
5 been some progress with the AU site design, but
6 there is a long way to go and I'm not going to
7 go through all these issues with the AU site
8 design, but you can read them at your leisure.

9 So where are we? After two years,
10 the campus plan for Tenley remains
11 substantially incomplete. And DCMR 210.4
12 states that "As a prerequisite to requesting a
13 special exception, the applicant must include
14 details of all proposed activities."

15 So AU is still -- has provided
16 inaccurate data on its existing special uses as
17 we have shown in the record. And it is still
18 omitting details on its expanded future uses.

19 Per DDOT's testimony, the AU traffic
20 plan still does not meet DDOT requirements.
21 Therefore, special processing hearings are
22 inappropriate until all requirements are met.

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1 And OP reports based on incomplete
2 information, should be given little weight.

3 We submit to you that the AU
4 proposal for the Tenley site simply fails to
5 meet the zoning standard. D.C. Law is clear.
6 AU has no matter-of-right use in a residential
7 neighborhood. And the courts have rejected
8 proposals very similar to AU's and I commend
9 this case to you because the fact pattern is
10 really quite similar to the one we have here.

11 In this matter, there was a woman
12 school that went out of business and it was
13 taken over by some businessmen who created a
14 commuter college. And they increased the
15 density of use from the former women's school
16 to an objectionable level and the neighbors
17 complained and there was a proceeding and, in
18 fact, the neighbors were upheld under this same
19 zoning code.

20 So we conclude that AU has failed to
21 meet the burden of proving a special exception.

22 And we suggest to you that a special exception

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1 was never intended as some sort of loop hole
2 for universities to do as they please.

3 Should the Zoning Commission
4 proceed, at this time, there should be
5 extensive conditions imposed to limit the size,
6 massing, traffic and parking and to protect the
7 green space.

8 Most importantly, the AU population
9 should be capped at no more than the size of
10 the current law programs. This cap should also
11 include CLE participants and all other special
12 programs.

13 AU already has an adequate facility
14 for the current law school and it could easily
15 leave any programs at that site. In fact, it
16 could probably leave the entire first year
17 program at that site.

18 AU's desire to grow must be balanced
19 with the need to respect and preserve the
20 quality of life for District residents in this
21 R-1-B District. Thank you.

22 MS. HORVITZ: So in summary, thank

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1 you very much for listening to our, I hope you
2 found, coordinated presentation.

3 I hope that we have been able to put
4 forth that we spent an awful lot of time trying
5 to come to solutions using expert witnesses and
6 our own extensive research. This is a massive
7 plan which affects the neighbors surrounding
8 the campus.

9 The growth projections are going to
10 push the university into single-family
11 neighborhoods and we believe they create
12 significant objectionable conditions.

13 But the Zoning Commission has the
14 opportunity to fix this plan. We are really
15 asking that you reject it as it stands and
16 there is precedent for this, as we mentioned,
17 and send back to the applicant a list of
18 specific guidelines which would then be
19 negotiated with the communities and a
20 resubmission of a plan which we believe could
21 be approved.

22 And we put forth many of those

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1 changes which we think would help reduce the
2 objectionable conditions in our testimony this
3 evening. Thank you.

4 CHAIRMAN HOOD: Okay. I want to
5 thank each and every one of you in all six
6 parties. I think that the presentation was
7 very well-coordinated.

8 Did you rehearse it or you just --
9 because you got it down. I think it was very
10 well-done. And I really appreciate that. And
11 I'm sure my colleagues do, too. It was very
12 well-done. It shows a lot of time and effort
13 went into it and that you care about your
14 community and that strongly came across. And I
15 think all of us can agree. I think we are all
16 on the same page with that, but I can tell you
17 that you all did a great job.

18 Let me start with you, Mr. Mehra. I
19 have seen you a lot, Mr. Mehra. And I guess my
20 question is I have always seen you in the role
21 of looking into transportation analysis that
22 are given to us as opposed -- and maybe just

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1 finding the flaws in them.

2 Have you ever done a transportation
3 analysis like for an application where you were
4 the one presenting the data?

5 MR. MEHRA: Yes, many of them.

6 CHAIRMAN HOOD: Okay. And did
7 somebody pick yours apart? I'm just curious.

8 MR. MEHRA: Yes.

9 CHAIRMAN HOOD: Okay. Okay. So I
10 guess, and I'm just trying to get the reference
11 for it, because of the transportation manual,
12 there are flaws that each transportation expert
13 can find in another person's analysis of any
14 transportation. Am I correct? Of any project,
15 anything.

16 MR. MEHRA: Right. I think to a
17 certain extent, yes, you are right. But I
18 think one of the things is that there are sort
19 of basics which you cannot really pick the
20 flaws in them.

21 For example, you can pick a flaw on
22 how you assign traffic. Because, you know,

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1 there is no fixed pattern as to, you know, if
2 you leave the campus or if you are coming to
3 the campus what route will the student or the
4 faculty take. I think in that particular case,
5 there is a little bit of judgment involved.

6 So let's say if Gorove/Slade used a
7 certain pattern, I can say no, that's not how
8 students will come to the campus or leave. So
9 that's something that is debatable. But there
10 are certain factors which are given.

11 For example, peak hours, you know,
12 you collect traffic data. And based on the
13 traffic data, it says to you that the peak hour
14 is 8:00 a.m. to 9:00 a.m.

15 CHAIRMAN HOOD: And that's in the
16 manual, 8:00 a.m. to 9:00 a.m. is in the
17 manual?

18 MR. MEHRA: Yes, in the manual.

19 CHAIRMAN HOOD: Okay.

20 MR. MEHRA: So that's something that
21 is given.

22 CHAIRMAN HOOD: Okay.

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1 MR. MEHRA: There is another thing
2 which is called a peak hour factor, which is
3 that doing that peak one hour, which is 15
4 minutes that are peak, and these are important
5 because they kind of tell you what the levels
6 of service would be.

7 Another thing is, for example,
8 percent of trucks in the traffic stream. These
9 are things that are available and you can use
10 those things. So there is no debate on that.

11 CHAIRMAN HOOD: Okay. Now, how do
12 we get to level of service? I noticed in your
13 presentation as opposed to Gorove/Slade is that
14 in their findings they had like, as you said, C
15 and D in your report. And you had E and F.

16 Now, let me ask you. Is E -- I
17 think in the manual E is acceptable. Am I
18 correct or is it F is acceptable?

19 MR. MEHRA: No, D is the acceptable
20 one.

21 CHAIRMAN HOOD: D is acceptable.

22 MR. MEHRA: D is acceptable. E and

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1 F are considered failures. As a matter of
2 fact, in the Kimley Horn study that was done
3 for the DHS, they state very clearly that D is
4 the acceptable level of service.

5 Gorove/Slade in their September
6 report that they had done previously to this
7 March report, they also stated that D is an
8 acceptable standard. And for some reason in
9 the March 11 report, they made it an E as being
10 acceptable.

11 So, you know, that's something that
12 they change their mind between September and
13 March.

14 CHAIRMAN HOOD: But the
15 transportation manual says that D is
16 acceptable? E and F are not acceptable?

17 MR. MEHRA: E and F are not
18 acceptable.

19 CHAIRMAN HOOD: Okay. Mr.
20 Herzstein, let's go back to these -- it seems
21 like I thought, and I was looking at your
22 testimony, actually we had pretty much mandated

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1 and dealt with some of this some years ago when
2 we dealt with the noise level.

3 What was this email? You had an
4 email in your presentation. What was the email
5 written, what year was that?

6 MR. HERZSTEIN: I believe that was
7 2007.

8 CHAIRMAN HOOD: Okay. Okay. That's
9 fine. I was just wondering if it was 2001.
10 Now, I noticed that you had a list of attempts
11 that you made to university and to some city
12 officials it looks like and even to the police
13 department.

14 It looks like you had no response,
15 didn't get back. I think that was in your
16 presentation.

17 MR. HERZSTEIN: My supplemental
18 documents.

19 CHAIRMAN HOOD: Okay.

20 MR. HERZSTEIN: Yes.

21 CHAIRMAN HOOD: I remember having
22 the same discussion in 2001. And it is kind of

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1 disheartening to sit here and have the same
2 discussion. And I actually thought, and I'm
3 looking at some of the comments that you
4 submitted back that were in the transcript,
5 that, at that time, my former colleague, our
6 former colleague Chairperson Mitten and the
7 Commission, had put measures in place to help
8 deal with that issue.

9 And I have said this before, it's
10 very disheartening two years later to come back
11 and hear and talk about the same issues. So
12 apparently, basically, from 2001 to now,
13 nothing was done as far as your concern with
14 American University and the bleachers, the
15 noise and everything. Nothing has been done.

16 MR. HERZSTEIN: That's correct.
17 Well, in 2001, we discussed what we were then
18 calling special events. The university's
19 normal activities on the field weren't a
20 problem. They had -- they used it as an
21 intramural field, but they did occasionally
22 have charitable groups or big student

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1 gatherings or clubs or someone having events on
2 the field involving music and sometimes
3 barbecues with the roast pork smell going into
4 the neighborhood and so forth.

5 So we spent some time in 2001
6 discussing special events. And a special event
7 was specifically discussed as an event
8 requiring amplified sound. The Commission put
9 in its order a provision saying there could be
10 12 special events per year. And there had to
11 be certain precautions about the sound and so
12 forth. And we would get advance notice.

13 So and there was also extensive
14 discussion of the athletic activities on the
15 field and Mr. Taylor and others kept referring
16 to this as the intramural field. And they
17 offered reassurance that the athletic
18 activities would be of a low -- continue to be
19 of a low key nature.

20 Then what happened, in about three
21 or four years later, is that they transformed
22 the field into an intercollegiate field and

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1 they took the position that games on the field
2 involving even -- even involving amplified
3 sound and lots of noise were not special
4 events, so they weren't subject to that 12 per
5 year limit and the other limits regarding --
6 that were put into the Zoning Commission's
7 order.

8 They just in effect created a
9 category that exempted them from all the
10 regulations that were put in place in the 2001
11 order.

12 CHAIRMAN HOOD: So your
13 understanding, at that time, is the Zoning
14 Commission when they said 12 events, that's
15 what they meant, 12 events period? That didn't
16 include practices or anything? Was it 12
17 events?

18 MR. HERZSTEIN: Yes, and --

19 CHAIRMAN HOOD: Period?

20 MR. HERZSTEIN: -- the university
21 claims that it doesn't even include athletic
22 events. It only includes these charitable

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1 events and so forth. Whereas, we spent -- what
2 we spent a lot of time on in 2001 in this
3 Commission was the noise problem when they have
4 activities there that create noise.

5 We didn't associate it with athletic
6 events, at that time, because they were just
7 using it as an intramural field. But we spent
8 a lot of time defining this -- trying to
9 regulate these activities that would involve
10 amplified sound and a big impact.

11 And we all settled, okay, 12 a year
12 will be enough. They just carved a big loop
13 hole in that and said oh, that doesn't mean
14 athletic events and proceeded to change the
15 field into an intercollegiate field.

16 CHAIRMAN HOOD: And when I look at
17 this, and if this was straight from Chairperson
18 Mitten, at the time, it says "To the extent
19 that the sound amplification systems are needed
20 on the intramural athletic field, the number of
21 non-athletic special events and other special
22 events shall be limited to 12 per year."

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1 MR. HERZSTEIN: Yes.

2 CHAIRMAN HOOD: And that's what was
3 in the order?

4 MR. HERZSTEIN: That's right.

5 CHAIRMAN HOOD: That's the loop
6 hole. A big one. Okay. Well, I can tell you
7 this from --

8 MR. HERZSTEIN: Everyone was
9 talking, the athletic events were considered to
10 be minimal, no problem, because they were
11 intramural events. And both Chairman Mitten
12 and Mrs. Dwyer, the university's counsel, and
13 others, kept referring to this as the
14 intramural field. That was the basic
15 foundation for the 2001 order.

16 CHAIRMAN HOOD: Now, let me ask you,
17 I understand where we are. We need to have
18 some -- I'm going to be looking to the
19 university. We need to remedy this. Even
20 though I won't be here in 2020, not on the
21 Commission, I hope to be still living, but I
22 mean, at some point, we've got to have some

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1 predictability. We've got to have some
2 remedies.

3 We can't come back 10 years later
4 and just in case I am here, we can't keep
5 coming back and having the same hearings over
6 and over again, the same problems. I guess a
7 lot of people thought most of us will be gone,
8 but unfortunately -- well, fortunately, I'm
9 still here on the Commission and 10 years
10 later, we're talking about the same thing. To
11 me, that's unacceptable.

12 So what I need -- no, I don't need
13 it. I don't need the applause. What I need to
14 do though, Mr. Herzstein, is find out where are
15 we trying to go here? I want to get some
16 closure to this. This is one thing I
17 specifically remember, because I keep talking
18 about the bleachers.

19 I want to close this. I want to
20 close the deal in 2011 and also put some teeth
21 in whatever we do and make it enforceable.
22 That's what we need to do. And I'm sure that I

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1 can let AU know right now, I'm very
2 disheartened by having the same issue 10 years
3 later. I really am.

4 I mean, late nights like this we try
5 to pull stuff together, we try to make the
6 balance and here we come back 10 years later
7 and we've still got a problem. The same
8 problem, that's the problem.

9 Okay. So, Mr. Herzstein, I don't
10 know. I'm going to continue to read your
11 statement. Where can I find exactly where you
12 are trying to get to? Is it in here? We don't
13 have that much paper.

14 MR. HERZSTEIN: In my testimony, I
15 outline three provisions that I thought should
16 go into the plan:

17 Use of the field only for AU
18 activities. Get rid of all the --

19 CHAIRMAN HOOD: Direct me right to
20 that page, so I can make sure I --

21 MR. HERZSTEIN: It's on page 3 of my
22 -- I believe it's on page 3 of the testimony of

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1 Robert Herzstein.

2 CHAIRMAN HOOD: Okay. Is this the
3 one that starts with Reeves Field at the top on
4 the left in parentheses?

5 MR. HERZSTEIN: No, no.

6 CHAIRMAN HOOD: Okay.

7 MR. HERZSTEIN: It's a separate
8 document. We can -- can you project that
9 slide?

10 CHAIRMAN HOOD: Can I get it from
11 the point -- from the PowerPoint presentation?

12 MR. HERZSTEIN: Yes.

13 CHAIRMAN HOOD: Okay. That's where
14 I'll go. Okay. Is that it?

15 MR. HERZSTEIN: Project the three.

16 CHAIRMAN HOOD: Okay. I see it now.
17 It's behind Tab 1?

18 MR. HERZSTEIN: Yes, there we are.

19 CHAIRMAN HOOD: Okay. I can go
20 there. Okay.

21 MR. HERZSTEIN: The field should be
22 used only for activities of AU students, except

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1 for a limited number of charity events. In
2 other words, Georgetown shouldn't be using it
3 many times a week. They shouldn't have games
4 between the United States and Argentina and so
5 forth and so on. That would be a big help.

6 CHAIRMAN HOOD: Okay.

7 MR. HERZSTEIN: We then still have
8 the problem of the intercollegiate games that
9 the university wants to conduct there. We can
10 probably live with those if they don't do the
11 amplification. They still create a lot of
12 noise, but if we could limit the numbers of
13 them and prohibit the amplification.

14 CHAIRMAN HOOD: Okay.

15 MR. HERZSTEIN: They testified in
16 2000 that they expected to have nine
17 intercollegiate games per year. They are
18 having vastly more than that now. They were
19 talking about the other field, at that time.
20 So if they avoid amplified sound until we work
21 out -- I'm happy to work with them, but we
22 shouldn't have amplified sound until we come up

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1 with something that the sound engineers can all
2 divide, can -- if it is possible, so that there
3 could be quiet sound delivered around the
4 field, rather than a few big speakers blaring
5 out, that would help.

6 And then they should continue to be
7 subject to a limit, both the D.C. noise
8 ordinance and to the need to suppress
9 repetitive sound at levels even below the D.C.
10 noise ordinance like the wax of the hockey ball
11 hitting the back of the cage.

12 CHAIRMAN HOOD: You can hear all
13 that from your house? You hear all that going
14 on from your house?

15 MR. HERZSTEIN: Oh, yes, yes.

16 CHAIRMAN HOOD: Even in your house
17 in your bedroom, you can hear all of that?

18 MR. HERZSTEIN: We can, exactly,
19 yes.

20 CHAIRMAN HOOD: Okay. Okay.

21 MR. HERZSTEIN: In fact, on one
22 occasion, I heard the names, inside my house

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1 with the windows closed, of the opposing team
2 that was -- I could identify the sound coming
3 in. I don't remember whether it was -- what
4 university it was, at the time, but I could
5 actually make out who was playing whom that
6 day.

7 And you hear loud thumping of the
8 rock music. Of course, there shouldn't under
9 our --

10 CHAIRMAN HOOD: Okay.

11 MR. HERZSTEIN: -- my proposal,
12 there shouldn't be any music at all.

13 CHAIRMAN HOOD: All right. Well,
14 Mr. Herzstein, let me just say I think I get--
15 I got the drift of it. You can overlook when I
16 talk to --

17 MR. HERZSTEIN: I can submit some
18 more --

19 CHAIRMAN HOOD: -- the university.

20 MR. HERZSTEIN: -- and propose --

21 CHAIRMAN HOOD: Well, we need to
22 have some closure on this. This is 10 years

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1 later we are talking about the same stuff.
2 This is probably 15 minutes we could have moved
3 on to something else. I'm very disappointed in
4 this, I can tell you that.

5 MR. HERZSTEIN: I'll be happy to
6 submit some more detail.

7 CHAIRMAN HOOD: I think if that will
8 capture what we need to do, I'll talk to Mr.
9 Tummonds and --

10 MR. HERZSTEIN: I said at the end of
11 my spoken testimony that we need a dispute
12 resolution system --

13 CHAIRMAN HOOD: I have that written
14 down.

15 MR. HERZSTEIN: -- so we don't have
16 to wait 10 years before we get someone to hear
17 our problem. When we -- we haven't been able
18 to get action and I don't suspect we will be
19 able to get action out of -- effective
20 enforcement action out of the City Government.

21 The university is very powerful and
22 they have some good lobbyists, including a lot

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1 of former high level D.C. officials and they
2 work with the coalition of other universities.

3 We just ran into a stone wall every
4 time we tried to get the attention of, you
5 know, people high and low. So I was suggesting
6 in my testimony that we devise a system under
7 which we have a binding dispute resolution
8 process, so when I have a problem, I can go to
9 them, we try to work it out. If necessary, we
10 have a committee including an independent
11 person that will make a decision.

12 CHAIRMAN HOOD: I actually thought
13 we had that at one time. Maybe it wasn't this
14 campus. Sometimes they all kind of run
15 together.

16 MR. HERZSTEIN: Sure. I think maybe
17 other universities --

18 CHAIRMAN HOOD: Okay.

19 MR. HERZSTEIN: -- have had it.

20 CHAIRMAN HOOD: But we need to --
21 that's something we need to look at.

22 But let me go to my colleagues. I

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1 don't want to hog it. I have some additional
2 questions about the campus, but maybe some of
3 you all will cover that, but let me go to one
4 of my colleagues. Commissioner Turnbull?

5 COMMISSIONER TURNBULL: Yes. Thank
6 you, Mr. Chair. I just have a couple of
7 questions for Ms. Rhodeside.

8 In your analysis of the campus plan,
9 had you met with the university at all?

10 MS. RHODESIDE: We met with the
11 university once to present, as I think Mr.
12 Herzstein presented, the plan to them and we
13 have not received any substantive comments from
14 them.

15 COMMISSIONER TURNBULL: Well, I
16 guess though your plan -- does your plan
17 recognize any programmatic needs of the
18 university?

19 MS. RHODESIDE: We were looking at
20 the numbers of beds that the campus plan said
21 that needed to be accommodated. We were not
22 looking at overall programmatic requirements

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1 that a master plan --

2 COMMISSIONER TURNBULL: Right.

3 MS. RHODESIDE: -- would look at.

4 COMMISSIONER TURNBULL: I guess --

5 MS. RHODESIDE: Just looking at
6 alternative sites for --

7 COMMISSIONER TURNBULL: Well, I
8 guess what I'm looking at is primarily an open
9 space. You have looked at the campus plan, the
10 areas of the campus plan and looked at possible
11 localities for or options for other buildings.

12 MS. RHODESIDE: And
13 organizational --

14 COMMISSIONER TURNBULL: But is there
15 a nexus or a relationship between departments
16 or any of the act of -- any of the aspects of
17 the university would be looking for
18 connections?

19 MS. RHODESIDE: No. We were not
20 looking at that level of detail.

21 COMMISSIONER TURNBULL: Okay. All
22 right. So we are basically looking at basic

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1 open space, density relationships with -- on
2 the campus, but no real connection as far as
3 programmatic needs per se?

4 MS. RHODESIDE: That's right.

5 COMMISSIONER TURNBULL: Okay. Thank
6 you.

7 MS. RHODESIDE: Thank you.

8 CHAIRMAN HOOD: That's all, Mr.
9 Turnbull? You finished?

10 COMMISSIONER TURNBULL: Yes.

11 CHAIRMAN HOOD: Oh, okay.

12 COMMISSIONER TURNBULL: Thank you,
13 Mr. Chair.

14 CHAIRMAN HOOD: Commissioner May?

15 COMMISSIONER MAY: I don't think I'm
16 going to be quite as fast.

17 I'm going to do everything in order,
18 I think. I just wrote down a series of
19 questions as the testimony was being given.

20 You had a slide that showed a
21 balloon test. Can somebody give me some of the
22 details on that? Because it's hard to,

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1 frankly, believe that that's the right height
2 based on the perspective view that we have of
3 the building. Either that or I'm misjudging
4 where the balloon is in space. Is it -- you
5 know, how far away is it?

6 MR. FEHRMANN: Mr. May, my name is
7 David Fehrmann and I'm one of the witnesses on
8 the party status for Westover place.

9 COMMISSIONER MAY: Yes.

10 MR. FEHRMANN: That balloon test was
11 actually planned prior to discussing it at the
12 Commission, but we did enact it the next day.
13 It was a cloudy day, unfortunately,
14 and --

15 COMMISSIONER MAY: Well, but I mean,
16 I'm just trying to figure where is the balloon
17 and how far away are you from it? That's
18 really what I want to know.

19 MR. FEHRMANN: I'm standing in the
20 parking lot immediately behind the townhome and
21 the --

22 COMMISSIONER MAY: That was at the

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1 AU parking lot?

2 MR. FEHRMANN: No, sir. This is the
3 parking lot behind the townhome in -- within
4 Westover Place.

5 COMMISSIONER MAY: Okay. So you are
6 within Westover. All right.

7 MR. FEHRMANN: And this would be the
8 parking lot where the owner of that particular
9 townhome would park their vehicle.

10 COMMISSIONER MAY: Okay.

11 MR. FEHRMANN: And the heights of
12 the balloons are the height of the six-story
13 proposed dormitory.

14 COMMISSIONER MAY: I got that.
15 Where is it physically located? Where is the
16 balloon being -- where is it touching the
17 ground?

18 MR. FEHRMANN: Right off on the
19 balcony railing and --

20 COMMISSIONER MAY: Of a townhouse?

21 MR. FEHRMANN: Of a townhome.

22 COMMISSIONER MAY: Okay. So it's

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1 not --

2 MR. FEHRMANN: Yes.

3 COMMISSIONER MAY: All right.

4 MR. FEHRMANN: And the --

5 COMMISSIONER MAY: But I appreciate
6 the effort, but it's not really very helpful
7 seeing how tall a six-story would -- building
8 would be when it is butted right up against the
9 building, that's not really helpful for a
10 balloon test.

11 If you had actually gone out onto --
12 into the middle of the parking lot where a six-
13 story building would be and shown us where the
14 balloon would be, I think that actually would
15 be very helpful. But this just shows us how
16 tall a six-story building would be.

17 I can do that just looking at a
18 townhouse and, you know, sort of scaling it up.

19 So that's why I was trying to understand where
20 it was, because it didn't make sense to me that
21 that could actually be a depiction of where
22 these buildings are proposed to be.

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1 MS. HORVITZ: Can I add something?
2 Yes, we are sorry, we are not very good at this
3 and we --

4 COMMISSIONER MAY: No, no, no. And
5 I appreciate the effort. I'm not being--

6 MS. HORVITZ: -- but what we also
7 did --

8 COMMISSIONER MAY: I'm just saying
9 it's not going to be -- it's not really what we
10 need.

11 MS. HORVITZ: Well, it was -- what
12 we also did, let me just say --

13 COMMISSIONER MAY: Yes.

14 MS. HORVITZ: -- is it was -- it is
15 the correct height above that building, but
16 what we then did is it was terrible --
17 unfortunately, it was a rainy day.

18 COMMISSIONER MAY: Yes.

19 MS. HORVITZ: And we then went to
20 the middle of the complex, so the middle of
21 Westover Place, which is 200 feet back.

22 COMMISSIONER MAY: Yes.

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1 MS. HORVITZ: And because we wanted
2 to see can you see these buildings?

3 COMMISSIONER MAY: Right. Yes,
4 relative distance would be the --

5 MS. HORVITZ: And the answer --

6 COMMISSIONER MAY: -- that would
7 have been more useful.

8 MS. HORVITZ: -- the balloon is
9 obviously -- excuse me.

10 COMMISSIONER MAY: Yes.

11 MS. HORVITZ: And the answer was
12 absolutely yes. Because one of the questions
13 our residents had was well how far away will
14 you be able to see these buildings? What we
15 couldn't do because we couldn't just
16 logistically manage it, what we wanted to do
17 was stand on the balcony, which is our third
18 floor.

19 COMMISSIONER MAY: Right.

20 MS. HORVITZ: And, of course, go out
21 in the middle of the parking lot and see what
22 you would see.

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1 COMMISSIONER MAY: Yes.

2 MS. HORVITZ: But this is as close
3 as we could get.

4 COMMISSIONER MAY: Yes.

5 MS. HORVITZ: So --

6 COMMISSIONER MAY: Okay.

7 COMMISSIONER TURNBULL: I think
8 Commissioner May is just trying to state that
9 from a real depth perception, the balloon needs
10 to be exactly where the real building would be.
11 That will give you the true sense of depth
12 that you would actually see.

13 MR. FEHRMANN: Okay.

14 COMMISSIONER TURNBULL: So he is
15 correct on that, that from the standpoint of
16 the reality for us to really look at the total
17 impact, we need to see the balloon raise from
18 where the building would be.

19 MR. FEHRMANN: Okay.

20 MS. HORVITZ: Would you like us to
21 try to do that and resubmit it?

22 COMMISSIONER MAY: I wouldn't

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1 suggest it. I mean, the applicant might want
2 to do it to demonstrate where it would actually
3 be. But, you know, I'm not requiring it of
4 anybody, at this point, or suggesting that
5 anybody specifically has to do that.

6 Let me move on to another topic, if
7 I could. I appreciate receiving all of the
8 petitions to a certain extent. It's a big
9 stack. So I would like to know more about the
10 sort of summary numbers associated with that.

11 So how many pieces of paper did we
12 actually receive there? It looks like it's
13 several hundred.

14 MR. MAZZUCHI: We did use two-sided
15 copies.

16 COMMISSIONER MAY: Yes, I noticed.

17 MR. MAZZUCHI: The -- I mean,
18 effectively, what you have is you have probably
19 just over 600 individual signatures from
20 residents of Wesley Heights and nearby
21 neighborhoods. And some of those are one to a
22 page, some are three to a page, because of how

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1 the petition was distributed.

2 COMMISSIONER MAY: Right.

3 MR. MAZZUCHI: And then --

4 COMMISSIONER MAY: I started
5 counting and I just gave up after a while. So
6 I figured somebody else had.

7 MR. MAZZUCHI: And then separately
8 you have over 600 signatures from a broader
9 base with respect to the cap petition. Now,
10 there is some overlap between the people, well,
11 a lot of overlap between the people who signed
12 the Wesley Heights petition and the people that
13 signed the cap petition.

14 Total, there is a unique -- about
15 1,000 signatures on those two petitions.

16 COMMISSIONER MAY: Okay. So let me
17 ask my question specifically to get at this and
18 answer as precisely as you can. And if you
19 can't, if you can produce those numbers later,
20 it would be helpful.

21 So we have two different petitions.

22 And if you could tell me for each petition how

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1 many unique signatures you have? It was 600
2 plus for one.

3 MR. MAZZUCHI: Yes. Just over 600
4 for the Wesley Heights petition.

5 COMMISSIONER MAY: And then --

6 MR. MAZZUCHI: And just over 600 for
7 the cap petition.

8 COMMISSIONER MAY: Okay. And then
9 how many of those represent -- I mean, how many
10 households are represented there?

11 MR. MAZZUCHI: Um, households, we
12 did the number in Wesley Heights and it was --

13 MR. WESTLEY: 292.

14 COMMISSIONER MAY: Can you be on a
15 microphone, please?

16 MR. WESTLEY: We had over 80 percent
17 of the 360 households. It was about 292.
18 There might have been a few more that came in
19 at the end.

20 COMMISSIONER MAY: 292 and that was
21 my next question. How many households there
22 are? You said 3 --

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1 MR. WESTLEY: 360. And then there
2 were some non-Wesley Heights households who
3 also signed.

4 COMMISSIONER MAY: Okay.

5 MR. WESTLEY: I don't know if we
6 counted the number of distinct households. We
7 certainly eliminated all of the duplicate
8 signatures though in counting.

9 COMMISSIONER MAY: Okay. And so
10 that was for Wesley Heights. And what about
11 the other petition?

12 MR. MAZZUCHI: I couldn't tell you.
13 I haven't tried to calculate. Well, first of
14 all, in terms of number of households --

15 COMMISSIONER MAY: Right, yes, it
16 would be different. Yes.

17 MR. MAZZUCHI: I -- it's a vast area
18 for one thing. The area around the American
19 University Campus.

20 COMMISSIONER MAY: Right, right.
21 And do you know if the -- I mean, the unique
22 number of households within that group though?

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1 MR. MAZZUCHI: I mean, I could make
2 a guesstimate of it.

3 COMMISSIONER MAY: That's okay.

4 MR. MAZZUCHI: I would be happy to
5 try to break it down based on the addresses.
6 I'll be happy to do that.

7 COMMISSIONER MAY: You know, if you
8 find it useful and helps make your case and you
9 want to submit it, that's fine. But I wouldn't
10 require it. It's up to you.

11 MR. WESTLEY: As I recall it, there
12 were a good number of Spring Valley households
13 who signed the population cap.

14 MR. MAZZUCHI: Sure, yes,
15 absolutely, yes.

16 COMMISSIONER MAY: Okay. Okay.
17 That's all very helpful.

18 MR. WESTLEY: And there were quite a
19 few Tenley area residents who signed the cap
20 petition as well as the Tenley Campus petition.

21 COMMISSIONER MAY: Right. That's
22 still within the 600 plus.

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1 MR. WESTLEY: Right.

2 MR. MAZZUCHI: Yes, as I say, you
3 know, in the map with the little red
4 exclamation points it shows to within about a
5 half a block where the person lived who signed
6 it. It would just be a question of breaking
7 that down into individual households.

8 COMMISSIONER MAY: Okay.

9 MR. WESTLEY: I could add one
10 helpful thing perhaps which is that in most
11 cases, we simply tried to get somebody from the
12 household. We figured the couple would
13 probably think the same. So in most of them,
14 you will see some where there was two or even
15 three people, but mostly it's one person per
16 household --

17 COMMISSIONER MAY: Right.

18 MR. WESTLEY: -- in Wesley Heights.

19 COMMISSIONER MAY: And that's fine.

20 I mean, I think the most indicative thing for
21 me, from my perspective, is how many households
22 out of the total when it comes to the Wesley

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1 Heights petition? The cap one is a little
2 harder to judge because you're dealing with a
3 much larger potential number.

4 Okay. So, Mr. Mehra, I appreciate
5 your testimony and sort of the ripple effect of
6 under-counting. I mean, what that does to all
7 of the numbers. But I'm not really sure
8 without, I think, studying your testimony or
9 your submissions exactly how you believe the
10 numbers were so seriously underestimated.

11 I mean, to say that they counted
12 half as many as you would at the Main Campus
13 and one-third as many as you would at Tenley,
14 means there is some serious, you know, mistake
15 in judgment on the numbers. So can you boil it
16 down for me?

17 MR. MEHRA: Sure. I think looking
18 at the Main Campus, what Gorove/Slade did was
19 they did driveway counts at the three parking
20 locations. And based on those driveway counts,
21 they said okay, these are the existing trips.

22 The future population grows by 12.8

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1 percent, so they projected the future traffic
2 by increasing the existing traffic by 12.8
3 percent.

4 There are several flaws in that.
5 The number one flaw is that not every student,
6 faculty, staff park in those three garages that
7 they counted. As a matter of fact, I think
8 their own study showed that there were a lot of
9 illegal parking where people were issued
10 tickets and all that.

11 As a matter of fact, for the
12 Washington College of Law, I think they found
13 that 15 percent of the students actually park
14 on the street, 15 percent of the faculty,
15 staff, students park on the street.

16 So right there, you are under
17 counting the existing traffic by 15 percent.
18 Okay. That's number one.

19 COMMISSIONER MAY: Okay. But that
20 number that you cited was for the law school,
21 right?

22 MR. MEHRA: It --

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1 COMMISSIONER MAY: The 15 percent
2 number was from -- was what you said about the
3 law school.

4 MR. MEHRA: Right. But even around
5 the Main Campus, they have issued violation
6 tickets. But I don't have --

7 COMMISSIONER MAY: For 15 percent of
8 the cars? I mean, you just -- I'm trying to
9 focus on the Main Campus.

10 MR. MEHRA: Right.

11 COMMISSIONER MAY: And why you say
12 it was -- it should be twice as high as it is.

13 MR. MEHRA: The --

14 COMMISSIONER MAY: And you are
15 citing law school statistics. I'm not
16 interested in that right now. So tell me about
17 the Main Campus.

18 MR. MEHRA: Okay. The other thing
19 with the Main Campus is that the --

20 COMMISSIONER MAY: No, not the other
21 thing. Tell me about this thing.

22 MR. MEHRA: Right.

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1 COMMISSIONER MAY: Tell me. Go back
2 to the start. Why do you think it is under
3 counted? You said that there are some students
4 who park illegally in the neighborhood.

5 MR. MEHRA: In the neighborhood, but
6 I don't have an exact number in terms of what
7 that percent is. So I'm borrowing the 15
8 percent number from the Washington College of
9 Law, because that's something that they
10 specified that 15 percent park in the
11 neighborhood or do not park in college
12 designations.

13 COMMISSIONER MAY: I see. So you
14 made an assumption that 15 percent are parking
15 illegally based on what is happening at one of
16 the other campuses?

17 MR. MEHRA: Right. That's the
18 existing. Now, what happened in the future --
19 in the -- on the Main Campus, the majority of
20 the growth is in graduate students. And
21 graduate students have different travel
22 characteristics than the undergraduates,

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1 because undergraduates are mostly housed on
2 campus or they don't commute.

3 COMMISSIONER MAY: Yes.

4 MR. MEHRA: Now, Gorove/Slade said
5 in their testimony that the graduate students
6 have travel characteristics that are similar to
7 the law school students. Then Gorove/Slade did
8 a travel survey for the College of Law.

9 COMMISSIONER MAY: Yes.

10 MR. MEHRA: And in that, they came
11 up with the fact that 50 percent of the
12 students drive. 88 percent of the faculty
13 staff drive. So if I use that same percentage
14 and apply to the Main Campus, because Gorove/
15 Slade said that the travel characteristics are
16 similar, the numbers jump up.

17 COMMISSIONER MAY: So where are they
18 parking? I mean, they counted the number of
19 trips that are generated at the three driveway
20 counts, right?

21 MR. MEHRA: These are the future
22 trips. The 2010 to --

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1 COMMISSIONER MAY: Oh, so you --

2 MR. MEHRA: -- 2020 growth.

3 COMMISSIONER MAY: Okay. So you are
4 -- so what you are saying is that the driveway,
5 the current driveway counts only really account
6 for 50 percent of the trips of graduate
7 students?

8 MR. MEHRA: 85 percent of the total
9 traffic that goes to the school.

10 COMMISSIONER MAY: That's --

11 MR. MEHRA: The -- okay. Let me
12 back up here.

13 COMMISSIONER MAY: Yes.

14 MR. MEHRA: In the existing
15 conditions --

16 COMMISSIONER MAY: Yes.

17 MR. MEHRA: -- in the driveway
18 count, there are fewer graduate students
19 because the growth between 2010 to 2020 is
20 maximum by graduate students.

21 COMMISSIONER MAY: Yes.

22 MR. MEHRA: So in order to figure

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1 out what that number is, I have used the travel
2 survey that Gorove/Slade did for the College of
3 Law.

4 COMMISSIONER MAY: Yes.

5 MR. MEHRA: Because Gorove/Slade
6 said that that travel characteristic shows the
7 same. So when you use those numbers, you find
8 that 50 percent of the students who drive to
9 the campus, 88 percent of the faculty and staff
10 will drive. So when you take the growth
11 between 2010 to 2020 of the graduate students
12 and the faculty, staff, the growth -- that
13 growth rate estimated is 12.8 percent is really
14 underestimated. And it should be more like
15 21.6 percent.

16 COMMISSIONER MAY: And the fact that
17 it is 12.8 or that they used 12.8 and not 21.6,
18 you think will result in double the traffic
19 count?

20 MR. MEHRA: Doubling the growth.
21 Doubling the growth, not doubling the total
22 traffic. It's only doubling the growth between

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1 2010 to 2020.

2 COMMISSIONER MAY: It's not doubling
3 the total traffic?

4 MR. MEHRA: No, I'm not doubling the
5 total traffic.

6 COMMISSIONER MAY: Oh, I see.

7 MR. MEHRA: Doubling the growth.

8 COMMISSIONER MAY: Okay.

9 MR. MEHRA: Doubling the growth.

10 COMMISSIONER MAY: And is there
11 going to be parking capacity for -- I mean,
12 based on what you think the number of students
13 would be that are -- this increased number of
14 graduate students, is there going to be
15 sufficient parking capacity for them to park on
16 the campus?

17 MR. MEHRA: On the Main Campus, I
18 believe, they will have.

19 COMMISSIONER MAY: You believe they
20 will have?

21 MR. MEHRA: Yes.

22 COMMISSIONER MAY: Okay. All right.

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1 So now, you say that they only estimated a
2 third of the number of trips necessary at the
3 Tenley Campus. Why do you say that?

4 MR. MEHRA: Okay. The Tenley
5 Campus, again, they have -- you start off with
6 the travel survey. The travel survey says that
7 50 percent of the students drive and 88 percent
8 of the faculty, staff drive. Now, because the
9 campus is being moved to the sort of proximity
10 to Metro, Gorove/Slade said that only 40
11 percent of the students will drive instead of
12 the 50 percent at the present campus.

13 And in terms of the faculty and
14 staff, instead of 88 percent who drive
15 currently, about 75 percent will drive to the
16 new campus. So when you take the 2,000
17 students and the, it's about, 1,000 I believe
18 faculty and staff and apply the percentages of
19 40 percent for students and 75 percent for
20 faculty and staff, you get about 1,175 vehicles
21 driving to the campus on a daily basis.

22 COMMISSIONER MAY: I'm sorry,

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1 currently or projected?

2 MR. MEHRA: Projected.

3 COMMISSIONER MAY: All right. Go
4 ahead.

5 CHAIRMAN HOOD: Okay. Let's -- I've
6 been made aware of the time. It's getting past
7 us. Let's do this, I know with my colleagues,
8 about how many more questions we probably have
9 with the exception of Commissioner May. But
10 let me ask --

11 COMMISSIONER MAY: Not many more.

12 CHAIRMAN HOOD: Does the applicant
13 have a lot of cross-examination? Okay. ANC-
14 3D, do you have a lot of cross-examination?
15 About 10 questions, okay. ANC-3F? No cross-
16 examination. And ANC-3E? Okay. Even with
17 that one I'm hearing, I think what we are going
18 to do after we get through all of this is that
19 we will start on November the 3rd with those in
20 opposition. And then we will hear rebuttal and
21 closing by the applicant.

22 So I wanted to do that. I wish I

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1 would have did it early, but I wanted to do it,
2 at this point, so those who have to leave can
3 leave. But we will not go to persons in
4 opposition until November the 3rd. Okay.

5 Okay. Commissioner May?

6 COMMISSIONER MAY: Thank you. So
7 you were saying 1,175 vehicles is what is
8 projected for the new campus?

9 MR. MEHRA: Right.

10 COMMISSIONER MAY: Is that right?

11 MR. MEHRA: On a daily basis. And
12 then 30 percent of those come during the peak
13 hour. And that number is three times what
14 Gorove/Slade estimated.

15 COMMISSIONER MAY: But that's their
16 projected number of the percentage of students
17 that would -- I mean, the percentage of
18 students is supposed to go -- driving is
19 supposed to go from 50 percent to 40 percent,
20 right?

21 MR. MEHRA: Right.

22 COMMISSIONER MAY: That was what you

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1 just said.

2 MR. MEHRA: But see, what Gorove/
3 Slade did is they did not start with the
4 students, faculty and staff as being generating
5 trips. They assumed that the garage, the 500
6 car or 450 car garage is the trip generator.
7 And that's why I worked backwards and said
8 okay, we have a 500 car garage. Each space
9 generates .3 trips. And that's how they came
10 up with their trip generation.

11 And really speaking, garages don't
12 generate trips. It's really the staff and
13 faculty --

14 COMMISSIONER MAY: Tell that to the
15 Office of Planning. They have been telling us
16 that parking availability drives traffic counts
17 all the time.

18 MR. MEHRA: Well, then people park
19 in the neighborhood. So park in the --

20 COMMISSIONER MAY: I mean, maybe
21 they do, maybe they don't. It depends on the
22 neighborhood. But so you are basically saying

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1 that there is going to be three times as many
2 cars coming during the peak hour and they are
3 all going to be parking in the neighborhood?

4 MR. MEHRA: Well, they will be
5 parking either in the garage, the 450 space
6 garage or if that is full, they will park
7 somewhere else where there is other off-street
8 facilities or on-street facilities.

9 COMMISSIONER MAY: Okay. Okay.
10 Thanks. I appreciate your trying to boiling it
11 down for me.

12 MR. MEHRA: The thing is, if I may
13 add to that, George Washington University did a
14 study about two or three years ago. And this
15 was done by another consultant. And they did a
16 travel survey and they also did the driveway
17 counts. And they came up with a conclusion
18 that the driveway counts do not reflect total
19 trip generation.

20 They were at least 30 percent less
21 than what their travel survey showed. So it
22 means when you do a travel survey, people say

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1 they did -- they drove to the campus --

2 COMMISSIONER MAY: Yes.

3 MR. MEHRA: -- but they do not park
4 on the university facilities. They park
5 somewhere else.

6 COMMISSIONER MAY: I see.

7 MR. MEHRA: So that --

8 COMMISSIONER MAY: Okay.

9 MR. MEHRA: -- factor --

10 COMMISSIONER MAY: That's where the
11 difference is.

12 MR. MEHRA: Yes, that's the
13 difference.

14 COMMISSIONER MAY: Yes. Okay.
15 Well, of course, the setting at GW is
16 significantly different, but, okay. The -- all
17 right. Well, I think that's it on the traffic
18 question.

19 Mr. Herzstein, on the noise readings
20 that you had gotten where, you know, they are
21 clearly above the D.C. Regulation of 60
22 decibels, I think that's what you said it was,

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1 I don't know what it actually is, but I trust
2 that that's the correct number.

3 So did you attempt to get any
4 enforcement on that beyond the zoning route?
5 Did you actually try to have the police enforce
6 on that?

7 Can you turn on your microphone?

8 MR. HERZSTEIN: After many, many
9 efforts over the course of several years with
10 the city, I did finally go to the police who
11 have authority under the --

12 COMMISSIONER MAY: Yes.

13 MR. HERZSTEIN: -- noise ordinance
14 to enforce it. I walked into the District
15 Police Headquarters on Idaho Avenue with my
16 documents and the young lady didn't want them.

17 She said you have to contact Lieutenant Eric
18 Hayes.

19 COMMISSIONER MAY: Yes.

20 MR. HERZSTEIN: So I sent him an--
21 she gave me his email. I sent him a letter on
22 the email with the supporting information and

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1 asked for his attention. I never got a
2 response. I called at least four times and
3 left a message on his voicemail and I never got
4 a response to those.

5 I did finally see him at a
6 neighborhood meeting, an ANC meeting, and I
7 asked him if he could do something about it.
8 He didn't seem to be aware of the messages I
9 had tried to send and he said oh, I'll talk to
10 the university.

11 But that's all I heard.

12 COMMISSIONER MAY: That's as far as
13 it went?

14 MR. HERZSTEIN: Pardon?

15 COMMISSIONER MAY: That's as far as
16 it went?

17 MR. HERZSTEIN: That's as far as it
18 went. I couldn't -- I guess I could have tried
19 to go to higher authorities, but I thought the
20 lieutenant --

21 COMMISSIONER MAY: Yes.

22 MR. HERZSTEIN: -- who had the

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1 responsibility for the neighborhood was
2 probably the right place to go.

3 COMMISSIONER MAY: Yes. I'm not
4 sure what the right place to go is, but I was,
5 at one point, aware that there were -- that
6 some police officers were actually -- had the
7 ability to go out with a meter and measure
8 things when they were happening.

9 MR. HERZSTEIN: Someone told me
10 that.

11 COMMISSIONER MAY: And doing
12 enforcement on it. I don't know how you make
13 it work, but I had heard that.

14 So someone made the statement, I
15 don't know who, I'm sorry, that the law school
16 is highly profitable. Is that -- that was you?

17 MR. WESTLEY: Yes.

18 COMMISSIONER MAY: Okay. And what
19 do you base that on?

20 MR. WESTLEY: Well, the -- a couple
21 of things. First of all, I'm in higher ed, so
22 I'm -- I'm not testifying as an expert, but

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1 also I read an article that the Dean of the law
2 school wrote a couple of years ago about the
3 development of the law school. And how AU uses
4 the law school to cross-subsidize its other
5 programs. And that's where I got that
6 information.

7 COMMISSIONER MAY: That it's highly
8 profitable or that it's profitable? I mean, I
9 don't know what is highly profitable in the
10 education anyway.

11 MR. WESTLEY: Well, if 20 percent of
12 the profit, and, you know, we use that word
13 with regard to a not-for-profit here, goes off
14 the top to AU's other programs, then I would
15 assume it's pretty profitable.

16 COMMISSIONER MAY: And that was the
17 number that was cited in the article?

18 MR. WESTLEY: Yes, sir.

19 COMMISSIONER MAY: Oh, okay. And I
20 think that's about it. Thanks.

21 CHAIRMAN HOOD: Okay. Mr. Tummonds,
22 do you have any questions, cross-examination?

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1 MR. TUMMONDS: Thank you. I just
2 have a few questions for Ms. Rhodeside.

3 Does -- the alternative framework
4 plan that you had submitted and prepared, does
5 it propose any residential beds on the East
6 Campus?

7 MS. RHODESIDE: No, it does not.

8 MR. TUMMONDS: And in the discussion
9 of the alternative framework plan it talked
10 about a 180 foot setback. Would residential
11 beds be appropriate on the East Campus if there
12 was this 180 foot residential setback?

13 MS. RHODESIDE: Well, in my -- in
14 the judgment that we have made in the
15 alternative framework that we have shown, our
16 best planning judgment is it would be better to
17 have those residential units on the Main Campus
18 and not on the East Campus.

19 If there were to be a residential
20 building on the East Campus, I believe that one
21 would have to look carefully at a significant
22 setback and also look very carefully at the

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1 design of that setback and the elements that
2 would go into that buffer.

3 MR. TUMMONDS: Right. So when Mr.
4 Turnbull asked before the alternative framework
5 plan was an opportunity to find open spaces on
6 campus where residential uses could be put.
7 And the East Campus was deemed not a place
8 where you could put residential uses on that
9 open space?

10 MS. RHODESIDE: We were looking --
11 the -- we were tasked with looking at
12 alternatives to putting residential on that
13 campus.

14 MR. TUMMONDS: Yes.

15 MS. RHODESIDE: On the East Campus.

16 MR. TUMMONDS: Okay. Great.
17 Similarly, looking at open spaces, and maybe it
18 would be helpful if we put up the map? Yes, I
19 think Slide 30.

20 Are proposed Buildings A2 and A4 on
21 the current side of the Woods-Brown
22 Amphitheater?

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1 MS. RHODESIDE: Yes.

2 MR. TUMMONDS: Okay. Are Buildings
3 B2 and B3 to the west of the McKinley Building?
4 Are those proposed to be placed on the open
5 space that the campus plan shows for that area?

6 MS. RHODESIDE: They would align
7 with the road that -- I believe that B2 would
8 be -- yes, they would be on the existing open
9 space.

10 MR. TUMMONDS: The proposed open
11 space?

12 MS. RHODESIDE: Yes.

13 MR. TUMMONDS: Okay. The -- in the
14 creation of the alternative framework plan, did
15 your analysis take into account whether a
16 number of smaller, less efficient buildings
17 would be financially feasible?

18 MS. RHODESIDE: We only were looking
19 at the opportunities for alternative sites.

20 MR. TUMMONDS: Okay.

21 MS. RHODESIDE: We were not doing a
22 cost analysis. We were not doing an efficiency

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1 analysis.

2 MR. TUMMONDS: Okay. I'll get off
3 that. So then the notion, there was a slide,
4 too, that talked about the roads would have to
5 be reconfigured to allow for the construction
6 of, say, Project A4. There was no sequencing
7 of how you could do the infrastructure changes
8 and then these building sites?

9 MS. RHODESIDE: The sequencing very,
10 very much depend on which of those opportunity
11 sites the university decided that it was going
12 to take advantage of. And similarly, a minor
13 number of roads would need to be realigned in a
14 very small way.

15 I have a plan that I could submit.
16 Oh, thank you. May I have one copy? Thank
17 you. And the plan that you see before you is
18 over the existing campus. And it looks at the
19 roads that would need to be changed in order to
20 accommodate the building sites that are
21 proposed, the opportunity sites in the
22 alternative.

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1 The blue lines are changes to
2 pedestrian ways that would allow for better
3 connections on the campus. And the red are
4 proposed changes to roadways. And as you can
5 see, there are some. They are not extensive
6 and we are also looking at, because of putting
7 increased density on the campus, an alternative
8 connected roadway, as you can see on the west
9 side of the campus in red, that would provide
10 an alternative circulation route around the
11 campus, as well as a transit route and a loop
12 road for your transit on the campus.

13 MR. TUMMONDS: Great. Thank you.
14 And proposed building site A1 for approximately
15 348 beds, is that the approximate location of
16 the North Hall proposal that AU is --

17 MS. RHODESIDE: That is not really
18 the same location as -- it is in a general
19 area, but the North Hall is actually moved much
20 closer up to the property and is a taller
21 building than the building that we are
22 proposing on that A1 site, which is set back

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1 further and is a lower building.

2 MR. TUMMONDS: Okay. Then my final
3 question. Does the alternative framework plan
4 envision the demolition of the gray Clark-Roper
5 buildings? I think that's where we are showing
6 D1, D2 and D3.

7 MS. RHODESIDE: We have said that
8 there could be a more efficient use of
9 residential halls there by demolishing those
10 and replacing them eventually with new
11 residential buildings.

12 MR. TUMMONDS: And did your analysis
13 take into account the fact that the Roper-Clark
14 buildings were recently renovated and upgraded?

15 MS. RHODESIDE: No, because we
16 didn't look at a phasing plan as part of this.

17 MR. TUMMONDS: Or the economic
18 feasibility.

19 MS. RHODESIDE: That's right.

20 MR. TUMMONDS: Correct. Okay.
21 Thank you. That's it.

22 CHAIRMAN HOOD: Okay. Thank you

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1 very much. Commissioner Smith, any cross-
2 examination?

3 MR. SMITH: Thank you, Mr. Chairman.

4 Let me -- actually, Ms. Rhodeside, if I could
5 just follow-up on a question that Mr. Tummonds
6 was asking.

7 In your -- in the plan that you have
8 -- the framework that you have outlined, does
9 your plan -- how does your plan treat the
10 existing residential communities on the campus
11 with respect to adding these new facilities?

12 MS. RHODESIDE: The plan looked at
13 setting buildings away from the residential
14 community, both physically and visually.

15 MR. SMITH: I'm sorry, let me just -
16 - actually, I'm not talking about the community
17 residential. I'm talking about residential
18 neighborhoods, existing student residential
19 neighborhoods on the campus itself.

20 MS. RHODESIDE: How does this relate
21 to those?

22 MR. SMITH: Yes.

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1 MS. RHODESIDE: We looked at where
2 the existing residential buildings are on the
3 campus. And we looked at patterns for
4 continuing those residential patterns as well
5 as distributing residential buildings
6 throughout the campus in order to enliven the
7 heart of the campus with a mixture of academic
8 and residential buildings, so that you just
9 didn't have a cluster of residential buildings
10 in one single area on the campus.

11 So we looked at spreading the
12 residential buildings out on the campus.

13 MR. SMITH: So was the idea partly
14 to try to build on the existing student
15 residential community?

16 MS. RHODESIDE: Certainly for the
17 buildings that would remain and that was almost
18 all the buildings with the exception of a few
19 on the southern part of the campus that we were
20 recommending.

21 We were looking at putting additions
22 onto buildings that were there, where feasible,

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1 where there was space to do that, as well as
2 adding new building opportunities, both
3 clustered near existing residential buildings
4 and then looking for other opportunity sites
5 elsewhere as well.

6 MR. SMITH: What other planning
7 principles did your firm use when developing
8 this alternative framework?

9 MS. RHODESIDE: We looked at
10 strengthening the current campus structure,
11 first of all. So we looked at the current
12 development patterns on the Main Campus and the
13 ways to strengthen those patterns, such as in
14 the building elements that could maintain and
15 enhance important views of the campus.

16 We looked at opportunities for
17 building orientation that would compliment and
18 strengthen current building orientation and
19 both the usable and ceremonial spaces on the
20 campuses -- on the campus.

21 And we looked at opportunities for
22 buildings to orient into internal streets and

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1 open spaces in order to fit within current
2 development patterns.

3 Secondly, we looked at ways to
4 capture the highest intensity of development on
5 the interior of the Main Campus to create both
6 a high level of community energy on campus and
7 to minimize impacts to the neighbors.

8 In order to accommodate this, we
9 considered factors of topography, viewshed,
10 noise, compatibility of land uses and so on to
11 help guide these recommendations.

12 And third, we looked at ways to
13 strengthen the overall organization and
14 sustainability of the campus through
15 identifying ways to modify some of the streets,
16 to allow for more direct and efficient
17 circulation patterns, to create open space
18 buffers that would function effectively as
19 sustainability elements satisfying the
20 District's initiatives for stormwater
21 management, as well as buffering the campus
22 from its neighbors.

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1 MR. SMITH: Does -- am I correct,
2 did you say that your firm has expertise in
3 landscaping?

4 MS. RHODESIDE: We --

5 MR. SMITH: Landscape planning?

6 MS. RHODESIDE: -- do have landscape
7 architects on our staff.

8 MR. SMITH: And does this plan and
9 the further processing request for East Campus
10 include a detailed landscaping plan?

11 MS. RHODESIDE: We have not seen a
12 detailed landscaping plan in the plans that
13 have been submitted.

14 MR. SMITH: What recommendations
15 would you have as it relates to that for this
16 plan?

17 MS. RHODESIDE: Well, for example,
18 when one looks at the buffer area being
19 proposed behind the East Campus building, we
20 would expect, as landscape architects, to --
21 and planners, to see certain elements to be --
22 have been addressed in that buffer, which would

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1 actually tell us more about the intention of
2 the university to buffer both noise and views.

3 So those would include a detailed
4 planting plan, both the trees and the
5 understory, the types of vegetation to be
6 included, how big that vegetation will get at
7 its maturity, the minimum sizes of vegetation
8 to be planted from the outset, so that they
9 would start screening things right from the
10 outset, any grade changes that might be needed
11 in order to buffer noise and buffer views and
12 any hardscape elements as well.

13 MR. SMITH: Are you -- is your firm
14 still available to help assist AU and the
15 community with campus planning, with these
16 campus planning efforts?

17 MS. RHODESIDE: Yes, we could be
18 available.

19 MR. SMITH: Okay. Mr. Mehra, when
20 you did your review, did you look at the
21 traffic study that was done by GSA for the
22 Nebraska Avenue, for the expansion of the

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1 Nebraska Avenue complex?

2 MR. MEHRA: Yes, I did look at it,
3 but not in as much detail as I looked at this.

4 MR. SMITH: Okay. And when you
5 reviewed the -- when you reviewed AU's traffic
6 study, did your analysis also assess the
7 proposed TDM measures that AU was proposing?

8 MR. MEHRA: I did not really focus
9 that much on it, because I think the issues
10 were more of the traffic generation and the
11 levels of service analysis.

12 MR. SMITH: Okay. Thank you. Just
13 a couple questions for Ms. Farrell with regard
14 to the East Campus.

15 You mentioned in your testimony, you
16 made reference in your testimony to Nebraska
17 Hall. Would a building like Nebraska Hall be
18 acceptable to the community for the East Campus
19 site?

20 MS. FARRELL: A lot has been
21 mentioned about Nebraska Hall. And I think it
22 is worth differentiating.

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1 Nebraska Hall is a three-story
2 building. It is attractive. It is brick. It
3 houses upperclassmen. It is apartments. It
4 has kitchens, so that's why it's so attractive,
5 because it actually has kitchens.

6 The proposed addition will have no
7 parking. And it has 265 people in it or 260.
8 265, I think.

9 So at an adequate distance -- and it
10 is fenced. And it is 130 feet from the nearest
11 non-affiliated AU house and it's across a
12 pretty wide road.

13 So it has all of the elements of not
14 causing objectionable conditions to the
15 neighborhood.

16 MR. SMITH: And is there -- are
17 there proposals for housing that you would find
18 acceptable for the East Campus site?

19 MS. RHODESIDE: We expect that there
20 will be housing on the East Campus site. And
21 with adequate setbacks and with adequate
22 buffers and with lower story buildings and with

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1 reduced density, as we have outlined.

2 We think that a plan absolutely
3 could be gotten to which would be much less
4 objectionable than the one that ended up coming
5 forward.

6 MR. SMITH: And in your direct
7 discussions with American University, have you
8 indicated to them that dorms would be
9 acceptable on the East Campus site?

10 MS. RHODESIDE: We indicated in some
11 discussions at the end of last year, early this
12 year that we would expect the dorms would be on
13 that site, but we never got further in our
14 discussions.

15 MR. SMITH: Do you have particular
16 concerns about the time line for development of
17 the buildings on the East Campus site?

18 MS. RHODESIDE: We do. Given the
19 history of AU of getting things approved and
20 then not building them. We would be concerned
21 that the eventual buffer buildings with
22 adequate conditions, the way we talked about

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1 them here tonight, should be built (A) and
2 should be built first.

3 And we would be concerned about the
4 phasing of the construction, because it would
5 be possible to have things phased in such a way
6 that they -- we would have a 10- year or a 2-
7 year or not a 2-year. It wouldn't be a 2-year.

8 A very long construction schedule in an order
9 which would be extremely objectionable.

10 MR. SMITH: There was discussion
11 about the buffers being a building buffer and/
12 or a landscape buffer. But if it was a buffer
13 of buildings, what, in your view, would you
14 consider to be acceptable?

15 MS. RHODESIDE: We would think that
16 buildings that were three-stories, which is --
17 not three-stories. The same height as ours.
18 So it's a two-story administrative building,
19 but you can't talk stories. I have learned.
20 You have to talk heights, which would be 100
21 feet from the property line, which would be
22 fenced and which would have windows which

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1 didn't open.

2 And I personally have never worked
3 in an office building that had windows that
4 opened, so that was a surprise to me.

5 And those would serve as buffers,
6 as long as the subsequent buildings were of a
7 height that would be, in our view, no higher
8 than the three-story dorms, much like Nebraska
9 Hall.

10 MR. SMITH: My last question. Mr.
11 Herzstein, I had several questions for you, but
12 I think the Chairman asked all of them except
13 for one. I just wasn't sure of it.

14 There have been references to the
15 BZA's order in connection with AU's 1987 Campus
16 Plan, which incorporated the terms of an
17 agreement between the neighbors and the
18 university.

19 Can you explain a little bit how
20 that agreement came about?

21 MR. HERZSTEIN: Yes. In 1987, the
22 university proposed a very audacious plan, as

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1 they are doing now, with a number of elements
2 that were highly disruptive of the
3 neighborhood, would have been if they had been
4 constructed.

5 The neighbors -- that's when we
6 formed NLC with a view to -- and the mission to
7 help all the neighborhood groups affected by
8 the plan to work together. We coordinated our
9 work and had a series of hearings at the Board
10 of Zoning Adjustment.

11 And we made -- we identified 10 or
12 15 very specific issues: Construction of the
13 parking garage; the closing of certain streets
14 and so forth and so on.

15 And we told the Commission that we
16 thought those were the things that needed to be
17 addressed in order to get this resolved.

18 In May of 1988, I believe it was,
19 they came out with an order listing those very
20 conditions and they said that the university
21 should -- they weren't going to act on the
22 university's submitted plan.

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1 They called on the university to
2 meet with the neighbors and address each of
3 those issues with a view to reaching a very
4 concrete result. The university, at that
5 point, brought in additional counsel, Mr. Wayne
6 Quinn, who is very experienced and very
7 statesman-like.

8 They addressed -- they charged him
9 with trying to help reach an agreement, not be
10 an adversary, but try to help reach a
11 conclusion that worked for everyone.

12 They also brought in a prominent
13 planner, Mr. Joe Brown, with the EDAW, and we
14 recommended to them and we all thought he was
15 very acceptable.

16 And we had a series, probably a
17 dozen, dozens of meetings between the neighbors
18 and the university with Mr. Quinn and Mr. Brown
19 and myself more or less presiding. And the
20 university -- the -- Mr. Brown would point out
21 different alternatives suppose we put this
22 here, suppose we put this there.

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1 He wasn't -- since his job was to
2 try to bring a consensus, he wasn't just taking
3 orders from the university. He didn't hesitate
4 to turn to the university, either in public or
5 in private, and say to them I think this makes
6 sense. You ought to do it this way.

7 And I think that was a very
8 important factor, because it gave individual
9 university officials a basis for going to their
10 committees and their constituency and saying
11 this is what the planner says. This is what we
12 need to do.

13 I think it is hard for a university
14 official in the highly complex consensus
15 environment of a university to take a decision
16 that adversely affects some constituent within
17 the university, whether it is the athletic
18 department or the chairman of the physics
19 department or whatever.

20 But I think having both Mr. Quinn
21 and Mr. Brown there as persons charged with
22 bringing about an effective conclusion was very

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1 important.

2 Anyway, we did reach an agreement.
3 It was very carefully written out. We went
4 back jointly to the BZA and submitted it to
5 them and said we all supported this. They
6 wrote an order in -- which was dated February
7 26, 1990 in which they adopted the
8 recommendations and the provisions of the
9 agreement.

10 And at the end, they concluded quite
11 remarkably by commending all the parties for
12 the process that they had gone through. And
13 they said we think this is the process by which
14 campus plans should be discussed in the future.

15 MR. SMITH: Okay. Thank you.
16 Actually, I do have one more question for Ms.
17 Harwell. I'm sorry, Ms. Rhodeside. I'm sorry,
18 sorry. It's late.

19 When -- in your work, did you take a
20 look at the shuttle bus system and potential
21 enhancements for the shuttle bus system?

22 MS. RHODESIDE: Yes, yes, yes, we

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1 did do that. And that is also provided on this
2 little diagram that I handed out, which has on
3 it yellow Bs for existing bus stops and blue Bs
4 for potential proposed new bus stops.

5 And through the creation of this new
6 loop road, you actually create additional
7 opportunities for transit for bus stops on the
8 campus.

9 MR. SMITH: Were you taking -- I'm
10 sorry, I don't completely follow this, but --

11 MS. RHODESIDE: Yes.

12 MR. SMITH: -- are you taking buses
13 off of Nebraska Avenue, for example, out of the
14 -- is there any relocation of bus stops that
15 are currently sit -- currently located on
16 Nebraska Avenue?

17 MS. RHODESIDE: No, we are not.

18 MR. SMITH: Okay.

19 MS. RHODESIDE: These are not taking
20 buses off of Nebraska Avenue at all.

21 MR. SMITH: Okay. Thank you very
22 much. Thank you, Mr. Chairman.

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1 CHAIRMAN HOOD: Okay. What is it,
2 3E and 3F. Is it 3E and 3F? Yes. Any cross-
3 examination by either one? Okay.

4 Not hearing none, we are going to
5 reassemble on November the 3rd at 6:30.

6 We will hear from persons in
7 opposition and we will have rebuttal and
8 closing by the applicant and any cross on
9 rebuttal, if needed.

10 Okay. Are we all on the same page?

11 All right. With that, we will continue on
12 November 3rd at 6:30. Good night.

13 (Whereupon, the Public Hearing was
14 concluded at 10:15 p.m.)

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