

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

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IN THE MATTER OF: :

:

FURTHER PROCESSING OF : Case No.

AMERICAN UNIVERSITY : 11-07A

2011-2020 CAMPUS PLAN FOR :

CONSTRUCTION OF NORTH HALL :

:

:

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Thursday,

October 20, 2011

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No.

11-07A by the District of Columbia Zoning

Commission convened at 6:30 p.m. in the

Office of Zoning Hearing Room at 441 4th

Street, N.W., Washington, D.C., 20001,

Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman

KONRAD W. SCHLATER, Vice Chairman

MICHAEL G. TURNBULL, FAIA,

Commissioner (OAC)

PETER MAY, Commissioner (NPS)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
ARLOVA JACKSON

The transcript constitutes the
minutes from the Public Hearing held on
October 20, 2011.

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

2 6:28 p.m.

3 CHAIRMAN HOOD: Today is October
4 20, 2011. My name is Anthony Hood.

5 Joining me this evening is Vice
6 Chairman Schlater. Soon to be joined by
7 Commissioner May and Commissioner Turnbull.

8 We're also joined by the Office of
9 Zoning Staff Sharon Schellin.

10 This proceeding is being recorded
11 by a court reporter and is also webcast live.

12 The subject of this evening's
13 hearing is Zoning Commission Case Number 11-
14 07A. This is a request by American University
15 for special exception relief pursuant to 210
16 and 3104.1 of the Zoning Regulations.

17 Notice of today's hearing was
18 published in the D.C. Register on 7/29/2011
19 and a copies of that announcement are
20 available to my left on the wall near the
21 door.

22 This hearing will be conducted in

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1 accordance with provisions of 11 DCMR 3117 as
2 following: Preliminary matters, Applicant's
3 case, report of the Office of Planning, report
4 of other Government agencies, report of the
5 Advisory Neighborhood Commissions 3D and 3E.
6 In this case, both? Okay. Organizations and
7 persons in support, organizations and persons
8 in opposition, rebuttal and closing by the
9 Applicant.

10 The following time constraints
11 will be maintained in this meeting: The
12 Applicant 15 minutes if needed, organizations
13 five minutes if needed, individuals three
14 minutes. The Commission intends to adhere to
15 the time limit as strictly as possible.

16 All persons appearing before the
17 Commission are to fill out two witness cards.
18 These cards are located to my left on the
19 table near the door.

20 Please turn off all beepers and
21 cell phones at this time so not to disrupt
22 these proceedings.

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1 Would all individuals wishing to
2 testify please rise to take the oath?

3 Ms. Schellin, would you please
4 administer the oath?

5 MS. SCHELLIN: Please raise your
6 right hand. Do you solemnly swear or affirm
7 the testimony you give this evening will be
8 the truth, the whole truth and nothing but the
9 truth?

10 Thank you.

11 CHAIRMAN HOOD: We've also been
12 joined by the Office of Planning Staff Ms.
13 Steingasser and Ms. Jackson.

14 Do we have any preliminary
15 matters, Ms. Schellin?

16 MS. SCHELLIN: Yes, sir, just to
17 advise, we do have the affidavit on
18 maintenance from the Applicant. It seems to
19 be in order and we do have two party status
20 requests and I think they're both in -- yes,
21 they are -- both in opposition.

22 CHAIRMAN HOOD: Okay. I think I

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1 mis-spoke. I think the only ANC in this case
2 is 3D.

3 MS. SCHELLIN: Correct.

4 CHAIRMAN HOOD: Okay. Well, 3D is
5 the ANC. Let me just deal with this,
6 Commissioners. They are automatically a
7 party.

8 We have in front of us Exhibits 11
9 and 13. After looking at them and reviewing
10 this party status, I would suggest or make a
11 strong recommendation, and I don't want to be
12 long with this, that these two parties --
13 these two groups become one party. Because if
14 we look at the witness lists form, two of the
15 people on one party are also people who are on
16 the witness list of that one. So, they can
17 combine that group.

18 I don't see any difference or any
19 significance. I think the testimony will be
20 all the same unless my colleagues disagree and
21 I don't know.

22 It's a request from Spring Valley

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1 and also a request from Neighbors for a
2 Livable Community.

3 But, the issue is two of the
4 witnesses, I'm sorry, two of the witnesses are
5 also on -- you and another gentleman, let me
6 just say this and I don't want to talk like
7 that. I probably shouldn't address you, but
8 you all are two on one party. But, you're
9 also on the other party. So, I want us to
10 pull that together some kind of way.

11 Okay. Can you come to the table?
12 I'm purely going by your submission.

13 DR. KRASKIN: I'm Dr. Jeffrey
14 Kraskin, Vice President of Spring Valley
15 Wesley Heights Citizen Association.

16 We can do it coordinated together
17 the two groups.

18 CHAIRMAN HOOD: Okay. Well,
19 according to your submission, it's all one
20 group really technically speaking.

21 DR. KRASKIN: No, they -- they are
22 two separate entities.

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1 CHAIRMAN HOOD: They're two of
2 your witnesses on your party status
3 application. The same two witnesses.

4 MR. SMITH: We have tried to
5 coordinate what we say so that each -- there
6 won't be repetition.

7 CHAIRMAN HOOD: Okay. Good, but
8 we can just -- what I'm just saying is we'll
9 just make it one party in opposition. It will
10 be Neighbors for Livable Community Spring
11 Valley Wesley Heights.

12 DR. KRASKIN: Great.

13 CHAIRMAN HOOD: Okay.

14 MR. SMITH: That's okay.

15 CHAIRMAN HOOD: And we'll do it
16 all at once.

17 MR. SMITH: I believe I heard you
18 say five minutes though earlier. It'll be a
19 little hard to stay within that --

20 CHAIRMAN HOOD: No, I actually
21 didn't say that, but if you want five minutes,
22 you can have it. But, no, I actually -- no, I

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1 was just saying in the organizations five
2 minutes. But, you all will be given party
3 status --

4 MR. SMITH: Okay.

5 CHAIRMAN HOOD: -- once we finish
6 this process possibly.

7 MR. SMITH: Thank you.

8 CHAIRMAN HOOD: Commissioners, I
9 make a recommendation that we give Spring
10 Valley Wesley Heights and Neighbors for
11 Livable Community together party status and
12 they can call themselves Spring Valley
13 Neighbors for a Livable Community or however
14 they want to call themselves and the rationale
15 is -- for the record, the rationale is two of
16 the witnesses for Neighbors for a Livable
17 Community are the same -- the two same
18 witnesses on the Spring Valley application.

19 So, I move that we move in that
20 fashion and ask for a second.

21 COMMISSIONER TURNBULL: Second.

22 CHAIRMAN HOOD: So moved and

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1 properly seconded. Any further discussion?
2 Are you ready for the question? Are those in
3 favor?

4 (Ayes.)

5 CHAIRMAN HOOD: Not hearing an
6 opposition, Ms. Schellin, would you record the
7 vote?

8 MS. SCHELLIN: Yes, sir, staff
9 would record the vote 4 to 0 to 1 to grant
10 party status to Neighbors for a Livable
11 Community Spring Valley Wesley Heights Citizen
12 Association in opposition. Commissioner Hood
13 moving. Commissioner Turnbull seconding.
14 Commissioners May and Schlater in support.
15 Commissioner Cohen not present not voting.

16 CHAIRMAN HOOD: Okay. Ms.
17 Schellin, do we have anything else?

18 MS. SCHELLIN: Proffered expert
19 witnesses --

20 CHAIRMAN HOOD: Okay.

21 MS. SCHELLIN: -- by the
22 Applicant.

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1 CHAIRMAN HOOD: Mr. Tummonds, what
2 do you --

3 MR. TUMMONDS: Yes. Paul
4 Tummonds, Goulston & Storrs, on behalf of the
5 Applicant.

6 We have just one extra witness
7 proffered this evening. It's Beth Buffington
8 of Little Diversified. We previously in our
9 October 6th submission submitted her résumé.
10 I would add that she was admitted as an expert
11 witness in the campus plan hearings back in
12 June.

13 CHAIRMAN HOOD: Okay.
14 Commissioners, she been previously accepted.
15 Any opposition? Commissioner May.

16 COMMISSIONER MAY: Is that what
17 you're calling the résumé?

18 MR. TUMMONDS: The résumé that we
19 think would be helpful for this hearing.

20 COMMISSIONER MAY: Okay. Well, I
21 mean I don't know that we necessarily
22 distinguish between different types of

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1 hearings in terms of the résumés that we
2 require. I mean the fact that she's
3 previously been admitted obviously we've seen
4 the qualifications, but I think that for the
5 sake of the record it's always helpful to have
6 a more complete résumé than something like
7 this.

8 I have no objection.

9 CHAIRMAN HOOD: Okay. So, she
10 will be granted the proffered status.

11 MS. SCHELLIN: Excuse me, Chairman
12 Hood. To clarify for Commissioner May, do you
13 want a full résumé in the record to submitted?

14 COMMISSIONER MAY: I am not
15 requiring that. No.

16 MS. SCHELLIN: Not asking. Okay.

17 COMMISSIONER MAY: Thank you.

18 CHAIRMAN HOOD: Okay. Mr.
19 Tummonds, you may begin.

20 MR. TUMMONDS: Great. Good
21 evening, Mr. Chairman, Members of the Zoning
22 Commission. I'm Paul Tummonds, Goulston &

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1 Storrs.

2 This evening, we are presenting
3 the further processing application for the
4 proposed North Hall Residence Facility.

5 As discussed in detail in the
6 Applicant's prehearing statement, the North
7 Hall Residence Facility will create
8 approximately 360 new residential beds on the
9 northwestern edge of the AU main campus
10 adjacent to the President's Office Building
11 and near the existing residential facilities
12 of Hughes, Leonard and McDowell Halls.

13 The project we're presenting this
14 evening and was discussed in the October 6th
15 prehearing statement was modified from the
16 initial submission of July 19, 2011. These
17 modifications were the direct result of
18 meetings between AU representatives and
19 representatives of the Spring Valley Wesley
20 Heights Citizens Association and Neighbors for
21 a Livable Community.

22 The most significant modifications

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1 are the increase in the building's setback
2 from Massachusetts Avenue and the addition of
3 an eighth story to the structure which would
4 parallel the internal roadway on the south
5 side of the site closest to the Hughes,
6 Leonard and McDowell Halls.

7 We are pleased to note that this
8 project has received the support of the Office
9 of Planning and the Department of
10 Transportation. We believe that the
11 Applicant's satisfaction of the special
12 exemption variance relief standards are
13 clearly articulated and proven in the
14 Applicant's prehearing statement and the
15 Office of Planning's report.

16 Proposed massing, siting, height
17 and use of this portion of the building -- use
18 of this building will not create any
19 objectionable impacts on neighboring
20 properties due to noise, traffic, number of
21 students or other objectionable conditions.

22 In this case ANC 3D adopted a

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1 resolution in support of this application
2 which included five conditions. It is the
3 Applicant's understanding that the final plans
4 included in the October 6th, 2011 prehearing
5 statement address conditions two and three.
6 Similarly, the Applicant agrees to the
7 condition regarding DDOE review of stormwater
8 management plans and the sharing of comments
9 with ANC 3D. The Applicant also agrees to
10 continue to work with interested residents on
11 final building facade details and finally, the
12 Applicant will create a final construction
13 management and landscaping plan in cooperation
14 with residential neighbors and the Wesley
15 Seminary.

16 Therefore, the Applicant believes
17 that it has addressed all of the conditions
18 outlined in ANC 3D's resolution.

19 Our only witness this evening will
20 be Beth Buffington of Little Diversified. Mr.
21 Jorge Abud and David Taylor of AU are here to
22 answer any questions that you will have.

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1 I now will have Ms. Buffington
2 walk us through the project.

3 MS. BUFFINGTON: Thank you. My
4 name is Beth Buffington and I am an architect
5 with Little Diversified Architectural
6 Consulting.

7 We're going to go pretty quickly
8 through this to try to stay on schedule
9 tonight and this is not progressing. Richard,
10 why is it we're not progressing? Oh. No.
11 We're having technical problems. Okay. All
12 right.

13 To go back to that previous slide,
14 but just to give you an idea where the site is
15 on the campus plan, you'll see in the upper-
16 left-hand corner across the street from Katzen
17 Arts Center and right below Wesley Seminary is
18 the site. It is adjacent to, as previously
19 mentioned, Leonard, Hughes and McDowell Halls
20 and it will replace the site where there's
21 existing 69 parking spaces in a parking lot
22 behind the President's Office Building.

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1 This whole part of the site has a
2 great deal of grade on it. In fact, where the
3 building will be located is in kind of a
4 little crest. It's probably the high point of
5 the campus and the President's Office Building
6 is adjacent to it and is located approximately
7 15 feet above the site.

8 The adjacent residence halls are
9 -- could be described as very simple and
10 plain. They have -- this is the President's
11 Office Building. We're showing some slides
12 here just to give you an idea of the terrain
13 up on that site so you can see that it's
14 relatively hilly and the existing adjacent
15 buildings are quite simple. They are
16 limestone and stucco. They have almost no
17 architectural detail and they have a very
18 horizontal feel.

19 This is the site plan. You can
20 see along Massachusetts Avenue at the top of
21 the slide there's significant distance between
22 the street and the property line on that edge.

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1 In fact, from the building, it is 41 feet 8
2 inches from the property line to the building
3 and it's over 90 feet to the curb.

4 So, it's set back very far because
5 of the width of the right away along
6 Massachusetts Avenue. We are setting the
7 building back less than absolutely required
8 for the height along the Wesley Seminary line
9 because we have -- as Paul mentioned before,
10 the bar of the building that's closest to this
11 edge of the site is now eight stories.

12 The height of the building is 81
13 feet. The bar that extends towards
14 Massachusetts Avenue is seven stories. We're
15 measuring the building height off of this
16 internal road and we're creating a plaza
17 connecting the building to McDowell Hall
18 helping with the residential community there.

19 The ground floor of the building
20 has the entrance to the residential building
21 -- has the entrance to the residential
22 building here. Come across that plaza to the

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1 entrance to the residential building.

2 The other functions that are
3 located on that level is a fitness center
4 which has a separate entrance from the
5 outside. Also, there's the trash room and
6 mechanical storage and parking.

7 We will have parking for what we
8 believe will be 54 bikes inside the building
9 which will conform to the LEED requirement for
10 residential structures.

11 The upper levels, all of the units
12 are in suite configuration. There's a main
13 lobby as you come up from the ground floor.
14 There is a main residential lobby where
15 there's a kitchen lounge that's adjacent to
16 the main circulation. There are two study
17 lounges on each floor. There are
18 approximately 56 beds on floors two through
19 six and then the eighth floor has fewer beds
20 because it's a single bar.

21 We have some views of the
22 building. The exterior of the building and

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1 you can -- and these are where the views are
2 taken from. You can see that we are working
3 with the very horizontal and very simple
4 architecture that already exists on that part
5 of campus.

6 We've created what we call a
7 metaframe which is the light-colored precast
8 frame. We're actually working with three
9 different very similar colors of precast which
10 will have a different texture although it's
11 all precast material. We're working within
12 that range of colors and using the texture of
13 the precast to create a variety of experiences
14 on the facade within the idea that we're
15 creating a very strong and horizontal frame.

16 The entrance is clearly delineated
17 by a glass portion. The base is all going to
18 be fieldstone and there's a portion of
19 fieldstone that creates a corner of the
20 building.

21 Interestingly enough, the back of
22 the building is actually the higher elevation.

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1 So, you can see that there is no --
2 obviously, the lower level is shorter because
3 of the grade on the site and these are the --
4 this is the courtyard side of the residential
5 building and you can see how creating the
6 metaframe which has different members of
7 different depths is helping us break down the
8 repetitiveness of the residential facade.

9 This is the view from Wesley
10 Seminary and we have been in discussion with
11 the neighbors about this and we are working
12 using the various elements of the facade to
13 help break down the scale of this where it
14 might be visible at all from the neighborhood.

15 The section of the site gives you
16 a good idea of the grade changes that I've
17 been talking about. So, you can see how much
18 it steps up from Massachusetts Avenue on the
19 far right side. That the site -- we really
20 are on the crest of a hill and then the rest
21 of the grade on the campus slopes away from
22 it.

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1 And this is a view -- I mean you
2 all have seen a version of this before in the
3 campus master plan, but this is view at the
4 entrance to the campus across from the Katzen
5 Arts Center and you can see very faintly the
6 sort of triangular building. In the
7 foreground, you can see the side of it and
8 that is the President's Office Building. As I
9 said, it's a little higher.

10 Again, this is a sort of a view of
11 the building ghosted-in in the background and
12 then you can see here where we've created the
13 frame. The frame shows more clearly exactly
14 where the building will be. But, with the
15 number of mature trees along that edge of
16 campus, you can barely see it.

17 From the other side and this is in
18 the Wesley Seminary side, you can see where
19 that silver car is. That's approximately the
20 entrance to Wesley Seminary and the driveway
21 goes right in along side a landscaped area
22 that has mature trees which will kind of block

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1 the view of the building from the street.
2 Again, here is a view of the building ghosted-
3 in. It would be pretty much obscured by trees
4 and obviously, we will be working with the
5 seminary to landscape that area and there's
6 the frame.

7 The next view is from the Wesley
8 Seminary parking lot. You can see Leonard
9 Hall on the right-hand side of the screen and
10 that will be the view of the building which
11 you can -- when it is built. So, you can see
12 that in height, it is very similar to the
13 height of Leonard Hall adjacent to it and that
14 all has to do with the grading up on that part
15 of campus. Again, you see it sort of ghosted-
16 in.

17 And here is actually -- this is
18 the drive into Wesley. So, it's actually
19 where you probably actually see the building
20 the most and that is what you'll see. There
21 is about a -- there is some -- like a 12 to
22 15-foot grade change between the Wesley Drive

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1 and the base of the site and there's the
2 building beyond.

3 And that is the end of our
4 presentation.

5 CHAIRMAN HOOD: Okay. Anything
6 else, Mr. Tummonds?

7 MR. TUMMONDS: I have a brief
8 conclusion I think that I just want to go
9 through.

10 I know we went through very
11 quickly our presentation today. We hope that
12 it was helpful. Everything is in the printout
13 of the slides.

14 I do believe that we have
15 discussed in detail in our Applicant's
16 prehearing statement how this project
17 satisfies the further processing special
18 exception standards of 210 as well as the
19 variance relief standards from Section 3103.2
20 with regard to the setbacks along the shared
21 property line with the Wesley Seminary.

22 Again, I would note that the

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1 Office of Planning and Department of
2 Transportation have both submitted written
3 reports which support this application.

4 We went through very quickly the
5 slides and I would note that on pages 10 and
6 13 we had requested some design flexibility
7 with regards to the facade treatments. The
8 language that we are proposing is pretty much
9 I would say the standard language that we use
10 in PUD cases and so, I just want to bring that
11 to your attention.

12 We believe that granting such
13 design flexibility for a non-design review
14 case like this further processing application
15 is appropriate and that's why we have kind of
16 tracked the language to what we use in PUD
17 cases. We will request that this language be
18 included in the condition in the written order
19 that is ultimately issued in this case.

20 With that, I believe we are ready
21 to answer any questions that you may have.

22 CHAIRMAN HOOD: Okay. Thank you

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1 very much. Yes, I have three quick questions.

2 Mr. Tummonds, help me understand.

3 Is this a further processing of the previous
4 campus plan?

5 MR. TUMMONDS: No, this is not.
6 This is a further processing of the 2011
7 Campus Plan. You may remember. We filed the
8 2011/2020 Campus Plan in March. We had three
9 initial hearings scheduled. We filed this
10 application in July. Maybe in the hope that
11 they would follow sequentially, but that is
12 obviously not the case.

13 So, we are filing this with the
14 notion that this is identified in the
15 2011/2020 Campus Plan. We think it's -- you
16 know, as we've heard a fair amount in the
17 campus plan cases that they want more detail
18 on things like North Hall/Tenley Campus.
19 Obviously, subsequent to the filing that we
20 have now filed both further processing
21 applications for North Hall and Tenley Campus.

22 CHAIRMAN HOOD: Okay. In the

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1 submission dated July the 19th and maybe you
2 can help me, I'm trying to see if I was the
3 party in opposition, what would I be looking
4 at and what view would I see? What would I
5 see that they would see? I need to know the
6 view that they're seeing.

7 MR. TUMMONDS: Right.

8 CHAIRMAN HOOD: Okay. So, they're
9 on this side facing --

10 MS. BUFFINGTON: Yes, they face
11 that side of the campus.

12 CHAIRMAN HOOD: So, that's what
13 they see. Right now, if I was to be them, I
14 would be seeing just those trees. Right?

15 MS. BUFFINGTON: Yes, I think they
16 have a concern about what you see as you come
17 up and down Massachusetts Avenue. I mean
18 that's what's been expressed to us.

19 And as I pointed out, this
20 building is set -- first of all, the whole
21 edge along that part of Massachusetts Avenue,
22 you could tell from the section, is

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1 significantly higher than the road. It varies
2 between being about 25 and 35 feet above the
3 actual road elevation and then it's also set
4 back almost 90 feet. I think it's 89 feet
5 that it's -- that we -- you know and some of
6 that's approximate, but that's how far we
7 think it is dimensionally from the curb.
8 Because the property line is significant back
9 from the curb.

10 So, it's -- and there are mature
11 trees. Let me go back to this.

12 CHAIRMAN HOOD: That goes to my
13 last question.

14 MS. BUFFINGTON: Okay.

15 CHAIRMAN HOOD: The mature trees,
16 I mean, you know, at least in my neighborhood
17 maybe not over there, but the leaves do fall
18 off.

19 What are they going to see in the
20 wintertime? Because at least the way I looked
21 at the -- what I saw here, it looks like
22 everything had a lot of greenery around it and

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1 I know that's not going to be the case all the
2 time.

3 MS. BUFFINGTON: Well, yes. Yes,
4 and I don't know how many of those trees --
5 most of those trees which are existing you can
6 see are actually on city property along that
7 edge there. Although, a bunch of them are on
8 American's property and we don't -- there's
9 nothing that we're doing with that building we
10 think will damage those trees. They're far
11 enough away.

12 CHAIRMAN HOOD: So --

13 MS. BUFFINGTON: Certainly, a
14 number of them are deciduous and there are a
15 few evergreens up there. I think mostly on
16 the university side and I don't have the tree
17 survey with me tonight.

18 CHAIRMAN HOOD: So, the slide that
19 you had previously that you had stopped on,
20 that's pretty much the representation of how
21 you would view that. That's what you would
22 pretty much see.

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1 MS. BUFFINGTON: Yes.

2 CHAIRMAN HOOD: In size and
3 everything?

4 MS. BUFFINGTON: Yes, I mean I --
5 I'm not sure -- well, let me go back. There's
6 one slide that I think is kind of -- it may be
7 -- see the President's House and it's much
8 higher. It won't be as high. The top won't
9 be as high as the building, but it sets much
10 higher.

11 You can see the tree next to it.
12 That's how big the trees are. Now, many of
13 them as I said are evergreen so they would
14 obscure that view during the winter, I can't
15 say. But, I don't know that you see much of
16 anything when you drive down there.

17 Now, you are really a lot lower.

18 CHAIRMAN HOOD: Okay. Okay.
19 Thank you. That's all the questions I have.
20 Thank you very much.

21 Commissioners? Mr. Turnbull.

22 COMMISSIONER TURNBULL: Thank you,

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1 Mr. Chair.

2 I notice you have made a
3 significant change in where you're siting the
4 building. I mean originally it was only 8
5 feet from the property line and now, you're
6 pointed back almost 42 feet.

7 MS. BUFFINGTON: Um-hum.

8 COMMISSIONER TURNBULL: The
9 picture you showed with the outline, looking
10 at it in perspective, the sort of white --

11 MS. BUFFINGTON: Which one? From
12 which view? This is from the --

13 COMMISSIONER TURNBULL: Looking
14 up --

15 MS. BUFFINGTON: -- from Katzen.
16 So, this is looking north.

17 COMMISSIONER TURNBULL: Looking up
18 Mass.

19 MS. BUFFINGTON: This is looking
20 up.

21 COMMISSIONER TURNBULL: Well, no,
22 it's looking --

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1 MS. BUFFINGTON: Oh, the other
2 one.

3 COMMISSIONER TURNBULL: -- yes,
4 looking up the other way. Yes, this one. We
5 had the outline.

6 That really -- I -- it's up to
7 you, but I -- to me, that looks closer than 90
8 feet. It's really -- it's a judgmental look,
9 but it doesn't look -- to me, I think that
10 looks more like still 40 feet from the road.

11 MS. BUFFINGTON: You know, it's
12 really kind of interesting because at the last
13 hearing we showed these slides here and one of
14 the neighbors felt like we had it too far back
15 and we actually physically went out there and
16 someone stood there and we marked the trees on
17 the property and we didn't do it with the
18 other -- with that other view slide.

19 COMMISSIONER TURNBULL: Okay.

20 MS. BUFFINGTON: It's a little bit
21 to locate these things exactly in space with a
22 -- on a photograph.

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1 COMMISSIONER TURNBULL: Right. It
2 just looks to me -- just visually looking at
3 it, it really looks -- it ought to be further
4 back.

5 MS. BUFFINGTON: Well, you know --

6 COMMISSIONER TURNBULL: To me what
7 you're drawing shows.

8 MS. BUFFINGTON: Yes, well, we --
9 we actually located the building farther back
10 because we met with the neighbors and did a
11 balloon test on the site.

12 COMMISSIONER TURNBULL: All right.
13 You did.

14 MS. BUFFINGTON: And everybody was
15 comfortable with moving the building farther
16 back and I don't -- maybe -- I was not
17 actually there. So, maybe Jorge could speak
18 to that.

19 MR. ABUD: Good evening. Jorge
20 Abud with American University.

21 Yes, we did about two weeks ago do
22 a balloon test with a group of the neighbors

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1 and essentially located the height of the
2 building and those corners of the buildings
3 that are closest to Massachusetts Avenue.

4 I think the depiction -- that
5 depiction from Massachusetts Avenue from the
6 Wesley side is reasonably accurate, but it is
7 -- you know, it is a long distance away and
8 so --

9 COMMISSIONER TURNBULL: Right.

10 MR. ABUD: -- it tends to then
11 compress the distances.

12 COMMISSIONER TURNBULL: Do you see
13 on -- you were talking about how the property
14 that's there, city property, has basically --
15 the trees are not -- I don't think there's any
16 evergreen trees there. Are there?

17 MR. ABUD: There are very few.
18 They're mostly deciduous.

19 COMMISSIONER TURNBULL: Would you
20 be planting and of that then on your property?
21 Do you see going with a coniferous-type
22 planting to help?

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1 MS. BUFFINGTON: We certainly
2 could. We haven't identified actual plant
3 species though.

4 COMMISSIONER TURNBULL: It's your
5 call. I'm just trying to think of what the
6 neighbors' concerns are.

7 MS. BUFFINGTON: Yes.

8 MR. ABUD: There is the
9 opportunity to do that and certainly we would
10 be happy to do that. To introduce that mix of
11 evergreens.

12 COMMISSIONER TURNBULL: Yes, I'm
13 not a landscape architect. So, I don't know.

14 The other question which I have
15 and it's -- and I'm -- I was looking at your
16 July submission, July 18th and the October 6
17 and on July 18th, I was looking at page 9
18 which shows the floor plan of a typical unit
19 and in this submittal for October 6, it's page
20 4.

21 And help me out. Maybe I'm just
22 -- you've cut the building back, but you've

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1 added a floor on one wing.

2 MS. BUFFINGTON: Yes, just the bar
3 at the top of the building.

4 COMMISSIONER TURNBULL: At the
5 top. Now, on July 18th, it's as you know the
6 109,200 gross square feet total residential
7 two through seven and 18,200 gross square feet
8 for floor one and that adds up to about
9 127,400 square feet gross and what you have
10 now on your October 6 says your 126,500. It
11 shows it being smaller, but --

12 MS. BUFFINGTON: Yes, I --

13 COMMISSIONER TURNBULL: I just
14 feel that it ought to be more. I mean I know
15 you could because you're expanding. You're
16 going underground. You added more on side and
17 you cut back on the other, but you're adding a
18 floor.

19 MS. BUFFINGTON: Well, we -- yes,
20 we cut back --

21 COMMISSIONER TURNBULL: Could you
22 check those numbers at some point?

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1 MS. BUFFINGTON: Yes.

2 COMMISSIONER TURNBULL: Something
3 just didn't seem right. I mean I don't want
4 to make a big deal out of it.

5 MS. BUFFINGTON: Yes.

6 COMMISSIONER TURNBULL: And we're
7 shooting at -- 360 beds is the round number.

8 MS. BUFFINGTON: Yes.

9 COMMISSIONER TURNBULL: Except on
10 both plans, you know, in the fine print later
11 on, it says that in July you only had 354 and
12 now, you've got 358. I mean you're close to
13 360, but I know at some point in time certain
14 people are going to be really counting beds.
15 It might not be the university, but I'm sure
16 there are going to be people in the community
17 that are going to be counting beds. So, I
18 just want to be sure that we don't drop all
19 our stitches along here as we're going. That
20 360 is a general number.

21 MS. BUFFINGTON: Yes.

22 COMMISSIONER TURNBULL: And I do

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1 know that a lot of people are worried about
2 getting the numbers back on campus.

3 MS. BUFFINGTON: Yes.

4 COMMISSIONER TURNBULL: So, is
5 that right? Three fifty-eight is the --

6 MS. BUFFINGTON: Yes, right around
7 358/360 and we keep -- and it kind of depends
8 a little bit on, you know, there are just a
9 few -- when we -- how do I explain -- simplify
10 this?

11 You know, when we cut the end off
12 the one wing and added the bar on the top, it
13 had -- as you can imagine, you know, being an
14 architect, that it had a ripple effect.

15 COMMISSIONER TURNBULL: Yes.

16 MS. BUFFINGTON: And so, as a
17 result, in order to maintain the unit type, we
18 changed some of the other things in the plan
19 and so, that number has been moving around and
20 it's at 358. I think today as we're sitting
21 here it's at 358.

22 COMMISSIONER TURNBULL: Okay.

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1 Yes, and the floor plate on the top floor is
2 basically the same as the others. You've just
3 sort of lost the massing of the architectural
4 -- the frame.

5 MS. BUFFINGTON: Yes. But, you
6 know, we had to change the units up there
7 because we ended up with a dead end corridor.
8 So, you know.

9 COMMISSIONER TURNBULL: Yes, it's
10 a little different.

11 MS. BUFFINGTON: And it's just
12 stuff like that that you don't really -- you
13 can't really think through in a conceptual way
14 until you actually draw it.

15 COMMISSIONER TURNBULL: Now, on
16 some of the units by the glass, it looks like
17 you've got a brief solay effect or a sunshade
18 on some of those windows.

19 MS. BUFFINGTON: We do.

20 COMMISSIONER TURNBULL: But, I
21 didn't really see a good depiction of what
22 that looks like, but it looks like either like

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1 glass. You're using something.

2 MS. BUFFINGTON: Basically, it's a
3 glass wall with -- it's like a glass curtain
4 wall with a sunscreen on it.

5 COMMISSIONER TURNBULL: Okay. It
6 might be nice to see a depiction of that if
7 you have a better view or if you have a
8 drawing that shows that.

9 I mean I think it's a nice
10 articulation, but --

11 MS. BUFFINGTON: I don't -- I
12 don't think it shows really in the views that
13 we're showing here.

14 COMMISSIONER TURNBULL: Yes.

15 MS. BUFFINGTON: You can see it
16 somewhat on that end where the -- where that
17 lounge is and also at the entrance. We
18 certainly could give you a -- we could
19 certainly submit a drawing with more detail in
20 the area.

21 COMMISSIONER TURNBULL: Okay. I'd
22 appreciate that.

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1 MS. BUFFINGTON: Okay.

2 COMMISSIONER TURNBULL: You
3 mentioned -- the other main thing you
4 mentioned I don't know what it -- I mean we're
5 not going to get into it. But, you mentioned
6 that you're still working with the neighbors
7 on landscaping and screening. That's still a
8 work in progress then as to -- at different
9 various sides.

10 MS. BUFFINGTON: You know, I think
11 that we've agreed to work --

12 COMMISSIONER TURNBULL: Oh, have
13 you? Okay.

14 MS. BUFFINGTON: -- then and
15 certainly, you can see that when you look at
16 the view from Wesley and you saw that before,
17 there is opportunity there for the university
18 to add screening on that side and I know that
19 we've been talking to -- we've had a meeting
20 with the seminary and talked with them about,
21 you know, working with them both to protect
22 the trees on their side during construction so

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1 that we don't disturb their root zone, but
2 also then to supplement that planting on that
3 side. So, they really won't have to see the
4 building.

5 COMMISSIONER TURNBULL: Okay.
6 Well, thank you. Thank you, Mr. Chair.

7 CHAIRMAN HOOD: Thank you, Mr.
8 Turnbull. Any other questions? Vice
9 Chairman.

10 VICE CHAIRMAN SCHLATER: Are you
11 still asking for relief from the setback?

12 MR. TUMMONDS: Yes, for the, if we
13 will, bar of building that is 81 feet 8 inches
14 tall along the Wesley Seminary site.

15 VICE CHAIRMAN SCHLATER: Yes.

16 MR. TUMMONDS: Because the one-to-
17 one setback would require a 41 foot 8 inch
18 setback from the Wesley Seminary property
19 line.

20 VICE CHAIRMAN SCHLATER: Property
21 line.

22 MR. TUMMONDS: And so, we are

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1 proposing a 32-foot setback and really what
2 was -- the reason why we maintained that 32
3 feet which is what we had before was also the
4 relationship in maintaining the spacial
5 relationship between this building and the
6 President's Office Building.

7 We had some input from OP, from
8 the Historic Preservation Office that
9 maintaining that relationship was important
10 and I think that's what we've done. We
11 believe that a 32-foot setback along the
12 Wesley Seminary property line is appropriate
13 and for I'll say the majority of -- or I'll
14 say over half of the site that does satisfy
15 the setback requirement.

16 VICE CHAIRMAN SCHLATER: Okay.
17 Now, the measurement of the height of the
18 building off the internal street, is that
19 standard practice for these campuses?

20 MR. TUMMONDS: Yes, we believe it
21 is both in -- when you look at the Zoning
22 Regulations definition of building height and

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1 the Height Act definition of building height,
2 it refers to measuring from the middle of the
3 curb opposite the front of the building.

4 When we look at this site, you
5 know, we don't have a front of our building on
6 Massachusetts Avenue. That would be the most
7 realistic other opportunity to do that.

8 And similarly, on a campus like
9 American University's, when you have some
10 buildings that are further removed from
11 Nebraska, Massachusetts, that becomes a more
12 convoluted I think building measuring point if
13 we were to measure from Nebraska Avenue for
14 say the South Hall site. So, we think that's
15 appropriate.

16 It's an issue that comes up
17 truthfully not that often. Obviously, a
18 university like GW which is more on the street
19 grid, you have street frontages. It really
20 only comes up for American University,
21 Catholic to some degree and Georgetown.

22 VICE CHAIRMAN SCHLATER: Okay.

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1 The parking lot, how many cars are parked on
2 there on a daily basis?

3 MS. BUFFINGTON: Well, I don't --
4 well, Jorge.

5 MR. ABUD: Jorge Abud. The
6 capacity of the lot is 69 spaces. As much of
7 our parking is currently under utilized, I
8 think we have somewhere on the order of about
9 50 cars there peak periods.

10 VICE CHAIRMAN SCHLATER: Who parks
11 there?

12 MR. ABUD: It's a combination of
13 faculty and staff on a portion of the lot and
14 resident students on a portion of the lot.

15 VICE CHAIRMAN SCHLATER: Where are
16 they going to park after this starts
17 construction?

18 MR. ABUD: We have parking
19 available both in the Katzen Arts Center
20 Garage as well as the Sports Center Garage.
21 The Sports Center Garage being in the middle
22 of the campus and Katzen just across

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1 Massachusetts Avenue and we have surplus
2 parking in both those facilities.

3 VICE CHAIRMAN SCHLATER: Now, did
4 your campus plan -- did the transportation
5 study you submitted for the campus plan
6 address the loss of these parking spots?

7 MR. ABUD: Yes, it did. Our plan
8 overall envisions a reduction of the total
9 inventory parking by about 400 spaces over the
10 span of the life of the plan.

11 VICE CHAIRMAN SCHLATER: And just
12 keeping on that theme of parking, I noticed
13 from the plans that the number of bike parking
14 spaces is -- given the number of students that
15 are going to be living there who I imagine
16 largely rely on bikes for transportation or at
17 least I did when I was a college student, it's
18 certainly not going to accommodate all the
19 bikes of students.

20 What's the plan there?

21 MS. BUFFINGTON: Well, there will
22 be bike parking right in this -- you can see

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1 right off the lobby. Thank you, Richard.
2 There's bike parking shown right there.

3 This plan says 45 spaces. We're
4 really anticipating that it'll be 54 spaces
5 because that's the LEED requirement for
6 covered bike parking in a residential property
7 and again, you know, that's based on the
8 number of beds.

9 VICE CHAIRMAN SCHLATER: I note
10 that DDOT asked in their report that you
11 add --

12 MS. BUFFINGTON: They asked that
13 we add parking outside.

14 VICE CHAIRMAN SCHLATER: Outside.

15 MS. BUFFINGTON: Yes.

16 VICE CHAIRMAN SCHLATER: And is
17 that --

18 MS. BUFFINGTON: And we're going
19 to --

20 VICE CHAIRMAN SCHLATER: -- going
21 to happen?

22 MS. BUFFINGTON: -- have parking

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1 -- bike parking down at this end of the site.

2 Because we do think that people will ride
3 their bikes up here and park outside to use
4 the fitness center.

5 VICE CHAIRMAN SCHLATER: Yes, how
6 many?

7 MS. BUFFINGTON: Well, right now,
8 we're showing ten spaces.

9 VICE CHAIRMAN SCHLATER: So, that
10 doesn't seem like a lot.

11 MS. BUFFINGTON: I'm not sure
12 how --

13 VICE CHAIRMAN SCHLATER: Given the
14 size of the facility.

15 MS. BUFFINGTON: Yes, I'm not sure
16 how many people use bikes on campus that much.

17 MR. ABUD: That's not a -- because
18 our campus is fairly compact, it's not a
19 popular thing to ride a bike from one end of
20 the campus to the other. So, visiting the
21 fitness center, students are more likely to
22 walk.

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1 VICE CHAIRMAN SCHLATER: How about
2 people who just live there? If you're an
3 upper-classman who lives in this building.

4 MR. ABUD: I think the parking in
5 or the bike capacity in the 50 to 60 range is
6 consistent with our experience. We do have
7 parking available for each of our residents
8 halls. Sometimes in the building. Sometimes
9 right outside the building and so, the 50 to
10 60 number here is more than we typically have
11 in our existing halls of about this size.

12 VICE CHAIRMAN SCHLATER: Well, I
13 know we're doing this in our Zoning
14 Regulations generally, but I encourage you to
15 find more spaces. Because I think the more
16 convenient you make it for people to park
17 their bikes and store their bikes, the more
18 likely people are to actually have bikes on
19 campus.

20 And one of the problems we're
21 hearing in the overall campus plan hearings
22 obviously is, you know, car generated parking

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1 off campus. So, we want to discourage that as
2 much as possible. So, I would encourage you
3 to go back and sharpen your pencils and see if
4 you can provide some more bike parking.

5 I have a question in terms of
6 you're replacing this parking lot. Are you
7 cutting down any trees in order to build the
8 building?

9 MS. BUFFINGTON: No, there really
10 aren't any trees on this -- well, that's not
11 exactly true. I would say there is actually a
12 row of trees that's right along the edge.
13 There's like a retaining wall and there's a
14 row of -- what are they? Those really --
15 Leyland Cypress and so, yes, we are taking
16 down those trees and replacing them with a
17 plaza that come all the way across.

18 Other than that, we are not --
19 we're not really anticipating removing any
20 trees and any trees that were removed would be
21 replaced.

22 VICE CHAIRMAN SCHLATER: Can you

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1 submit for the record some of the photos? Did
2 you take photos when you did your balloon
3 test?

4 MR. ABUD: Yes, we have a few.

5 VICE CHAIRMAN SCHLATER: I think
6 it would be great if you submitted that.

7 MR. ABUD: Sure.

8 VICE CHAIRMAN SCHLATER: I don't
9 think we're going to be ruling tonight since
10 we're not allowed to.

11 But, I think that's it. Thank you
12 very much.

13 CHAIRMAN HOOD: Great. I don't
14 know. Anything's possible. All right.
15 Commissioner May.

16 COMMISSIONER MAY: Okay. Yes, I
17 have a couple of questions. There are just a
18 couple of notes that I didn't understand the
19 drawings and didn't understand from your
20 presentation about the architecture.

21 Fieldstone pattern, is it actually
22 fieldstone that's being precast or is it just

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1 something else that kind of looks like it and
2 is in the pattern?

3 MS. BUFFINGTON: You know,
4 actually, we started out with a fantasy that
5 we could get the precaster to do something
6 that looked like fieldstone, but it doesn't
7 and so, we are going to use fieldstone as a
8 facade material.

9 COMMISSIONER MAY: Okay. But, it
10 will be in a precast process?

11 MS. BUFFINGTON: It will be on a
12 precast panel.

13 COMMISSIONER MAY: On a precast
14 panel. Okay.

15 And then what is a textured
16 precast panel? I mean what are you imagining
17 that to be? Is it precast to look like brick
18 or something?

19 MS. BUFFINGTON: We actually have
20 two -- no, it's actually two different
21 textures. One is we have -- we're starting to
22 develop some samples with the precaster. What

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1 we want and what they can do.

2 COMMISSIONER MAY: Yes.

3 MS. BUFFINGTON: On the facade of
4 the building, let's see. There's basically --
5 can I get you to show the -- okay or he's got
6 pictures. No. Oh, just show. There's
7 actually two different -- there's like a --
8 yes, oh, that one.

9 There's two different patterns.
10 There's a deeper pattern and a more shallow
11 pattern so that we're getting different sort
12 of light and shade on the building and the --
13 and the deeper texture is a rib that's about
14 22 inches deep and the shallow pattern is a
15 rib --

16 COMMISSIONER MAY: Horizontal or
17 vertical?

18 MS. BUFFINGTON: Yes, horizontal.

19 COMMISSIONER MAY: Oh.

20 MS. BUFFINGTON: And the shallow
21 rib is about -- I think about an inch. So,
22 we're trying to use -- the proximity of the

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1 existing buildings which are so simple and so
2 plain has made us really look to creating
3 textures and using the texture of the material
4 and shadow and shade to create a variety of
5 experiences on the facade to help break down
6 the volume.

7 COMMISSIONER MAY: Um-hum.

8 MS. BUFFINGTON: And so, that's
9 really what we're looking at. We're looking
10 at actually a range of colors, but they're all
11 within a fair tight range of the stone and
12 precast colors that exist on campus and then
13 using the depth of the texture to create more
14 shade and shadow.

15 COMMISSIONER MAY: Okay. Yes, I
16 don't have any specific comments about things
17 that are good or bad in that regard.

18 I would just suggest that you be
19 very careful about it and make sure that you
20 understand how things are going to weather and
21 such because a lot, you know, a lot of
22 buildings look really good when they're built

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1 and then particularly when you're dealing with
2 these plainer materials that they wind up
3 with, you know, just soot running down them
4 and --

5 MS. BUFFINGTON: Yes.

6 COMMISSIONER MAY: -- they
7 discolor and there are ways to design it so
8 that those things can actually enhance the
9 design and there are ways to design it so that
10 it just makes it look awful.

11 MS. BUFFINGTON: We're actually
12 looking a self-cleaning precast.

13 COMMISSIONER MAY: Okay. I'm
14 interested to find out about that sometime.

15 MS. BUFFINGTON: Yes, it's a new
16 thing and it actually is some kind of -- it's
17 some kind of chemical reaction in the precast
18 that actually cleans itself.

19 COMMISSIONER MAY: Okay.

20 MS. BUFFINGTON: I'll tell you
21 more about -- I'll tell you more about it when
22 I see how it works.

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1 COMMISSIONER MAY: I'll look
2 forward to that someday. Okay. I would just
3 echo Vice Chairman Schlater's comments on the
4 bike parking.

5 You know, I've been on a number of
6 campus tours in the last two years myself and
7 certain campuses have a problem with bicycles
8 where students become very, very dependent on
9 them and as a result -- and the campus itself
10 is not well equipped or in some cases, they
11 try to be equipped and they put out lots of
12 bike racks and they're still overloaded.

13 I can think in particular in
14 Savannah at the College of Arts and Design
15 there are bikes just locked to everything in
16 sight. MIT had some of that, too.

17 I mean just -- so, I'm wondering
18 if you have those sorts of issues elsewhere on
19 the campus now with, you know, shortage of
20 bike parking.

21 MR. ABUD: We do to some degree.
22 We do twice a year capacity analysis of our

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1 bike racks and so, just about every year, we
2 add some in some location and we have several
3 thousand bike locations spread throughout the
4 campus.

5 That doesn't prevent people from
6 locking their bikes to the most convenient
7 handrail or door sometimes or light post.
8 That just happens.

9 But, that is something we pay a
10 lot of attention to and we're constantly
11 monitoring and trying to keep ahead of the
12 demand.

13 COMMISSIONER MAY: Right. Well,
14 toward that end I think having ten bike
15 locking positions, whatever, bike racks, out
16 in front of the fitness center is probably a
17 mismatch. I think so. You know, you really
18 need to plan for more space. Because a lot of
19 time the problem with putting in more of these
20 facilities is just where do you put them and
21 now's the best time to figure that out.

22 You know, towards this end the

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1 fact that you made the changes in the design
2 from the early submission for the indoor
3 parking, I mean it was way in the back.
4 Nobody was going to use that. There was lock
5 up up front, you know. So, I'm glad that
6 moved.

7 MS. BUFFINGTON: I think that's a
8 very good point.

9 COMMISSIONER MAY: Where it is
10 right now I think is really good. It's
11 convenient to the elevators and all that sort
12 of stuff. So, I think it'll get good use.

13 I would note that we received a
14 letter in support of this from the Wesley
15 Seminary and I think that was important to
16 know. Because I was wondering how they
17 thought about this since they're the ones who
18 are most closely impacted by the tall
19 building.

20 Of course, I would have expected
21 that if you had any sort of disagreement with
22 them that since you have a joint program in

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1 conflict resolution, you guys definitely would
2 have figured it out. Right?

3 I had the same question as Vice
4 Chairman Schlater on the measurement of height
5 and so, I'm going to assume that that is a
6 fairly standard thing although it raises a
7 whole bunch of other questions I think I'll
8 have to puzzle through on my own.

9 But, I do have a question about
10 the measurement that I see on page 12 of the
11 October 6th submission and on that drawing,
12 what we see is it's a section and it gives us
13 the 81-foot 8-inch measurement at the Wesley
14 Seminary side. It's -- are we looking at the
15 same thing?

16 MS. BUFFINGTON: Yes, we are.

17 COMMISSIONER MAY: All the way on
18 the right side there.

19 MS. BUFFINGTON: Yes.

20 COMMISSIONER MAY: And you see
21 where the -- it seems to be the line that is
22 indicating the top of the 81-foot 8-inch

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1 measurement seems to be a few feet below the
2 top of the building.

3 MS. BUFFINGTON: I think it's to
4 the roof.

5 COMMISSIONER MAY: It's to the
6 roof and not to the parapet. Is that what
7 we're seeing?

8 MS. BUFFINGTON: That looks like
9 what we're showing. Yes.

10 COMMISSIONER MAY: Okay. You
11 know, in this circumstance, I don't know if we
12 measure to the roof or to the parapet.
13 Sometimes we do and -- sometimes we do one and
14 sometimes we do the other and I don't know
15 what the finer point is in this sort of a
16 measurement case. So, I would just -- I would
17 want to have that clarified. I don't think it
18 really changes anything substantive, but it
19 would be helpful to know the answer to that
20 and if this --

21 MS. BUFFINGTON: Okay.

22 COMMISSIONER MAY: -- if it needs

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1 to be a different number, great or if it needs
2 to clear that it's measured to the top of the
3 roof proper and not the parapet.

4 MR. TUMMONDS: But, I mean this is
5 where it's -- so, at this -- in those
6 districts in which the height of the
7 building's proven to be 90 feet or greater,
8 the height of the building shall be measured
9 to the highest point of the roof or the
10 highest point of the roof excluding parapets
11 not exceeding 3 feet in height. So.

12 COMMISSIONER MAY: Okay. But,
13 it's not 90 feet or greater.

14 MR. TUMMONDS: But, I guess this
15 goes to the notion of (a) we are allowed
16 pursuant to 400.9 --

17 COMMISSIONER MAY: Oh, to go to 90
18 feet.

19 MR. TUMMONDS: Yes. So, again,
20 it's one it seems where, you know --

21 COMMISSIONER MAY: Yes.

22 MR. TUMMONDS: It's not exactly,

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1 but I think this would -- I would make this --
2 we're saying that this would be a case where
3 the parapet is not required to be --

4 COMMISSIONER MAY: Measured.

5 MR. TUMMONDS: -- included because
6 we are allowed to go to 90 feet.

7 COMMISSIONER MAY: Okay. Okay. I
8 think it's worth noting on the drawing that
9 it's to the top of roof and, you know,
10 parapets not in the measurement or something
11 like that. Just so that if somebody else --

12 MS. BUFFINGTON: We can do that.

13 COMMISSIONER MAY: -- looks at
14 this in the future and tries to find some
15 precedent for it, you know why.

16 I think that's it. Thanks.

17 CHAIRMAN HOOD: Great. Any other
18 questions? Okay. Let's see if we have any
19 cross examination.

20 Chairman Smith, ANC 3D, any cross?

21 MR. SMITH: My name is Tom Smith,
22 Chair of ANC 3D.

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1 I have to apologize up front. I
2 hurt my back a couple of days ago. So, if I
3 wince, it's not because of the response.

4 Am I correct in saying that you
5 argue in your application that the property is
6 unique and qualifies for a variance in part on
7 the basis that the property line is set back
8 from the sidewalk and the public street?

9 MR. TUMMONDS: I think we're
10 arguing the extensive setback. Typically, 41
11 -- a property line that is set back 41 feet
12 from a sidewalk as is this case along
13 Massachusetts Avenue, that is not a typical
14 situation.

15 MR. SMITH: Do you know what the
16 property line setbacks are for residences
17 along Massachusetts Avenue from the edge of
18 the public sidewalk or street?

19 MR. TUMMONDS: I do not.

20 MR. SMITH: Would it surprise you
21 to find out that --

22 MR. TUMMONDS: I don't know.

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1 MR. SMITH: So, then given the
2 fact that the setbacks for the residences
3 along Massachusetts Avenue are actually more
4 than the 40 feet, how does this setback then
5 for Massachusetts Avenue make this property
6 unique?

7 MR. TUMMONDS: When you look at
8 the test for what is uniqueness, there is the
9 notion of a confluence of factors. We believe
10 that that is one factor that makes this
11 property exceptional. Subject to an
12 exceptional situation.

13 The other factors that we looked
14 at were the topography of the site as Ms.
15 Buffington mentioned. There is significant
16 grade change not just from Massachusetts
17 Avenue, but along the site itself and then
18 finally, we think that the other buildings in
19 and around the site particularly the
20 President's Office Building is a factor that
21 goes to the exceptional situation or
22 condition. We believe it is the confluences

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1 of those factors that make this project --
2 this property unique.

3 MR. SMITH: Thank you. Why do you
4 need so much space between North Hall and the
5 President's Office Building? Why do you need
6 so much open space between them?

7 MS. BUFFINGTON: Well, I think
8 that we would argue that the President's
9 Office Building is -- I mean it is a two-story
10 residential scale building and for it to
11 continue to exist in its current situation, it
12 needs to have enough property around it that
13 it maintains its integrity as a property. I
14 think -- I don't know how else to express that
15 except that it -- when you give it enough
16 breathing room from an adjacent building that
17 is at least somewhat taller than it is, it
18 allows it to continue to be comfortable on its
19 site.

20 MR. SMITH: Does it have anything
21 to do with possible future uses of the
22 President's Office Building since the

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1 President will be moving to the East Campus?

2 MR. ABUD: No, it's really what
3 Ms. Buffington said about the spacial
4 relationship between the new building and the
5 existing building.

6 MR. SMITH: But, then how does
7 reducing the space between North Hall and the
8 President's Office Building make compliance
9 with the variance requirements burdensome?

10 MR. TUMMONDS: As we've said, the
11 portion of the North Hall Building that is 81-
12 feet 8-inches tall would be required to be set
13 back from the Wesley Seminary property line a
14 distance of 41 feet 8 inches. We are
15 proposing a 32 foot setback.

16 So, if we were required to move
17 the building back or move the building closer
18 to the President's Office Building by
19 approximately 9 feet, we believe that that
20 would be detrimentally impacting that spacial
21 relationship between North Hall and the
22 President's Office Building.

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1 MR. SMITH: Okay. Thank you. Do
2 you also argue in your application that the
3 variance is justified because of the priority
4 that you're placing on building new student
5 housing as part of the campus plan cycle?

6 MR. TUMMONDS: We believe that one
7 of the components of the practical difficulty
8 that is created is the idea of creating a
9 significant number of beds on campus as noted
10 in the campus plan, as noted in the
11 alternative framework plan prepared by
12 Rhodeside & Harwell. We think that those are
13 appropriate factors for the Zoning Commission
14 to look at in addressing the satisfaction of
15 the practical difficulty standard.

16 MR. SMITH: Would it not be
17 possible to redesign the building to house at
18 least the proposed number of students if not
19 more and still comply with the setback
20 requirements?

21 MR. TUMMONDS: Again, we believe
22 that the -- the practical standard is a

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1 standard of whether it's unnecessarily
2 burdensome to satisfy the requirements. We
3 believe that it would, in fact, be
4 unnecessarily burdensome to redesign the
5 building to justify this rather small area of
6 relief we're requesting for a portion of the
7 building along the Wesley Seminary property
8 line.

9 MR. SMITH: When this building's
10 completed, how many students will be housed at
11 the North Campus Residence Halls?

12 MR. ABUD: The existing North
13 Residence Hall Complex now houses
14 approximately 1100 students. So, we would be
15 adding about 360 to that for a total of 1460.

16 MR. SMITH: Do you know what
17 percentage of the total housing that would be
18 on the campus?

19 MR. ABUD: Well, our campus plan
20 goal is to have a total of 4300 beds. So,
21 this representing 1460 out of 4300.

22 MR. SMITH: It's about a third.

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1 Given the large number of people
2 that you are going to have concentrated in
3 that site, did you ever consider putting some
4 campus serving retail on the first floor, on
5 the ground floor of this building as opposed
6 to the fitness center?

7 MR. ABUD: We did discuss that as
8 an option and opted against it because we felt
9 the location of the building and the
10 particular entry area would not attract enough
11 people to make a retail location there
12 successful.

13 MR. SMITH: Going back to the
14 question about the elevations, am I right in
15 saying looking at page 12 in Section A, the
16 same photo that was being asked about before
17 by Commissioner May, that the elevation level
18 at the top of the building at the point where
19 it meets the Wesley Seminary property is 470
20 feet? Is that correct? It's 470? The
21 elevation level. I'm not talking about the
22 height of the building. I'm talking about the

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1 elevation level. Isn't that what that 470 is
2 there?

3 Mass Avenue is at 354. So, is the
4 470 --

5 MS. BUFFINGTON: The 470 is to the
6 top of the penthouse.

7 MR. SMITH: Right. That's the
8 elevation level of the proposed new building
9 at its highest point. Right? Along --

10 MS. BUFFINGTON: It's the top of
11 the penthouse which is only -- it's a portion
12 of the -- you know, it's above the roof.

13 MR. SMITH: That's the highest
14 point of the building. Correct?

15 MS. BUFFINGTON: Yes.

16 MR. SMITH: And that's the part
17 that will be along the Wesley Seminary
18 property line?

19 MS. BUFFINGTON: No, it's kind of
20 -- the penthouse typically is smaller than the
21 top floor. It has to be set back. The height
22 of the -- however high the wall of the

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1 penthouse is it has to be set back that far
2 from the edge of the building.

3 MR. SMITH: Okay.

4 MS. BUFFINGTON: And it will --
5 this penthouse because that's a bar along the
6 top will run inside that other bar.

7 MR. SMITH: So, then what will be
8 the elevation level at the highest point of
9 the building along the Wesley Seminary? At
10 that corner there. It's a corner. Right?
11 It's the corner of the building there.

12 MS. BUFFINGTON: Yes.

13 MR. SMITH: At the Wesley Seminary
14 property line. Is that the 455? Is that
15 what --

16 MS. BUFFINGTON: The elevation,
17 yes, to the roof is 455.

18 MR. SMITH: Four fifty-five.

19 MS. BUFFINGTON: Yes.

20 MR. SMITH: Okay. And then do you
21 know what the elevation level would be from
22 the top -- at the top of the President's

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1 Office Building?

2 MS. BUFFINGTON: No, I don't
3 actually know what that information is.

4 MR. SMITH: Do you know what the
5 elevation level would be from the top of the
6 Katzen Arts Center?

7 MS. BUFFINGTON: I don't have that
8 information with me. No.

9 MR. SMITH: Do you think -- based
10 on what you know, do you think it would be
11 lower than what -- than the 455?

12 MS. BUFFINGTON: Yes, because the
13 Katzen Arts Center is -- the base of the
14 Katzen Arts Center is lower and it's a two-
15 story building.

16 MR. SMITH: Yes, it's the only
17 two-story building.

18 MS. BUFFINGTON: Right.

19 MR. SMITH: Okay. Um-hum. What
20 did the balloon test show? Also, can you say
21 -- when did you contact -- can you just
22 indicate when you conducted the balloon test?

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1 MR. ABUD: I don't remember the
2 exact date. We were all there. What the
3 balloon test showed was where the top of the
4 building would be at the two corners closest
5 to Massachusetts Avenue and frankly, I think
6 there was some difference of opinion about
7 whether the building would be above the trees
8 or below the trees. I think depending on
9 where you looked at it from -- and who looked
10 at it, there was difference of opinion about
11 that.

12 My opinion was that certainly if
13 you look down from -- or from a location on
14 Wesley's driveway or Massachusetts Avenue, the
15 trees were going to block much of the
16 building. Even if you looked at it from a
17 vantage point close to the President's Office
18 Building where the plane of the trees and the
19 plane of the balloons as it mimicked the
20 building height, to me, it looked like the
21 trees were above -- some of the trees were
22 above the building height. Some of the

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1 neighbors that were there didn't think that
2 was the case.

3 MR. SMITH: Okay. But, you do
4 have photos that --

5 MR. ABUD: Yes.

6 MR. SMITH: Okay. What type of
7 access will there be to this building from the
8 Spring Valley Community?

9 MR. ABUD: To the building itself,
10 all our residence halls are access controlled
11 and only the residents or their guests are
12 allowed in the building. So --

13 MR. SMITH: I'm not talking about
14 inside the building. I'm talking about to the
15 site where you're planning to build the North
16 Hall. What type of access will there be to
17 that site? How does someone access that site
18 from Spring Valley?

19 MR. ABUD: There's currently a
20 stair that connects the site to the Wesley
21 Seminary driveway that's been shown in several
22 of the pictures. That stair will remain.

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1 MR. SMITH: Is that stairway on
2 your property?

3 MR. ABUD: No, it's on Wesley
4 Seminary Property.

5 MR. SMITH: And are you planning
6 on maintaining that stairway going up there or
7 are you going to block it off somehow or are
8 you going to do -- are you making -- are you
9 doing anything to limit access -- easy access
10 of the students into the Spring Valley
11 Community from that site?

12 MR. ABUD: We are not. What
13 happens to the stair is Wesley Seminary's
14 decision. We have had conversations with them
15 and we have proposed that we see how it works
16 once the building is built and whether or not
17 they'd like to block it off.

18 MR. SMITH: Okay. Relative to the
19 facades, will any of the stone that you're
20 talking about on the side facing either Mass
21 Avenue or Wesley Seminary be red or resemble
22 red brick?

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1 MS. BUFFINGTON: No, we're using
2 the materials that are currently being used on
3 campus which are a limestone like -- limestone
4 -- limestone like recast or actually they do
5 have a little bit of brick, but it's not red
6 brick and then there is fieldstone in a bunch
7 of site walls and sort of landscaped detailing
8 around the campus.

9 MR. SMITH: But, don't some of the
10 drawings in here kind of resemble -- don't
11 they look almost brick-like when you -- some
12 of your photos of the -- your renderings of
13 the new building?

14 MS. BUFFINGTON: They're not
15 brick. The fieldstone has -- some of the -- I
16 think what you think is brick is actually
17 fieldstone and there is some of the -- the
18 range that we're looking at in the fieldstone
19 does have some -- it has some warmer tones in
20 it. It's browns as well as the cool grays.

21 MR. SMITH: So, it's not this
22 reddish look that's in -- on page 9 of these?

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1 MS. BUFFINGTON: I think it's very
2 difficult to accurately depict something like
3 stone in a rendering and that is meant to
4 represent fieldstone.

5 MR. SMITH: And what are the
6 facades of the neighboring buildings at Wesley
7 Seminary?

8 MS. BUFFINGTON: They are for the
9 most part red brick.

10 MR. SMITH: And what about the
11 homes in the immediate area?

12 MS. BUFFINGTON: There are a lot
13 -- there's certainly a lot of brick houses in
14 the immediate area.

15 MR. SMITH: Also, relevant to the
16 trees that we're talking about, isn't there
17 currently a problem with the trees at the
18 site? I'm trying to think how to phrase this
19 and this is really -- I only have one more
20 question after this, but isn't there a problem
21 that your landscape folks have identified with
22 the trees at the site?

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1 MR. ABUD: Some of the trees at
2 the very top of the hill that are on our
3 property, our landscape architects would term
4 as trash trees because they just grew up on
5 their own. We didn't plant them there. They
6 might be twisted, might not be the best
7 looking things. So, that might be what you're
8 referring to.

9 MR. SMITH: Well, haven't you lost
10 a lot of coverage over the last ten years in
11 that area of trees and shrubs and bushes and
12 the like?

13 MR. ABUD: I wouldn't say that's
14 the case. No.

15 MR. SMITH: Okay. Are those
16 mostly all pines there?

17 MR. ABUD: No, they're mostly
18 deciduous trees.

19 MR. SMITH: Okay. My last
20 question. Why did you move the building back
21 40 feet instead of only the 23 feet that was
22 approved by the ANC?

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1 When I say moving back, moving
2 back from Mass Avenue.

3 MR. TUMMONDS: The building was
4 moved back to satisfy the one-to-one setback
5 requirement to maintain the same number of
6 stories, but then have that setback that is
7 required so we would not be seeking relief for
8 the portion of the building adjacent to the
9 Massachusetts Avenue property line.

10 MR. SMITH: And that's why you
11 moved the building back 40-some feet?

12 MR. TUMMONDS: And to address the
13 questions that had been raised by ANC 3D, by
14 Spring Valley Wesley Heights Citizens
15 Association, by Neighbors for a Livable
16 Community.

17 MR. SMITH: But, didn't ANC 3D say
18 that it was okay to move back 23 feet instead
19 of 40-some feet?

20 MR. ABUD: Yes, that was the case,
21 but we thought it worked better to move it
22 back further still because of the concern that

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1 had been raised about views from Massachusetts
2 Avenue and so, moving it back an additional 20
3 feet, we thought would be more satisfactory to
4 the surrounding community.

5 MR. SMITH: By doing that, do you
6 lose housing? Do you lose beds at the site?

7 MR. TUMMONDS: No, actually, by
8 increasing that setback and then adding that
9 eighth floor along the line parallel to the
10 Hughes, Leonard and McDowell Halls we're able
11 to maintain that 360 -- approximately 360
12 residential beds.

13 MR. SMITH: Okay. Thank you.

14 CHAIRMAN HOOD: Okay. Thank you.

15 Let's go to the Spring Valley Neighbors for a
16 Livable Community party. I don't know what
17 you all want to call yourselves.

18 DR. KRASKIN: You did fine.

19 CHAIRMAN HOOD: Okay. Thank you.

20 DR. KRASKIN: I'm Dr. Jeffrey
21 Kraskin. I'm going to try and do this as
22 quickly as I can so we can move on.

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1 Regarding the trees which one of
2 the Commissioners asked about removing trees
3 and the answer was there wasn't really any to
4 really, if I heard it right, to be removed.
5 Except when we were at that site, did we not
6 talk about that there will be trees that are
7 presently mature trees that will have to come
8 down?

9 MS. BUFFINGTON: Well, the trees
10 that I know of that are going to be removed
11 which are mature trees are along that edge of
12 the property which faces McDowell Hall. That,
13 in fact, there's a retaining wall there
14 because of the way the parking area is at a
15 higher level and they are -- I think there are
16 -- there are a row of Leyland Cypress at the
17 top of that wall.

18 DR. KRASKIN: Just to clarify,
19 there is one tree that's just to the west of
20 the building between the proposed building and
21 the Wesley Seminary property line that
22 technically doesn't have to be removed, but

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1 since half of its canopy would run into the
2 building, it's likely not to survive the
3 ordeal.

4 So, to be -- I'm one that likes
5 full disclosure, full honesty. The answer to
6 your question is there are some mature trees
7 that because of the canopies will have to be
8 removed.

9 CHAIRMAN HOOD: I think --

10 DR. KRASKIN: Okay.

11 CHAIRMAN HOOD: -- at least, Dr.
12 Kraskin, I think that she did -- they did
13 modify that answer.

14 DR. KRASKIN: Thank you.

15 CHAIRMAN HOOD: And I just ask
16 that you ask your questions to them.

17 DR. KRASKIN: I will do that.

18 CHAIRMAN HOOD: Commissioner
19 Schlater and the rest of us, we'll ask ours.
20 So, just help us out with that.

21 DR. KRASKIN: I will do so, sir.

22 In your photos that you have, your

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1 slides today, in slide 15 compared to slide 27
2 which you're looking at -- you can go with
3 this slide -- there's 27 right there. The
4 facade of the building, can you please explain
5 that finish to us? Is that the actual finish
6 or is that just for this picture's sake?

7 MS. BUFFINGTON: Oh, well, the
8 base would be -- the base is the -- is the
9 same fieldstone coming around and then that
10 metaframe sits on top of it. What you're kind
11 of seeing here -- and I understand your
12 question because you're saying why am I not
13 seeing the fieldstone coming around because
14 I'm seeing it on this -- on 15. The grade is
15 going up there. So, if you notice that when
16 you look at the first floor, most of the first
17 floor is buried in the ground. So, what
18 happens is as that fieldstone base which is
19 only on the first floor comes around, it gets
20 buried into the hill and so, 15 is just not a
21 very good depiction of the actual grade around
22 the base of the building.

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1 And I don't know. You could see
2 it in a model or if I could -- if you could
3 clearly see the way this is, but if you look
4 at the first floor plan of the building, let
5 me go back and show it. The reason that we
6 don't have any -- we're showing just the
7 development of the front part of the site here
8 and we don't show -- try to use -- do any kind
9 of housing on the back of the site along the
10 Wesley side of the property or have a full
11 residential level there is that when you get
12 back to where it's kind of shown as the
13 mechanical unit, it's buried into the site.
14 The bottom -- the entrance level of the
15 building is lower and the building kind of
16 gets buried back as the hill keeps going up
17 and you can kind of see that on the section or
18 you can see it on the floor plan.

19 DR. KRASKIN: In slide 27?

20 MS. BUFFINGTON: Yes.

21 COMMISSIONER MAY: Can I interrupt
22 for just a second?

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1 I'm curious. It raises the
2 question. There's a -- the wall all the way
3 to the left of what is called storage there.

4 MS. BUFFINGTON: Um-hum.

5 COMMISSIONER MAY: That's a
6 different thickness of line and that indicates
7 what? Is that a similar treatment of a wall
8 surface?

9 MS. BUFFINGTON: No, I just think
10 it's not drawn accurately. We don't know how
11 big the storage is going to be. There's going
12 to be a certain amount of sort of
13 undeveloped --

14 COMMISSIONER MAY: And it really
15 has nothing to do with storage. It's also
16 next to that unexcavated portion of wall. I
17 mean of the floor.

18 MS. BUFFINGTON: I'm being told
19 it's a louver.

20 COMMISSIONER MAY: It's a louver.
21 Okay. So, maybe that's what we're seeing as
22 we look up the hill?

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1 MS. BUFFINGTON: You are seeing a
2 piece of louver in that rendering. Yes.

3 COMMISSIONER MAY: Right. Okay.
4 Thanks.

5 MS. BUFFINGTON: Because the
6 mechanical units will need fresh air.

7 COMMISSIONER MAY: Understandably.

8 DR. KRASKIN: Can you tell us
9 about the floor-to-ceiling windows that appear
10 to be facing Massachusetts Avenue in the
11 design? If you look at page -- if you look at
12 a floor plan, you can see that the corner
13 facing towards Wesley Seminary and
14 Massachusetts Avenue appears to have floor-to-
15 ceiling windows. Can you explain to me about
16 the treatment of those windows or how that
17 will be affecting the lighting?

18 MS. BUFFINGTON: Well, there are
19 windows that are on the corner there facing
20 Massachusetts Avenue and facing Wesley
21 Seminary and they will -- all of the --
22 currently all of the residential units in all

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1 of American University's buildings do have
2 blinds. There's a specific type of blind that
3 they've asked us to specify for these
4 buildings and they will be full-height blinds.

5 DR. KRASKIN: Okay. You do not
6 have a winter view. Correct? Of landscaping
7 of any -- of how this property looks with
8 winter?

9 MS. BUFFINGTON: No, we do not.

10 DR. KRASKIN: Mr. Tummonds, you
11 mentioned that -- I believe you mentioned that
12 we've been meeting, the Citizens Association.
13 Correct? In your --

14 MR. TUMMONDS: Yes, I did mention
15 that.

16 DR. KRASKIN: In reference in the
17 campus plan if I can, just trying to compare
18 to Nebraska Hall, can you tell me or can Mr.
19 Abud, somebody tell me how early did you all
20 begin to meet with the community? Was that at
21 their request or your request on Nebraska Hall
22 compared to North Hall?

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1 MR. ABUD: I think in both -- I
2 don't have a memory of what the length of time
3 was. In both cases, we met with the community
4 when we thought we had enough design done to be
5 able to speak about the features of the
6 building and how it would work and how it
7 would look.

8 DR. KRASKIN: And in the Nebraska
9 Hall which is only a three-story building, yet
10 it sits approximately 97 feet back. Is that
11 correct? From Nebraska Avenue.

12 MR. ABUD: I don't know what that
13 distance is.

14 DR. KRASKIN: I'm just reading it
15 from -- okay. All right. And as I also
16 understand here, do you know if this is true
17 that the Nebraska Hall though in all of these
18 meetings with Fort Gaines Association that you
19 all made an agreement to allow them to have
20 meeting space in the Nebraska Hall?

21 CHAIRMAN HOOD: Mr. Kraskin --

22 DR. KRASKIN: I'm trying to

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1 understand in our meeting, sir.

2 CHAIRMAN HOOD: Yes, I understand
3 that, but it would be good if we could talk
4 about North Hall. All this about -- unless
5 you can show your relevance relationship.
6 But, I can tell you this I'm getting comments.

7 When you're the Chair, you get comments, you
8 get faces, you get --

9 DR. KRASKIN: I know. Okay.

10 CHAIRMAN HOOD: Nobody kicked me
11 tonight. So, I appreciate that.

12 DR. KRASKIN: I'll be happy to --
13 I'll leave it at that.

14 CHAIRMAN HOOD: So, work with me
15 and that way -- okay. So, you get -- you know
16 where I am. Okay.

17 DR. KRASKIN: I know where you
18 are, sir.

19 CHAIRMAN HOOD: Thank you.

20 DR. KRASKIN: Thank you.

21 CHAIRMAN HOOD: I mean you didn't
22 have to stop. I just --

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1 DR. KRASKIN: That's okay. Let's
2 move on.

3 CHAIRMAN HOOD: All right. Now, I
4 think let's go to the report of Office of
5 Planning.

6 MS. JACKSON: Good evening, Chair,
7 Members of the Board. For the record, my name
8 is Arlova Jackson with the Office of Planning.

9 The Office of Planning supports
10 American University's efforts to increase the
11 amount and improve the quality of student
12 housing on campus as provided for in the North
13 Hall proposal and finds that the project meets
14 the general conditions for approval of special
15 exception requests, those applicable to campus
16 plan further processing requests found in
17 Section 201 of the Zoning Regulations as well
18 as the test for variance relief.

19 Our staff report provides more
20 detailed analysis of the request against these
21 review criteria. So, I won't repeat it here.

22 I would just say that we recommend

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1 approval subject to approval of the 2011
2 Campus Plan and also support the comments from
3 DDOT requesting additional bicycle parking and
4 we would take any questions you have at this
5 time.

6 CHAIRMAN HOOD: Okay. Thank you,
7 Ms. Jackson.

8 Can you just summarize what the --
9 and I know it's in your report somewhere. Oh,
10 here it is. Page 9 about the Metropolitan
11 Police Department and all that they said about
12 the discussions and everything, can you just
13 summarize what their conclusion was?

14 MS. JACKSON: They were talking
15 about I guess dialogue that's taken place
16 between the University and the local ANCs and
17 the comments that they've received throughout
18 that process.

19 So, it was -- it seemed to be more
20 of a factual relaying of events. There
21 commentary is that they have a good
22 relationship with their police department and

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1 because of that, they didn't have really any
2 issues with the expansion proposed here.

3 CHAIRMAN HOOD: Okay. That's kind
4 of where I wanted to go. I wanted to make
5 sure I understood exactly through all of that
6 where they ended up and I thought that's
7 exactly where I thought they ended up.

8 Okay. Thank you.

9 Any other questions, Commissioners
10 and Office of Planning? Commissioner May.

11 COMMISSIONER MAY: Yes, I just
12 want to get your take on the two height
13 questions that were raised before. One is
14 whether measurement from the curb opposite the
15 front of the building is the right way to go
16 on a campus situation like this and then the
17 second one is the measurement to the top of
18 the roof as opposed to the parapet?

19 MS. JACKSON: Well, these were
20 probably the first two issues we raised with
21 the Applicant when they came in to talk to us.
22 We did work with them to look at other

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1 precedents throughout this particular campus,
2 throughout other universities that have an
3 internal roadway system that is public, but
4 private.

5 COMMISSIONER MAY: Right.

6 MS. JACKSON: It's privately
7 owned, but it's publicly accessible and how
8 those other buildings have been measured.

9 We agreed with the Applicant after
10 reviewing these other campuses that indeed
11 this was the historic practice and we did
12 agree also with the interpretation that Mr.
13 Tummonds relayed about the section that allows
14 a 90-foot building as part of a campus plan in
15 this case. Thus allowing it to be measured to
16 the roof. So, we agreed with those.

17 COMMISSIONER MAY: Okay. That's
18 what I was looking for. Thank you.

19 CHAIRMAN HOOD: Okay. Any other
20 questions? Okay. Do we have any cross
21 examination, Mr. Tummonds?

22 MR. TUMMONDS: No.

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1 CHAIRMAN HOOD: Okay. Does the
2 ANC have any cross examination, Chairman
3 Smith?

4 MR. SMITH: Could you share with
5 us when you first saw the plans for this
6 building?

7 MS. JACKSON: Sorry. For the
8 revised? For the October 6th?

9 MR. SMITH: Yes.

10 MS. JACKSON: It had to be maybe
11 the week beforehand. I don't remember the
12 exact date.

13 MR. SMITH: Okay. At that time,
14 were you presented with an alternative design?

15 MS. JACKSON: We saw a couple of
16 options. Yes.

17 MR. SMITH: And can you share with
18 us what issues you had with those other
19 options?

20 MS. STEINGASSER: The other
21 options were never submitted. There were a
22 lot of design iterations that were worked out

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1 through this process.

2 MR. SMITH: Would it be fair to
3 say that the Office of Planning rejected one
4 of the other alternative designs?

5 MS. STEINGASSER: No, it would
6 not.

7 MR. SMITH: I don't mean this
8 harshly, but I'm just trying to figure out
9 something here and so, please excuse me if
10 this comes off too badly, but why is your
11 recommendation for this further processing so
12 significantly different from OP and the Zoning
13 Commission during the last two campus plan
14 cycles for this same site?

15 MS. STEINGASSER: Well, I don't
16 have any of that previous information, but
17 previously as part of the campus plan, the
18 site was not part of that campus plan.

19 The assumption here and our
20 recommendation is contingent upon the Zoning
21 Commission approving the campus plan which
22 would indeed identify the site for housing.

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1 MR. SMITH: Okay. Do I understand
2 correctly then you didn't look at what OP
3 recommended for this site ten years ago and 20
4 years ago or what the Zoning --

5 MS. STEINGASSER: The application
6 before us is submitted on the presumption that
7 the Zoning Commission will approve a campus
8 plan.

9 MR. SMITH: Okay.

10 MS. STEINGASSER: And our
11 recommendation follows suite.

12 MR. SMITH: I follow. Thank you
13 very much. That's helped. That's very
14 helpful.

15 To your knowledge, has AU agreed
16 in any conversations with you all to reduce
17 the number of students housed on the East
18 Campus in return for increasing the number of
19 students that are housed in this structure as
20 opposed to what they originally proposed for
21 this structure when they submitted their
22 campus plan?

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1 Do you want me to try to diagram?

2 MS. STEINGASSER: That's a lot of
3 presumptions. We reviewed what was submitted
4 before us. There was a lot of negotiation
5 that's still pending before the Commission on
6 the campus plan and the housing that will be
7 on the North -- the East Campus.

8 MR. SMITH: Okay. Okay. On page
9 13 of your June 2nd recommendation, you
10 mentioned that you encourage AU to study
11 further how existing site topography can be
12 utilized to either lower the building height
13 or mitigate its appearance from Massachusetts
14 Avenue.

15 What has AU done in this further
16 processing application to utilize the existing
17 topography to either lower the building height
18 or mitigate its appearance from Massachusetts
19 Avenue?

20 MS. STEINGASSER: Are you
21 referring to our report on the campus plan
22 itself?

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1 MR. SMITH: Yes, on June 2nd, 2011
2 with reference to the North Hall proposal
3 which is the one that was to house 200
4 students. It says we would -- it's the top of
5 page 13. We would encourage AU to study
6 further how existing site topography can be
7 utilized to either lower the building height
8 or mitigate its appearance from Massachusetts
9 Avenue.

10 So, I guess -- so, my question is
11 why has AU done to utilize the existing
12 topography to either lower the building height
13 or mitigate its appearance from Massachusetts
14 Avenue that would earn your support for this
15 further processing application?

16 MS. JACKSON: Well, at that time,
17 the design of the building wasn't complete and
18 so, we were anticipating that through a
19 further processing application, we would get
20 more information and could better assess what
21 the impact would be.

22 The current design in our minds

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1 achieves it because it pushes the bulk of the
2 height towards the center of the campus away
3 from the street and it does because of the
4 topography create a view from Massachusetts
5 Avenue of a building that isn't as many
6 stories as it actually it.

7 So, part of it was our letting AU
8 know that we wanted them to consider that as
9 they moved further in the actual design of the
10 building and that when it came through
11 processing, these were things that we wanted
12 to see.

13 MR. SMITH: Okay. Thank you.

14 CHAIRMAN HOOD: Okay. Let's see
15 if Spring Valley Livable Communities Group --

16 DR. KRASKIN: This is Dr. Kraskin
17 again.

18 To follow up, actually, Mr. Smith
19 had a similar question. In that initial
20 report though it said the North Hall planned
21 to be six stories in height at that time and
22 you made those comments as he mentioned and

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1 now it is seven and eight stories and yet, it
2 also says in the present report the proposed
3 building design takes -- just as you said,
4 takes advantage of the existing topography as
5 it will appear to be only six stories.

6 MS. JACKSON: From Massachusetts
7 Avenue.

8 DR. KRASKIN: From Massachusetts
9 Avenue. Can you explain that?

10 MS. JACKSON: I was just basing
11 that on a view of the rendering that they
12 provided.

13 DR. KRASKIN: I mean because if I
14 stand -- and I don't want to testify. So.
15 All right.

16 CHAIRMAN HOOD: What you could do
17 is just tell us when you come up and do your
18 presentation.

19 DR. KRASKIN: I'll try.

20 In your report, you also made
21 mention that the building would be separated
22 from the closest non-institutional residential

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1 property by a distance of approximately 140
2 feet. Can you tell me where is this home?

3 MS. JACKSON: I was talking about
4 the buildings on the Wesley Seminary property.

5 DR. KRASKIN: It says non-
6 institutional residential property.

7 MS. JACKSON: Oh, sorry.

8 DR. KRASKIN: That's why I'm very
9 confused where this house is.

10 MS. JACKSON: I think that was an
11 error. Sorry.

12 DR. KRASKIN: And did you all
13 taken into account, and I understand you did
14 not look at any previous reports as I
15 understand it now, the integrity of the --
16 preserving the visual quality of the
17 Massachusetts Avenue corridor which OP has
18 mentioned in the past in regards to this
19 building?

20 MS. JACKSON: Well, I think the
21 orientation of the structure such that the
22 narrowest portion is along Massachusetts

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1 Avenue helps maintain that integrity. So, we
2 found that to be acceptable and as I said, the
3 mass of the building is farthest from the
4 street.

5 DR. KRASKIN: And integrity
6 meaning to you?

7 MS. JACKSON: I guess that could
8 be a -- that's a good question.

9 MS. STEINGASSER: I think we're
10 talking about the general wooded character.
11 The sense of a tree-lined street that this
12 particular block had and we felt that this
13 design as it evolved respected that in terms
14 of it not only having the narrow end of the
15 building, but also being pulled back so that
16 the trees were maintained to the greatest
17 extent possible.

18 DR. KRASKIN: Okay. Thank you.

19 CHAIRMAN HOOD: Okay. Thank you.

20 Thanks to the Office of Planning.

21 Report of other Government
22 agencies. We did get a report this evening

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1 from the District Department of Transportation
2 and again, I think it's been discussed about
3 the bike lanes.

4 "In summary, based on the
5 information provided in this application, DDOT
6 has no objection to this submitted further
7 processing application. Moving forward, the
8 AU will need to" and then it talks about
9 installing minimum of ten bike racks in
10 addition to the 30 secured spots being
11 proposed inside the building. I think that's
12 been discussed.

13 Okay. Next, let's go to the
14 report of the Advisory Neighborhood
15 Commission. In this case, it's 3D. Chairman
16 Smith.

17 MR. SMITH: Chairman Hood and
18 Commissioners, thank you for the opportunity
19 to testify on behalf of ANC 3D on the
20 application by American University for further
21 processing of the North Hall.

22 I had hoped to be able to testify

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1 tonight with unqualified support for this
2 project. I had hoped to be able to say that
3 our support for this project was the outcome
4 of a new approach by AU to consult and work
5 with the community to resolve areas of
6 concern, but that is not the case.

7 In fact, this Zoning case is a
8 microcosm of all that is wrong with how the AU
9 campus planning process has evolved over the
10 last two years.

11 The site for the North Hall is one
12 of many on the AU main campus that
13 administrators identified to the community
14 more than two years ago as a potential
15 location for new student housing. AU soon
16 dismissed building new student housing at this
17 site as part of the current campus plan cycle.

18 Throughout 18 months of campus
19 planning task force meetings with the
20 community, AU admitted its preference, almost
21 preoccupation, with locating new student
22 residential facilities on the East Campus

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1 while dismissing consideration of other sites
2 on the main campus including the parking lot
3 behind the AU President's Office Building
4 that's now being proposed for the North Hall
5 that would have presented fewer, if any,
6 objectionable conditions.

7 The prospect of locating new
8 student housing at the POB site was then
9 raised by the community earlier this year
10 within the context of the Rhodeside & Harwell
11 alternative framework commissioned by
12 Neighbors for a Livable Community. In it's
13 alternative framework, Rhodeside & Harwell
14 suggested a four to six-story moderate-sized
15 structure at the site. This was one of nearly
16 a dozen sites for student housing proposed on
17 the main campus that would have enabled AU to
18 reduce if not eliminate new student housing at
19 the newly conceived East Campus with a goal of
20 preserving the prestigious Ward Circle site
21 for academic, administrative or some other
22 signature buildings.

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1 As we have heard in testimony
2 recently before this Commission, AU never
3 engaged the community in a discussion of
4 Rhodeside & Harwell alternative framework or
5 any of the potential alternative sites
6 including the North Hall site.

7 Yet, when AU filed its campus plan
8 with the Zoning Commission in March 2011, it
9 included construction of a 200-bed dorm to be
10 known as the North Hall absent any dialogue
11 with the neighboring community especially
12 residents in Spring Valley who would be most
13 directly impacted by the project or ANC 3D.

14 AU's plans for construction were
15 not of the moderate size suggested by
16 Rhodeside & Harwell, but 110,000 GSF structure
17 seven stories in height.

18 In one of the more cynical moves
19 by the university over the last two years, AU
20 President Cornelius Kerwin cited the Rhodeside
21 & Harwell report to justify the last minute
22 addition of the North Hall to the new campus

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1 plan. Yet, in a separate letter to NLC, Dr.
2 Kerwin dismissed the alternative framework
3 recommended by Rhodeside & Harwell saying it
4 "Treats student housing as a pariah to be
5 segregated from neighboring homes and
6 townhouse communities." Dr. Kerwin described
7 the framework and NLC's decision to produce
8 such an alternative as misguided and rude.

9 In it's presentation before this
10 body in June, AU manufactured some of the most
11 unrealistic if not creatively disingenuous
12 views of the site suggesting the new building
13 would not be visible despite being located on
14 one of the highest points along Massachusetts
15 Avenue in our neighborhood.

16 AU's October 6th filing with the
17 Zoning Commission includes some of the same
18 misleading visuals.

19 In one-on-one conversations,
20 university officials acknowledge the visuals
21 are misleading. Yet, for your benefit, AU
22 continues to perpetuate the notion that this

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1 building will simply disappear into a heavily
2 shrouded almost fairly tale like forest and
3 landscaped paradise that simply does not
4 exist.

5 AU then filed its further
6 processing application in July 2011 with more
7 detailed plans for the site. Again, without
8 engaging the community or ANC 3D in any
9 discussion, but expanding the dorm to house
10 360 students instead of 200 and increasing its
11 height by one story.

12 By the time that AU appeared
13 before ANC 3D on September 7th to present its
14 proposal at a public meeting, the plans had
15 changed yet again.

16 Ultimately, it fell to the
17 community and representatives of the Spring
18 Valley Wesley Heights Citizen Association to
19 reach out yet again to AU officials last month
20 seeking a dialogue on the North Hall site.
21 Finally, AU agreed to meet and at that meeting
22 on September 14th, AU officials acknowledged

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1 engineering problems at the site that would
2 require them to redesign the building yet
3 again.

4 What was the problem? By locating
5 the building only 8 feet from the AU property
6 line, the building would be too close to a
7 steeply graded slop that rises approximately
8 40 feet above Massachusetts Avenue. AU
9 indicated it would redesign the building and
10 present the community with new alternatives.

11 Since then, there has been only
12 one additional meeting with the community
13 representatives. At that meeting, residents
14 were provided two new site designs. One of
15 which is now the plan being put forward by AU.

16 That meeting took place on the afternoon of
17 October 5th. One day before AU filed an
18 updated plan with this Commission.

19 AU's initial application for
20 further processing filed in July 2011
21 requested a variance because the proposed
22 building height required a larger setback than

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1 8 feet from the AU property line along Mass
2 Avenue. Had AU not revised its plans after
3 hearing neighbors objections at the September
4 14th meeting, this building would have been
5 hugging if not hanging off the slope along
6 Massachusetts Avenue. A reality far removed
7 from the visuals presented by AU when it first
8 testified last June in the campus plan
9 proceeding.

10 The community has acknowledged
11 AU's need for new student housing and has been
12 willing to support the North Hall site as a
13 location for new student housing even at a
14 size larger than what many in the community
15 and this Commission preferred in two previous
16 AU campus plan cycles. But, in return for
17 accepting a building of the size proposed, the
18 community is appropriately seeking to reach an
19 agreement with AU to minimize the visual
20 impact of the building along Mass Avenue.

21 That agreement has not been
22 reached and not necessarily because both

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1 parties don't want to reach an agreement. AU
2 simply has not taken the time or made the
3 effort to engage residents in the type of
4 discussion that would prevent more
5 disagreements to be aired during these
6 Commission hearings.

7 AU may simply be overwhelmed with
8 all it must produce within the time line
9 established by their rush to submit this
10 further processing request along with other
11 aspects of the campus planning process. AU's
12 approach to this proceeding has been to
13 reserve the option of submitting revised plans
14 as the further processing evolves.

15 Although this approach may not
16 conflict with the rules of these proceedings,
17 it does not facilitate the type of scrutiny
18 that a further processing requires. Moreover,
19 this approach does not make for good relations
20 with the neighborhood or for sound planning
21 decisions and good outcomes.

22 AU submitted another set of

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1 revised plans for the site with its prehearing
2 statement on October 6th. The community first
3 saw this design and an alternate the day
4 before those revised plans were filed with the
5 Commission.

6 The community had been told that
7 AU would have more than two design
8 alternatives. There were two, but in reality,
9 there was really only one. By the time this
10 meeting was convened, AU had already made a
11 decision and cited Office of Planning
12 objections to the other alternative to argue
13 for moving forward with their selection.

14 The alternative rejected design
15 featured a U-shaped structure with a three-
16 story building along Mass Avenue. The
17 opportunity to fully explore this alternative
18 was never made available despite neighbors
19 interest in this plan.

20 In fact, residents had questions
21 about both designs and were not happy with all
22 elements of the design ultimately chosen by

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1 the university.

2 There were sharp disagreements
3 between AU and the community on building
4 facades. A critical issue for the community
5 especially given the proposed height of the
6 building and the topography of the site.

7 At the October 5th meeting, AU
8 also conducted its balloon test. That test
9 demonstrated for AU and the neighbors that the
10 building would indeed tower over Mass Avenue
11 in sharp contrast with what this Commission
12 has been led to believe even in the October
13 6th submissions by the Applicant.

14 Contrary to the information
15 contained in AU's application, the balloon
16 test clearly shows the building will not be
17 "mostly obscured from neighboring properties
18 or public streets by the tree or landscape
19 buffer along Mass Avenue" as AU's application
20 suggests. This makes the building design
21 especially the building facades a critical
22 issue for the neighborhood.

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1 The latest revised plan shows a
2 building even larger than originally proposed,
3 126,000 square feet of gross floor area 81
4 feet high plus an additional 15 feet of
5 mechanicals on the roof set on a hillside that
6 is already 40 feet above Mass Avenue. Eight
7 stories at its highest point and seven at its
8 closest point along Mass Avenue.

9 The building and plaza design
10 facing the internal part of the campus is
11 attractive and not typical of other building
12 designs on campus. However, the design
13 facades facing the community have the look of
14 institutional drab gray slabs that conflict
15 sharply with neighboring properties including
16 the Wesley seminary. One architect critic
17 described the design on a blog site recently
18 as resembling a Soviet housing block.

19 The good news is that the building
20 will be set back from the AU property line
21 nearly 42 feet. In effect, this building will
22 be set back 84 feet from Mass Avenue, but its

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1 additional height and design will still create
2 an imposing structure at the highest point on
3 the north side of campus towering over its
4 immediate neighbor and the university's Spring
5 Valley neighbors.

6 Despite this added setback from
7 Mass Avenue, the height will still require a
8 variance.

9 ANC 3D has indicated it will
10 support this application with five conditions.

11 These were outlined in an October 6th letter
12 to this Commission.

13 First, ANC 3D has asked AU to
14 submit its stormwater management plan to the
15 D.C. Department of the Environment for review
16 and to communicate with the ANC and neighbors
17 on the outcome of those meetings and any
18 changes that are recommended by DDOE.

19 ANC 3D is concerned about the
20 potential for stormwater runoff stemming from
21 any changes in the topography of the site.
22 Stormwater runoff is a very critical issue for

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1 homes in the area that are downstream.
2 Springs that run under our homes originate on
3 the AU campus. Many in the area of the North
4 Hall.

5 Homeowners especially on Mass
6 Avenue and Tilden Street have worked long and
7 hard over the last ten years with the DDOE to
8 address successfully stormwater runoff issues
9 in this section of the neighborhood. We are
10 encouraged that AU has indicated it has
11 engaged DDOE, but AU has not communicated with
12 us on the outcome of those meetings.

13 Second, ANC 3D has asked that AU
14 insure setbacks from their property line of no
15 less than 23 feet. Requiring such a small
16 setback provides AU with great latitude for
17 building design while maximizing the potential
18 use of the site. A 23-foot setback from the
19 property line would mean a setback from Mass
20 of about 65 feet. AU's proposed plan would
21 exceed the setback requirement along Mass
22 Avenue and also along the shared property line

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1 with the Wesley Theological Seminary.

2 This 23-foot setback would also
3 facilitate construction of the alternative
4 lower-rise U-shaped building rejected by AU
5 for the site. ANC 3D notes this setback is
6 significantly less than the 165-foot setback
7 required ten years ago for this site by the
8 Zoning Commission and reflects our efforts to
9 work cooperatively with AU on a building that
10 will work at this location.

11 Third, ANC 3D has asked that AU
12 insure that the elevation of any building
13 design at the site minimize the visual impact
14 of the building along Mass Avenue. Based on a
15 review of the revised plans, this condition
16 has not been met.

17 Fourth, we have asked that AU
18 continue to work with residents on final
19 design issues including building facades. AU
20 has miles to go yet before this condition is
21 met.

22 And finally, ANC 3D has asked AU

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1 to develop a construction management plan and
2 landscaping plan in cooperation with
3 residential neighbors and the Wesley Seminary.

4 Although AU has indicated its intent to
5 follow through with this, this further
6 processing application does not include a
7 detailed construction management or
8 landscaping plan let alone plans that reflect
9 neighborhood input. To that extent, this
10 further processing application is incomplete.

11 I'm sorry. Did my time run out?

12 Okay. Okay. Okay. Thank you very much.

13 In view of ANC 3D, AU's failure to
14 comply with these conditions is cause for the
15 Zoning Commission to deny the request variance
16 consistent with provisions of Section 400.9 of
17 the Zoning Regulations.

18 Moreover, ANC 3D believes that
19 complying with these conditions presents no
20 practical difficulty or undue hardship for the
21 university.

22 This is not the first time that AU

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1 has proposed a large structure for this site.

2 In the last AU campus plan, AU proposed a
3 four-story 50,000 GSF dormitory and
4 administrative building at the site that would
5 not exceed 60 feet in height. The building
6 was slated to be set back 165 feet from Mass
7 Avenue. During the course of the campus
8 planning process, AU amended its plans to
9 reduce the size of the building to 40,000 GSF
10 and 50 feet in height.

11 OP argued at the time that the
12 proposed building would put the integrity of
13 the existing topography at risk as well as
14 compromise the visual quality of the Mass
15 Avenue corridor. The Zoning Commission agreed
16 with OP and ANC 3D and concluded that the
17 building was too big because of the
18 relationship of the proposed building with the
19 existing POB as well as the existing
20 topography and design of the proposed building
21 given the prominence of its site on Mass
22 Avenue.

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1 The Zoning Commission rejected
2 AU's proposal and authorized the university to
3 build a structure of 15,000 square feet and no
4 higher than 20 feet. The same limits that had
5 been approved by the BZA ten years earlier and
6 never built.

7 The Commission also cited the
8 urban design provisions of the Comprehensive
9 Plan as strong guidance about the importance
10 of relating the mass and scale of new
11 structures with those of existing buildings.

12 Again, this year, OP said last
13 June in its original set of recommendations on
14 the AU campus plan that AU should consider
15 utilizing the existing topography to either
16 lower the building height or mitigate its
17 appearance from Massachusetts Avenue and that
18 was when the AU proposed building a six-story
19 building at the site.

20 OP's recommendation to support
21 this application without conditions seems
22 somewhat incongruous to us given the

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1 conclusions reached last June as well as the
2 historical record for developing this site.
3 AU has done nothing to address the height
4 issue identified by OP in June except to
5 increase the building height. Now, OP says
6 that what was unacceptable in June, a six-
7 story building on the site, is now acceptable
8 at seven and eight stories as long as it only
9 appears to be six stories.

10 History shows the problems
11 inherent in developing the site. AU's plans
12 for the site seem to ignore the challenges of
13 the topography.

14 Although we support building a
15 dorm at this location, ANC 3D is equally
16 concerned that the building design is
17 sensitive to residents' concerns especially as
18 they relate to the visual quality of the Mass
19 Avenue corridor. If AU is unable to design an
20 attractive building that minimizes the visual
21 impact along Mass Avenue, one solution would
22 be to reduce the height of the building while

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1 also mandating a wider setback for Mass Avenue
2 as suggested by previous Zoning Commissions.

3 Although this could lead to fewer
4 students housed at the site, AU could also
5 redesign the internal layout of the building
6 to reduce the size of individual units. This
7 would mean that AU would have to abandon its
8 suite-style housing proposed for this site
9 along with the premium housing fees that such
10 housing brings in favor of regular dorm rooms
11 that cost students less on AU's sliding
12 housing fee scale.

13 In conclusion, all the community
14 and ANC 3D have asked is for a creative
15 building design that will contribute to the
16 vitality of the community and minimize the
17 visual impact of a towering institutional
18 facility along Mass Avenue, one of the premier
19 residential gateways to the city.

20 Perhaps ANC 3D is not playing
21 hardball by agreeing to a building that is
22 more than double the size of what was proposed

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1 ten years ago and nearly ten times what was
2 approved then by the Zoning Commission. But,
3 we recognize the value to AU and to the
4 community of building new on-campus housing.

5 The community often has encouraged
6 AU to build new student housing and
7 consequently, we also share a responsibility
8 for identifying locations that will present
9 minimal objectionable conditions.

10 Locating housing at this site is
11 unlikely to exacerbate existing traffic and
12 parking problems. Nor do we think the number
13 of students to be housed at the site will
14 present objectionable conditions.

15 As we testified on September 22nd,
16 ANC 3D prefers a smaller building at this
17 site, half what is being proposed by AU.
18 However, our support for this project albeit
19 conditioned is also prompted by a hope that a
20 larger structure at this site will enable and
21 encourage AU to reduce the intensity of its
22 proposed development on the East Campus

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1 including the number of students housed at
2 that site.

3 If AU does not volunteer to do
4 this, we hope you will include that as a
5 condition of your support for the North Hall
6 further processing.

7 In reviewing all the sites for
8 housing proposed by AU, the North Hall site is
9 an ideal location. The only drawbacks are the
10 site's topography and its proximity to the POB
11 which many consider a visual landmark and to
12 have historic significance for the campus.

13 The other major drawback in this
14 proposal is a building design that falls short
15 in addressing the concerns and interest of the
16 community. Nevertheless, ANC 3D believes that
17 AU can build an attractive building at this
18 site that is complemented by and fits the
19 topography.

20 We don't believe the building
21 proposed in this further processing is that
22 building, but we think AU can reach that point

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1 and win strong support from the neighborhood
2 by taking more time to do it right and by
3 engaging, by truly engaging with the community
4 to make the outcome the product of a more
5 cooperative and less hasty venture.

6 Therefore, we encourage you to
7 reject this application and require AU to
8 continue its dialogue with the community on
9 this project especially focused on minimizing
10 the visual impacts of the building which
11 includes developing a comprehensive
12 landscaping plan for the site facing the
13 community that can help shroud the new
14 structure, insuring an effective stormwater
15 management plan and enhancing the overall
16 architectural design to fit the topography of
17 the site.

18 Thank you, Chairman Hood.

19 CHAIRMAN HOOD: All right. Thank
20 you very much for your testimony.

21 Chairman Smith, let me just make
22 sure I understand what's going on. Your

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1 testimony tonight says therefore, we encourage
2 you to reject this application. You also
3 point to your letter dated October the 6th
4 which says that you support the application
5 with the following conditions and at the
6 beginning, I believe Mr. Tummonds said that
7 basically you all had all these conditions
8 wrapped up. I mean --

9 MR. SMITH: But, we don't believe
10 that that's the case. We don't -- that's --
11 that's Mr. Tummonds' opinion, but we do not
12 believe that those conditions --

13 CHAIRMAN HOOD: I'm going by what
14 I had -- well, that's what he said, but what I
15 have here it says you all support it with
16 these conditions. That's all the merit I have
17 to go on.

18 But, then your testimony tonight
19 says to -- okay. In other words, which one is
20 it? And I'm not trying to be funny, but which
21 one is it?

22 MR. SMITH: Chairman Hood, we

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1 indicated our support for the project with
2 conditions. Those conditions have not been
3 met by the university.

4 CHAIRMAN HOOD: Most of them I
5 believe -- well, from what I see, there's a
6 lot of continuation and I think that's what
7 you all stated in your letter on October the
8 6th. That you were all continuing to have
9 dialogue and I think that's what you asked
10 for. Right?

11 MR. SMITH: That's -- that's
12 correct. We are asking for dialogue.

13 Our first condition was about the
14 stormwater management plan. The good news
15 with that is that AU has indeed contacted DDOE
16 as we've requested. But, we have not been
17 provided any kind of follow through also as we
18 requested on those meetings with DDOE for us
19 to be assured that DDOE has signed off on the
20 stormwater management plan that is a part of
21 this proposal.

22 We are fine with the setback. The

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1 setback issue is something that we have agreed
2 to because we've actually said do the 23-foot
3 setback if that's going to give you more
4 latitude to design a building that is not
5 going to have negative visual impacts on the
6 Mass Avenue corridor.

7 There are some people in the
8 community -- after seeing the one alternative
9 design that we were told could not be
10 considered because it was rejected by OP,
11 there are many in the community who feel that
12 that design would present less of a problem
13 visually for the Mass Avenue coordinator than
14 the design that was chosen. But, you know,
15 again, what we're trying to do is give great
16 latitude to the university.

17 CHAIRMAN HOOD: Okay. But, I just
18 -- I guess your testimony is far different the
19 way I read it from the letter that was
20 submitted to us on October the 6th. Which
21 today you're asking us to deny the application
22 and over here you said on these --

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1 COMMISSIONER MAY: Mr. Chairman,
2 can I just add -- follow on that?

3 CHAIRMAN HOOD: Sure.

4 COMMISSIONER MAY: I mean I was --
5 I find your testimony nothing short of
6 shocking given the letter we've gotten. I
7 mean the letter says you'll support it with
8 these conditions. The conditions are pretty
9 straightforward and seem to me to be
10 achievable and yet, you're calling for a
11 complete redesign of the building.

12 That's -- you cannot tell me that
13 those are somehow consistent positions. They
14 clearly are not.

15 MR. SMITH: Mr. May, we stated --
16 we lay out conditions.

17 COMMISSIONER MAY: Right.

18 MR. SMITH: I think my testimony
19 is very clear in saying the conditions that we
20 have laid out have not been met. I don't
21 know --

22 COMMISSIONER MAY: I understand

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1 it. But, I don't see how your conditions --
2 imbedded in your condition is a requirement
3 that the building be redesigned. The only
4 thing that comes close is a statement that the
5 university assures that the elevation of any
6 building design at the site along
7 Massachusetts Avenue minimize the visual
8 impact of the building from neighboring
9 residents. So, you want it to be less visual
10 from Massachusetts Avenue.

11 To me that doesn't -- I mean you
12 really have to have an extraordinary
13 imagination to conclude that that means
14 redesign the building which is what you have
15 asked for.

16 MR. SMITH: Well, I think we --
17 what we are saying is if you can't meet these
18 conditions, then you need to go back and
19 redesign the building.

20 Now, what we have --

21 COMMISSIONER MAY: So, in other
22 words, if they could do some things to

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1 mitigate the impact of this -- this building
2 at this height --

3 MR. SMITH: Exactly.

4 COMMISSIONER MAY: -- then you're
5 okay with that.

6 MR. SMITH: And we have not seen
7 that and that's the point that I'm trying to
8 -- we have not seen that with respect --

9 COMMISSIONER MAY: Okay. Well,
10 you -- I mean you also --

11 MR. SMITH: -- specifically to the
12 issue of the facades.

13 COMMISSIONER MAY: Okay.

14 MR. SMITH: The facades is a huge
15 issue for the community and for us as well.

16 COMMISSIONER MAY: Just because of
17 the way they're designed?

18 MR. SMITH: Because of the way
19 they look.

20 COMMISSIONER MAY: Right. Okay.
21 Well --

22 MR. SMITH: And they need --

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1 COMMISSIONER MAY: -- it's a
2 little bit closer to reconciliation, but you
3 have to understand that these things really,
4 really are very far apart.

5 MR. SMITH: I can't respond to
6 that. If that's your judgment, that's your
7 judgment. We don't -- we do not see it that
8 way.

9 COMMISSIONER MAY: Okay.

10 MR. SMITH: I do not see it --

11 COMMISSIONER MAY: I jumped in
12 when you were talking just because I was --
13 had the same reaction --

14 CHAIRMAN HOOD: Actually, I agree
15 with you 100 percent. Normally, that doesn't
16 happen, but I want you to know I agree with
17 you 100 percent on that. Okay.

18 Any other questions?

19 COMMISSIONER MAY: Oh, I have
20 more.

21 CHAIRMAN HOOD: Oh, you have more.

22 COMMISSIONER MAY: I have more

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1 questions, but I thought I interrupted you.
2 So.

3 CHAIRMAN HOOD: Well, I mean
4 nothing's new. But, go right ahead.

5 COMMISSIONER MAY: Okay. So, my
6 first question is this was a seven to one
7 vote. Can you tell me which commissioner
8 voted against this resolution and why?

9 MR. SMITH: I believe it was
10 Commissioner Slowinski.

11 COMMISSIONER MAY: Okay.

12 MR. SMITH: And he did not give
13 any reasons.

14 COMMISSIONER MAY: Okay. All
15 right.

16 MR. SMITH: I'm almost certain
17 it's Commissioner -- because it was -- yes, it
18 was Commissioner Slowinski at our October 5th
19 meeting.

20 CHAIRMAN HOOD: Let me interrupt
21 you. Was that -- is this in his SMD?

22 MR. SMITH: No.

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1 CHAIRMAN HOOD: Who's SMD? This
2 is yours?

3 MR. SMITH: It's actually my SMD,
4 sir.

5 CHAIRMAN HOOD: Oh. Okay.

6 COMMISSIONER MAY: Okay. And I've
7 -- I just want to comment on some of the
8 conditions. At least one of the conditions.

9 You know, the requirement for a
10 stormwater management plan, while I understand
11 what drives that, it's not the sort of thing
12 that we would ordinarily engage on because it
13 really is a building code issue and a
14 permitting issue and I don't know if you've
15 ever had to get a permit through DDOE, but I'm
16 absolutely certain that they would hold AU to
17 the same standards that they hold everybody
18 else in managing their stormwater which are
19 very, very strict and I would expect them to
20 meet or whatever DDOE requires of them, I
21 would expect the university to have to go to
22 great lengths to meet that.

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1 I mean DDOE has gotten stricter
2 and stricter and stricter every year about
3 what can be permitted and what their attitude
4 is towards the management of stormwater and I
5 mean I just don't frankly see this as an issue
6 because I believe that they are the
7 appropriate vehicle for policing those.

8 MR. SMITH: Part of the reason
9 frankly for our inclusion of that in this plan
10 is because in the past AU has made some
11 changes to its topography along Mass Avenue
12 without consultation with DDOE. DDOE finding
13 out after the fact and so, this was our effort
14 to try to insure up front that DDOE had been
15 engaged and was involved.

16 COMMISSIONER MAY: Okay.

17 MR. SMITH: And also that we
18 stayed involved as well because this area was
19 even closer than the previous area and --

20 COMMISSIONER MAY: Well, I can
21 appreciate that. I believe that sometimes
22 things like that happen. I won't say anything

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1 about whether AU did or did not do that, but I
2 do know that things like that have happened in
3 other areas of the city and DDOE is not always
4 well-equipped to police those things. So, I
5 can understand the sensitivity and I
6 understand the sensitivity in general, but
7 again, it's just generally not something that
8 gets rolled into a Zoning case for us.

9 I understand that there was some
10 information that was submitted and I'm not
11 sure when we received it, but on the
12 construction management plan including things
13 like having a -- you know, a number to call
14 and things like that, have you reviewed that
15 and is that -- I mean you testified that what
16 you've seen is inadequate so far. But, have
17 you seen what we've seen?

18 MR. SMITH: Actually, what I saw
19 was in the October 6th filing.

20 COMMISSIONER MAY: Okay.

21 MR. SMITH: And that we received
22 after our ANC vote which was on October 5th

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1 and it was also after any kind of meeting with
2 the community.

3 So, the piece that is missing here
4 is that there is not the -- there has not been
5 the effort made to engage the community on
6 what the elements of that construction
7 management plan are. That's with respect to
8 this building and this particular part of the
9 community.

10 COMMISSIONER MAY: Right.

11 MR. SMITH: There are other parts
12 of the campus plan in which AU has
13 aggressively worked with communities to
14 develop this. That is not the case here with
15 this.

16 COMMISSIONER MAY: Okay.

17 MR. SMITH: Now, it's not to say
18 it won't happen.

19 COMMISSIONER MAY: Right.

20 MR. SMITH: But, it hasn't
21 happened yet and I think that's our problem
22 and if there's, you know, confusion about

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1 inconsistencies, I think to a large extent
2 some of it is because this process is ongoing
3 and this happened very fast and very late to
4 this hearing.

5 It would have been nice -- for
6 example, it would have been ideal had many of
7 these discussions including our vote on what
8 the conditions were taken place long before
9 this October 20th hearing.

10 COMMISSIONER MAY: Well,
11 fortunately, we're not going to be taking
12 action on this very soon.

13 MR. SMITH: Right.

14 COMMISSIONER MAY: Because the
15 whole case has to be or the campus plan case
16 has to be decided first. But, I would expect
17 that an acceptable construction management
18 plan which is a pretty matter-of-fact thing
19 nowadays ought to be forthcoming in that
20 process. So, I would expect that we will see
21 that before this is all over.

22 MR. SMITH: Yes, again, Mr. May,

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1 our effort in putting that -- specifying that
2 as well as a landscaping plan is to insure --
3 to try to guarantee that the kind of
4 communication that we sometimes take for
5 granted will happen, will actually take place.

6 COMMISSIONER MAY: Right.

7 MR. SMITH: Because our experience
8 has been it doesn't always take place.

9 COMMISSIONER MAY: Um-hum. Okay.

10 Well, I appreciate hearing them. I'm not
11 sure all of them can become conditions of
12 whatever we decide, but I do appreciate
13 hearing them nonetheless.

14 And I also think that your
15 testimony in particular for me underscores the
16 importance of seeing the results of the
17 balloon test. Because when I look more
18 closely at the photo-simulations, in
19 particular looking at the slide 21 and the
20 height of the building as is portrayed there,
21 it just -- I find it very hard to believe that
22 the total height of this building is less than

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1 the trees that are in the same ground at the
2 same level. I mean I don't know how many
3 hundred foot trees they've got there, but
4 that's what they seem to be showing. So.

5 MR. SMITH: I mean actually I
6 don't have them with me, but even if you go
7 back and you look at the visuals that they
8 were showing you in their original
9 presentation of the campus plan and they show
10 you visuals of Leonard Hall with the trees in
11 front of Leonard Hall and they maintain that
12 Leonard Hall -- this building will be no
13 taller than Leonard -- it will be as tall as
14 Leonard Hall. Those trees don't reach the top
15 of Leonard Hall.

16 I mean it's just not realistic and
17 our comment to the university has been let's
18 recognize this. Let's recognize that we're
19 going to see the building. Let's recognize
20 the reality of this and then let's deal with
21 it.

22 COMMISSIONER MAY: Right.

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1 MR. SMITH: And let's try to
2 mitigate it and we're having -- we're
3 obviously having problems getting beyond that
4 first level.

5 COMMISSIONER MAY: Okay. Well, I
6 appreciate that and I appreciate your
7 testimony and now, your testimony makes a
8 little more sense in light of the previous
9 letter.

10 MR. SMITH: Thanks.

11 COMMISSIONER MAY: Thanks.

12 CHAIRMAN HOOD: Any other
13 questions up here? Mr. Turnbull.

14 COMMISSIONER TURNBULL: Yes.
15 Thank you, Mr. Chair.

16 Commissioner Smith, I just have a
17 question. You mentioned that you don't care
18 for the design of the building. Are you
19 talking about the massing and the scale or the
20 actual architectural features of the building?

21 MR. SMITH: I think our problem
22 frankly, sir, is the facades. The facades are

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1 a huge issue for the portion that faces both
2 Mass Avenue and the Wesley Seminary and what
3 we see is basically this institutional drab
4 gray that is not something that we feel fits
5 given that site and the sensitivities for that
6 site.

7 COMMISSIONER TURNBULL: You
8 mentioned red brick. You're not looking for
9 red brick on this building?

10 MR. SMITH: No. No.

11 COMMISSIONER TURNBULL: Thank you.

12 MR. SMITH: No, we're not looking
13 for red brick --

14 COMMISSIONER TURNBULL: Thank you.

15 I was a little worried that we were trying to
16 get a little parochial here on design issued.

17 MR. SMITH: No, but I think that a
18 number of people in the community were misled
19 by the photos that were shown by AU and the
20 depictions that were shown by AU and thought
21 that it was going to be red brick and so, I
22 think that's the issue that we're trying to

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1 get some clarification on and actually, we
2 only just learned in the last couple days and
3 we heard it today that what is red -- what
4 appears to be red stone or whatever that is on
5 the visual depictions is not going to be red
6 at all. It's going to be grays and browns.
7 It's going to be --

8 COMMISSIONER TURNBULL: Right.

9 MR. SMITH: The three slabs that
10 were handed to you all earlier tonight, that
11 is far from being--

12 COMMISSIONER TURNBULL: Well,
13 those were actually the limestone or the --
14 the stone concrete finishes. There were
15 pictures of the -- of fieldstone. The
16 brownish. That's really the coloration of the
17 fieldstone.

18 MR. SMITH: Those are the things
19 -- we have not seen those things.

20 COMMISSIONER TURNBULL: Okay. I
21 mean we've often argued with applicants about
22 design issues ourselves. But, I'll tell you

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1 right now at least the way they're going, I
2 think there was a sensitivity that they're
3 trying to have with the existing campus. I
4 mean they're trying to -- I mean the campus is
5 not -- it's a design. The buildings across
6 are 1950's very simplified concrete or
7 limestone design and so, there's a character
8 to it and I'm glad they're not matching that.

9 But, I think there's sort of a
10 progression. I mean I can sense a progression
11 of what they're trying to achieve into trying
12 to give a little bit more character to this
13 building.

14 So, can they do more? Perhaps,
15 but I think the design is going the right way.

16 MR. SMITH: We would agree with
17 you on that. In fact, what we've said to the
18 university is that the look of the building
19 from the McDowell Hall side which is the
20 internal campus side is very attractive. It's
21 a great building. We wish that was on the
22 other end, but if you look at the pictures

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1 which show what is going to be facing what we
2 will see, it's a very different picture
3 altogether and maybe that's the limits of the
4 graphic depictions that they came make.

5 COMMISSIONER TURNBULL: Yes.

6 MR. SMITH: But --

7 COMMISSIONER TURNBULL: It could
8 be.

9 MR. SMITH: -- they have not been
10 able to -- they basically have said to us
11 no --

12 COMMISSIONER TURNBULL: It could
13 be.

14 MR. SMITH: -- it's going to look
15 different and so, that's what we have.

16 COMMISSIONER TURNBULL: Yes.

17 MR. SMITH: We're going by what
18 we've been told by the university.

19 COMMISSIONER TURNBULL: Okay. All
20 right. Thank you.

21 CHAIRMAN HOOD: Any other
22 questions? I want to take a point and

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1 apologize to Spring Valley NLC. I'm going to
2 have to leave at this point and also let the
3 record reflect that I will be reading the
4 record from this point on until the end of
5 this case. So, I will now turn it over to the
6 Vice Chair.

7 VICE CHAIRMAN SCHLATER: Thank
8 you, Mr. Chairman.

9 Do you have any cross?

10 MR. TUMMONDS: Just a couple of
11 questions.

12 Mr. Smith, to follow-up on the
13 questions that were raised earlier, the tone
14 and tenor of your testimony this evening is
15 truly quite different than the supportive
16 resolution that was filed.

17 Was your testimony reviewed and
18 approved by your fellow ANC 3D Commissioners?

19 MR. SMITH: The testimony was
20 reviewed by the ANC Commissioners with no
21 comments.

22 MR. TUMMONDS: No comments. Okay.

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1 Great. To your knowledge, have AU and
2 representatives of ANC 3D, Spring Valley and
3 the Neighbors for a Livable Community met
4 three times in the past approximately three
5 weeks?

6 MR. SMITH: No, there have been
7 two meetings. There was a meeting on
8 September 14th and there was also a meeting --
9 September 15? The 15th. Sorry. September
10 15th and October 5th and I think what's also
11 important, Mr. Tummonds, to note is those
12 meetings occurred not because the university
13 asked for those meetings or tried to arrange
14 those meetings, those meetings were actually
15 pushed, pushed by the Spring Valley Wesley
16 Heights Citizens Association.

17 MR. TUMMONDS: Was there a meeting
18 last night at 5:30?

19 MR. SMITH: There was a brief
20 meeting just to look at the -- for two of us
21 to look at the limestone and that also --
22 actually, what was said to us, it was not a

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1 substantive meeting, but what we were told
2 was --

3 VICE CHAIRMAN SCHLATER: Let's
4 just leave the answers to the question that's
5 been posed.

6 MR. TUMMONDS: So, in that meeting
7 last night at 5:30, did you convey in anyway
8 kind of the stridency of your opposition to
9 the project that was going to be proposed this
10 evening?

11 MR. SMITH: Well, Mr. Tummonds, I
12 don't believe my statement is strident. I
13 think my statement is factual and to the
14 point.

15 MR. TUMMONDS: Okay. You
16 discussed the conversations with members of
17 the community and some concerns about or ideas
18 about what the facades should look like. Was
19 there a consensus amongst the various
20 community groups as to what one facade
21 treatment should be? Was there a general
22 consensus among all those folks what this

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1 building should look like?

2 MR. SMITH: There was a consensus
3 at the October 5th meeting that what we were
4 seeing was a real problem to the point where
5 one of the representatives advised the
6 university to find new architects.

7 MR. TUMMONDS: I have no further
8 questions.

9 VICE CHAIRMAN SCHLATER: Thank
10 you. Do we have any cross from Spring Valley
11 NLC? Okay. Seeing none.

12 I guess we're going to move to
13 organizations and persons in support. None.
14 Seeing none.

15 We're going to go to organization
16 and persons in opposition. So, we'll go to
17 the party Spring Valley NLC for their
18 presentation.

19 Ms. Schellin, how much time do we
20 have?

21 MS. SCHELLIN: They have 15
22 minutes.

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1 VICE CHAIRMAN SCHLATER: Thank
2 you.

3 MS. SCHELLIN: Vice Chairman
4 Schlater, just to let you know, there were no
5 individuals in opposition signed up to testify
6 either. So, this should be it except for
7 rebuttal and closing by the Applicant.

8 VICE CHAIRMAN SCHLATER: We can
9 see it on three out of four screens.

10 MS. SCHELLIN: Our tech person in
11 the back will be working on it. If you want
12 to start, we can go with the three screens.

13 DR. KRASKIN: No problem.

14 Good evening, Commissioners. I am
15 Dr. Jeffrey Kraskin. I'm here this evening as
16 Vice President for Spring Valley -- of the
17 Spring Valley Wesley Heights Citizens
18 Association. I am also a past president of
19 the association and a former ANC commissioner
20 for this area that we're speaking of.

21 Moreover, my home along
22 Massachusetts Avenue is actually the closest

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1 residence in Spring Valley to this proposed
2 site. It's interesting though that I am 70
3 feet further than the required 200 feet though
4 to receive any notification of this case.

5 This is the third AU campus plan
6 in which I have been involved and as a
7 representative of the Citizens Association,
8 I've attended this present plan's task force
9 meetings since the first formally held meeting
10 on July 28th of 2009.

11 It is important I believe for me
12 to state that I've known many and had many
13 communications with many of our AU friends and
14 players over the years. They know me and I
15 know them and they know that I like to go
16 right to the point if I can.

17 During this plan's development, I
18 did have a number of private meetings with Mr.
19 Taylor to share some thoughts and ideas in
20 hope of actually making this plan process
21 easier and a little less contentious than some
22 of the past years. Obviously, I failed at

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1 those attempts and I had so much really wanted
2 to be here and support many of the plan's
3 options.

4 Tonight, I'm here also at a very
5 strange disadvantage because the Citizens
6 Association was never provided with any of the
7 filings for this case. All materials I have
8 for reference are those found on AU's website
9 or the Zoning Commission website and
10 interestingly, even the October 6th filing I
11 couldn't find on the Zoning's website for some
12 reason. But, no big deal. I was able to move
13 on.

14 Beginning on July 21st, 2011, I
15 made personally formal requests to meet with
16 AU representatives to discuss the proposed
17 North Hall. Numerous email exchanges occurred
18 and AU finally accepted the idea of meeting
19 with the community on this project. As you've
20 heard, the small working group of Spring
21 Valley Wesley Heights, Neighbors for a Livable
22 Community and Mr. Smith, we met on September

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1 15th.

2 It is at this meeting that I tried
3 to do a balloon test and my balloon test
4 failed and I suggest to anybody listening that
5 you do not purchase your helium balloons from
6 Giant.

7 But, we seemed to have
8 constructive discussions on location and
9 design of the building including the views of
10 the building from the community.

11 We did have one follow-up full
12 meeting on October 5th as was mentioned for AU
13 to present new options and it was very
14 exciting to know -- I thought at the time that
15 they had taken our discussions seriously and
16 the architects had been working to develop
17 some new options.

18 Sadly, on October 5th when we came
19 to meet, in fact, on this email, the middle
20 one, you can see if says options one, two and
21 three and we thought we had some options, but
22 in reality when we came to meet, a little

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1 misleading, we found option one was the
2 original filing and that was now a rejected
3 design due to as you've already heard some
4 citing issues being engineering.

5 Option two is what you see before
6 you. We were told at that meeting that it had
7 been rejected by the Office of Planning in
8 consultation with Historic Preservation
9 because of its siting too close to the
10 President's Home.

11 And then we had option three that
12 you have before you today which was pushed by
13 from the hill, but with more stories and would
14 reach as we've heard some maximum heights.

15 So, in the end, there really were
16 no options presented to the community with
17 this.

18 Therefore, I'm here tonight on
19 behalf of the association to request that you
20 reject at this time this design and direct AU
21 to return to the discussion table.

22 Throughout this process since July

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1 of 2009, we've been playing a game of pitting
2 neighbors against neighbors at task force
3 meetings, bringing in relatives of AU staff at
4 times to speak in support and basically, we
5 find that constructive discussions are always
6 held at the last minute when time is again too
7 short and we all seem to be rushing ahead and,
8 therefore, I wanted to take a quick moment to
9 look at how this process has moved
10 particularly in regard to this site in AU's
11 own slides.

12 So, here in September of 2009, we
13 see their potential site inventory and the
14 president's building site is right here and we
15 see what the suggestion of potential housing
16 in assignable square feet may provide, 500
17 apartment-style suites.

18 October 2009, we're presented with
19 a site analysis and you see here the
20 President's Office site is only speaking of a
21 three-story building. Building of only 75,000
22 gross area.

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1 We see on November 9th that the
2 site is now only a medium -- potential site
3 here of medium probability.

4 In January of 2010, we find that
5 it's not only -- I'm sorry. AU provides a
6 preliminary site selection and lists this site
7 for future consideration. Not even in this
8 campus plan cycle and is now stating the need
9 or has stated now the need for beds of 800 to
10 1,000.

11 In February of 2010, AU continues
12 to indicate this is a future site, but not for
13 this campus plan.

14 In April of 2010, miraculously, it
15 comes back online to the plan and it is now an
16 L-shaped building with its long side parallel
17 to Massachusetts Avenue. Only a month later,
18 the meetings report that that site will now be
19 preserved for future expansion or open space
20 and is no longer considered for any building
21 in this campus plan.

22 September 2010, we see that the

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1 only sites that are being discussed show no --
2 again no construction at this site or proposed
3 building.

4 In January of 2011, AU introduces
5 a completed draft plan to the community for
6 the community to begin and again no
7 construction is shown or no suggestions are
8 shown at this site and indicates further
9 processing of only Nebraska Hall, the Mary
10 Graydon Center and of the East Campus.

11 May 2011, again, it's not there,
12 but there is a new building back on with the
13 L-shape that we saw in option one. But,
14 again, not for further processing.

15 And then we get to August 30th of
16 2011 in which AU makes its first formal
17 presentation, but yet, on July of 2011, AU did
18 send in this further processing.

19 So, the first meeting to discuss
20 North Hall occurs at their task force after
21 they've already filed for further processing
22 on something that basically was not existing

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1 and so, we see the building that was option
2 one.

3 To some, this slide history may
4 show a progression of thought and need, but to
5 others, it really shows some intentional maybe
6 mis-communication, some public relations spin,
7 some last minute changes. At times, the
8 community feels to keep itself off balance.

9 The community is not opposed to
10 the creation of additional housing on this as
11 we have discussed and we do believe this is a
12 site that can be built on. We do believe that
13 we have to look at the housing stock and we
14 need to see what can be done.

15 One of the issues of the
16 President's Office Building is that it does
17 have some historic nature we hear, but yet, we
18 cannot find any historic consideration by the
19 Historic Preservation Review Board such as
20 designations of different presidents' houses
21 on universities such as GW, Gallaudet.

22 As I said, we have these options

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1 in option two and it did reflect an
2 interesting thought of being three stories to
3 six stories to eight reflecting not only the
4 hill, but it offered some even more beds.

5 My next slide shows you the tree
6 scape as you've heard and as you can see, yes,
7 we do have the trees in the summer and you can
8 see the Wesley Seminary here, but as you see
9 in the winter, as shown with going on Bing,
10 they happen to show us one of those scenes and
11 here you can see what we will be seeing. We
12 will see through everything.

13 So, I would ask you to look at my
14 testimony because I want to get Mr. Hamilton
15 to give his information and look at where the
16 other buildings sit that line Massachusetts
17 Avenue and do know yes, we do have other
18 residential buildings, apartment buildings,
19 but they sit further back. Even my own home
20 sits 61 feet back from Massachusetts Avenue.
21 Not because of a required setback.

22 In conclusion, we believe we need

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1 housing for AU. We think this is a site, but
2 we need to go back to the drawing board.

3 I'm going to introduce Mr. Charles
4 Hamilton to further give some comments.

5 MR. HAMILTON: Commissioners, my
6 name is Charles Hamilton. I've been a
7 resident of Spring Valley since 1973 and a
8 member of Neighbors of a Livable Community
9 since its founding in 1987 by Robert Herstein
10 and his wife Priscilla Holmes.

11 As a result, I've been involved in
12 the campus plan process for some 30 years. I
13 participated in the initial and successful
14 effort in 1990 that resulted in remanding the
15 AU plan at that time to the Board of Zoning
16 Adjustment. The action resulted in the
17 retention of a EDA San Francisco-based urban
18 planning firm to work with the community to
19 root neighborhood objections to the 1990 plan
20 which yielded more positive results on both
21 sides. Some of these are evident when you
22 walk the present campus today.

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1 Many years ago, I directed a state
2 aid county review of the Greater St. Louis
3 area under a grant from the Danford Foundation
4 and since then, I've been a strong advocate of
5 the importance of sound planning principles
6 and design.

7 Although I'm not a planner, it's
8 become somewhat of an avocation to me and
9 I've been pleased to have been a strong
10 supporter of better planning and design for
11 American University.

12 The growing interest within the
13 surrounding neighborhoods in finding
14 constructive solutions that are in harmony
15 with matters of vital concern to the town and
16 -- alike.

17 The alternative framework for
18 American University prepared by Rhodeside &
19 Harwell has been funded in that intent.

20 I agree now -- appear now with
21 what might be both as a proponent and as an
22 opponent as well. There are two reasons for

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1 this.

2 First, the proposed North Hall
3 site is a good one in terms of being clustered
4 with existing residence halls and in my view
5 is the efficient use of space behind the
6 President's House that makes proper use of an
7 urban campus that is somewhat restricted in
8 terms of long-term growth. This requires
9 careful garnering of campus resources not to
10 avoid mistakes due to shortsighted vision
11 while conserving other parts of the campus for
12 future use and development.

13 I might add then when the
14 Rhodeside firm toured the campus, North Hall
15 was viewed as a potentially useful site.

16 Secondly, we're now faced with a
17 huge building. May I have slide 14? Okay.
18 Well, okay.

19 Previously, we've been faced with
20 a larger building than previously recommended
21 and envisioned by the neighboring committee.

22 Somewhat AU seems to have a knack

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1 for screwing up a good idea and creating
2 controversy. When North Hall is --
3 opportunity of getting the height, setbacks
4 and design right.

5 The alternative framework
6 envisioned a four to six-story building. Now,
7 we're being shown seven and eight-story
8 versions. It is the old game of Lucy taking
9 the football away from Charlie Brown again.
10 We've had two years of this.

11 As you have heard and as you have
12 seen from the renderings, the towering
13 structure would be a major departure from the
14 style and ambience of Massachusetts Avenue.
15 In hearings in the 2000 Campus Plan, this
16 Commission was very careful to preserve the
17 qualities of that important street greatly
18 reducing the size of the structure AU proposed
19 for the site and demanding that the Katzen
20 Arts Building be lowered.

21 I was all prepared to give AU a
22 gold star for its willingness to work with the

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1 community when it agreed to come up with
2 another option. That's what we should have.

3 What was disappointing was what we
4 got was not several options but one and that
5 one had no bearing on fitting such a building
6 into the neighborhood environment and I'm
7 going to be rather harsh here, but I think in
8 my opinion AU's architect either was
9 unwilling, uninterested, unable or unadvised
10 to design a building that would be compatible
11 with the President's House, the Katzen Center
12 and the existing residence hall.

13 On top of this, AU's attorney
14 writes "If the building were made smaller from
15 complying with Section 400.9, then the
16 university would face further difficulties in
17 achieving its goal of providing more student
18 housing on campus."

19 I find this irresponsible because
20 we know now that there are other alternatives
21 that have never really been discussed or
22 vetted in detail.

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1 I thank you for the opportunity to
2 testify and present my views.

3 Confucius says the journey of a
4 thousand miles begins with the first step. In
5 building such a large structure, it is
6 important to get it right. In short, North
7 Hall is proposed in the right location that
8 offers a unique opportunity to add a needed
9 residential hall that is more in keeping with
10 the campus and the community. AU's not there
11 yet, but I would hope that it's up to the
12 challenge.

13 I will also add in terms of my
14 views a recent article from the Northwest
15 Current today about the campus plan.

16 Thank you for this opportunity.

17 VICE CHAIRMAN SCHLATER: Thank
18 you, Dr. Kraskin and Mr. Hamilton.

19 Do we have any questions? Mr.
20 May.

21 COMMISSIONER MAY: There is a
22 planned view. I guess option two of the

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1 different building development options.

2 DR. KRASKIN: Um-hum.

3 COMMISSIONER MAY: And I had to
4 absorb all this very quickly, but the --
5 trying to find it in your --

6 DR. KRASKIN: I have option two on
7 the screen.

8 COMMISSIONER MAY: I can't read it
9 from here.

10 DR. KRASKIN: Oh, I'm sorry.

11 COMMISSIONER MAY: But, the --
12 okay. So, option two, I'm looking at the
13 chart in the upper right-hand corner.

14 DR. KRASKIN: Would you like a
15 larger version, sir?

16 COMMISSIONER MAY: No, this
17 version is fine. But, this is proposed to --
18 this was U-shaped building was proposed to be
19 an eight-story building as well?

20 DR. KRASKIN: It was proposed to
21 be the side facing McDowell would be an eight-
22 story building. Yes.

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1 COMMISSIONER MAY: Okay.

2 DR. KRASKIN: It starts as three.

3 COMMISSIONER MAY: Oh, wait.
4 Okay. Now, I see the notes on the drawing
5 itself. So, it's three.

6 DR. KRASKIN: Then six.

7 COMMISSIONER MAY: Six, eight.

8 DR. KRASKIN: Then eight.

9 COMMISSIONER MAY: Got it. Is
10 floor one I guess below grade along -- I guess
11 it doesn't really matter. I'm just trying to
12 picture the mass of the building.

13 And you mentioned that our house
14 is set back from Mass Ave by 61 feet?

15 DR. KRASKIN: Sixty-one feet
16 from --

17 COMMISSIONER MAY: From the avenue
18 or from --

19 DR. KRASKIN: Avenue.

20 COMMISSIONER MAY: -- the curb?

21 DR. KRASKIN: From the avenue.
22 From the curb. Right.

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1 COMMISSIONER MAY: From the curb.
2 So, what they're proposing here is more than
3 that.

4 DR. KRASKIN: It certainly is.
5 But, in relation to --

6 COMMISSIONER MAY: So, I'm not
7 sure what the point was.

8 DR. KRASKIN: In relation -- if
9 you -- in the rest of my testimony that I did
10 not read, if you look at other residential
11 apartment buildings --

12 COMMISSIONER MAY: Yes.

13 DR. KRASKIN: -- in the
14 neighborhood, they are all set even further
15 back from not only the curb but the property
16 line.

17 COMMISSIONER MAY: Every single on
18 of them?

19 DR. KRASKIN: Yes, Greenbrier,
20 Berkshire, the Foxhall, the Avalon and Four
21 Thousand. Yes.

22 COMMISSIONER MAY: That's okay.

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1 Okay. About how far are those other
2 buildings? I don't know the ones by name, but
3 I remember Four Thousand.

4 DR. KRASKIN: Four Thousand
5 Massachusetts Avenue is 230 feet from the
6 curb.

7 COMMISSIONER MAY: Um-hum and how
8 tall is that building?

9 DR. KRASKIN: I actually don't
10 know the stories.

11 COMMISSIONER MAY: Number of
12 stories?

13 DR. KRASKIN: Stories on that.

14 COMMISSIONER MAY: It's big
15 though. Isn't it? It's quite a bit larger.

16 DR. KRASKIN: It's a wide
17 building.

18 COMMISSIONER MAY: Is it?

19 DR. KRASKIN: It's a wide building
20 and I --

21 COMMISSIONER MAY: Oh, broad along
22 the avenue.

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1 DR. KRASKIN: Broad. Broad. Yes,
2 along the avenue.

3 COMMISSIONER MAY: Yes, but I
4 thought it was very tall and then --

5 DR. KRASKIN: Can't answer the
6 question.

7 COMMISSIONER MAY: Ten or more
8 stories. Okay. All right. That's it for my
9 questions.

10 VICE CHAIRMAN SCHLATER: Mr.
11 Turnbull.

12 COMMISSIONER TURNBULL: Just kind
13 of continuing on with Commissioner May's
14 question, I guess when you're looking at
15 something off of Massachusetts Avenue, it's
16 not that you can't see a large building. I
17 mean you're not opposed to seeing a building
18 from Massachusetts Avenue?

19 DR. KRASKIN: Absolutely not.
20 We're delighted to see a good building along
21 Massachusetts Avenue.

22 COMMISSIONER TURNBULL: You're

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1 just -- I mean option two showed three stories
2 and then six stories and then eight stories.
3 I am wondering what that would actually look
4 like from the street.

5 DR. KRASKIN: Part of our thought,
6 and we were the ones that raised the idea of a
7 U-shaped building to them, was the fact of
8 reflecting the Katzen Arts Center which is
9 directly across the street which is, as was
10 mentioned, a two-story building at the top of
11 that hill. So, we were reflecting going up
12 the hill to three. Then behind it further
13 back would be the six and even further back
14 would be this eight. It would also maximize
15 -- give them even more beds than they had in
16 either of the other options.

17 COMMISSIONER TURNBULL: But, they
18 would need another variance for the --

19 DR. KRASKIN: They would have
20 needed the variance --

21 COMMISSIONER TURNBULL: A second
22 variance.

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1 DR. KRASKIN: -- for the -- which
2 was the initial variance they came with. The
3 initial filing was for two variances. No, I'm
4 sorry. For one. It was the --

5 COMMISSIONER TURNBULL: But, you
6 really had no objection to a plan like this
7 then or --

8 DR. KRASKIN: I think if the
9 facade facing Massachusetts Avenue was a
10 facade that reflected the residential area and
11 the nature of the university, I think we could
12 be very happy with it.

13 COMMISSIONER TURNBULL: Hum.
14 That's interesting. Thank you.

15 VICE CHAIRMAN SCHLATER: Thank
16 you, Mr. Turnbull. I don't think I have any
17 questions. So, thank you very much, Dr.
18 Kraskin and Mr. Hamilton.

19 Do we have any cross examination
20 from the Applicant?

21 MR. TUMMONDS: No cross.

22 VICE CHAIRMAN SCHLATER: Any cross

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1 from ANC 3D? Okay. Thank you very much.
2 Thank you, both and that means we can move on
3 to rebuttal.

4 Well, we would ordinarily move on
5 to persons in opposition, but we don't have
6 anybody on the witness list. So, we're going
7 to move to rebuttal and closing by the
8 Applicant.

9 MR. TUMMONDS: Thank you.

10 I think what we would like to do
11 there have been requests for information that
12 have been asked this evening. We can review
13 those at the conclusion of our statement, but
14 in addition to those areas, those specific
15 things, the specific documents that have been
16 requested, we would also request that we have
17 the ability to address the issues raised in
18 Mr. Smith's testimony this evening as we talk
19 about -- it is quite different, in fact, than
20 what ANC 3D's resolution put forth. So, we'd
21 request that we have that flexibility to
22 address that. We think ultimately that would

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1 be helpful to the Zoning Commission in its
2 deliberation on this project.

3 As I noted before, as discussed in
4 detail in the Applicant's prehearing statement
5 and as presented to the Zoning Commission this
6 evening, this application satisfies the
7 further processing special exception standards
8 of Section 210 of the Zoning Regulations and
9 the variance relief standards of Section
10 3103.2 of the Zoning Regulations with regard
11 to the setback requirements of Section 400.9.

12 We note that the Office of
13 Planning and the Department of Transportation
14 has submitted written reports which support
15 this application and we believe that this
16 application should move forward in a time
17 frame that will allow this project to
18 hopefully open in the fall semester of 2013.

19 So, I think what we'd like to talk
20 about is, you know, timing for submissions
21 probably in concert with our next hearing
22 which would be November 3rd and any sort of

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1 post-hearing submissions that come out of that
2 if you think that would be the appropriate way
3 to have a time frame to make these
4 submissions.

5 And in addition, that will allow
6 AU and Mr. Smith, Dr. Kraskin, Mr. Hamilton,
7 Mr. Herstein to continue to work on some of
8 these issues.

9 So, I do think that we have some
10 time to do that, but we do not believe that
11 this is a project that needs to go back to the
12 drawing board. We believe that this is a
13 project that has the appropriate massing,
14 scale and height and that we can work with
15 community comments that coalesce around an
16 idea of what this facade could be, should be.

17 But, I do -- I am concerned that there is the
18 ability to have one single facade that will do
19 that. I'm not sure we can accomplish that.

20 It was -- we had heard earlier
21 today that there were some representatives in
22 the community who wanted the building to look

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1 like Katzen. Some representatives of the
2 community wanted it to look like the Kogod
3 School of Business. Some wanted it to look
4 like Wesley.

5 I think Mr. Turnbull raised a good
6 point of having this building -- it also needs
7 to relate to the existing residential halls of
8 Hughes, Leonard and McDowell. I think that's
9 what we're trying to achieve and I think
10 that's what we can achieve.

11 So, with that, I will conclude our
12 statement and look forward to working to
13 provide this additional information.

14 VICE CHAIRMAN SCHLATER: Thank
15 you, Mr. Tummonds.

16 Show we come up with dates or do
17 you want me to -- what's up? Oh, go ahead,
18 Commissioner.

19 COMMISSIONER MAY: Yes, I don't
20 know how the rest of the Commission feels on
21 this, but it seems to me that some additional
22 information would be very helpful on this.

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1 Not that I'm looking to do an
2 extensive design review, but since I think
3 there have been some valid questions about how
4 the design affects the appearance of the
5 massing of the building, I think it would be
6 very helpful to know more about the building
7 and its relationship to Massachusetts Avenue.

8 So, toward that end, I would
9 suggest, first of all, that we -- you've done
10 some simulations, photo-simulations. I think
11 doing one with a winter view would be helpful
12 and I'm hoping that you have a winter view
13 that would be an appropriate view toward the
14 site.

15 I mean we saw an indication here.

16 But, I don't think the photo that was made in
17 the -- was given in the presentation today
18 would be very helpful for understanding the
19 building just because of the glare and the
20 quality of the photo.

21 But, it does raise the issue of
22 what it will look like in winter.

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1 I think it would also be helpful
2 to see a section across Massachusetts Avenue
3 actually through the portion of the building
4 that closest to Mass Ave. We have a section
5 that goes through the other wing, but not
6 through the portion that closest.

7 I would also like to see a
8 straight-on elevation of Massachusetts Avenue.

9 I mean maybe that's somewhere in this
10 presentation, but I haven't had time to go
11 back and look through my drawings again. If
12 it's already there, then point it out to me.

13 And then photos of the balloon
14 test I think would be helpful as well so we
15 can get a sense of how tall the building
16 actually is in the key location along
17 Massachusetts Avenue.

18 Those are the things that I'm
19 interested in.

20 I would also suggest, you know,
21 based on not so much Chairman Smith's initial
22 testimony but on the subsequent conversation

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1 that occurred and the testimony of the party
2 in opposition, it does seem to me that there
3 is room for agreement between the university
4 and the neighbors on how this building should
5 look without having to start completely from
6 scratch. So, I would strongly urge the
7 university to get together with the neighbors
8 and the ANC since there will be some time to
9 work on this before we can even possibly make
10 a decision. Because it seems like there is
11 room for that to be done.

12 I don't know if anybody else has
13 other additional requests.

14 VICE CHAIRMAN SCHLATER: I think
15 the only thing I might ask for -- there was a
16 line of questioning around sort of the
17 character of Massachusetts Avenue and the
18 relationship of other residential buildings to
19 Massachusetts Avenue. If there's any
20 information that can be provided that puts
21 this building in the context of the
22 neighborhood around it and specifically other

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1 buildings fronting Massachusetts Avenue, that
2 would be helpful for me.

3 COMMISSIONER TURNBULL: Mr. Vice
4 Chair, I think I would -- the only thing --
5 and I think I had asked before for some idea
6 of what the glazing looked like. Which I
7 think is an interesting thing.

8 I think we ought to be able to --
9 I guess we've established that we're not
10 trying to hide the building, but we want an
11 attractive building or the community has said
12 that.

13 In that right, I guess I would
14 like to see -- and to try to help that out is
15 to see a sample of the ribbing. Of the ribbed
16 concrete panels. I think that might be good
17 to have a sample of that and see what it looks
18 like.

19 And maybe even a mock-up panel of
20 the fieldstone. Something to give an idea of
21 the character of what that looks like. I
22 think people aren't sure whether it's reddish.

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1 I think -- I have an idea of what it looks
2 like, but I think we might -- a small panel
3 that might give a better idea of what that
4 fieldstone actually looks like. I think that
5 would be good.

6 VICE CHAIRMAN SCHLATER: Great. I
7 would certainly encourage the Applicant.
8 We're going to have some time here before we
9 take action on this further processing and it
10 sounds like at least the Commission members
11 here right now aren't wedded to the current
12 design necessarily. To go back and work with
13 the parties on this and see if it can be
14 improved. We'll certainly be open to those
15 changes.

16 So, with that, maybe we can talk
17 about some dates. I think we can be very
18 generous with --

19 MS. SCHELLIN: Yes, I wanted to
20 find out what kind of time the Applicant
21 thought they might need for that and also,
22 Vice Chairman Schlater, if I could also

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1 clarify, other than the items that have been
2 asked for, is the record closed except for the
3 specific documents requested?

4 VICE CHAIRMAN SCHLATER: Other
5 than the items asked for and the response to
6 those items?

7 MS. SCHELLIN: And the response
8 thereto from the parties of course.

9 VICE CHAIRMAN SCHLATER:
10 Absolutely, the record will be then closed.

11 MS. SCHELLIN: Okay. Just wanted
12 to clarify that.

13 MR. TUMMONDS: But, I had
14 previously asked about the ability to
15 address --

16 MS. SCHELLIN: The ANC's. Right
17 and there are a couple of other things.

18 Commissioner Turnbull asked that
19 you guys verify the gross floor area of the
20 typical floor plan. I wasn't leaving any of
21 the -- I don't think they were meant to leave
22 any of those things out.

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1 Commissioner Turnbull also --
2 Commissioner Schlater and Commissioner May
3 asked that you look at increasing the bike
4 parking. That was something else.

5 Of course, the photos from the
6 balloon test.

7 Commissioner May asked what is the
8 measurement to the parapet. Although, I think
9 that might have been clarified. So, that we
10 can mark off.

11 And that you asked to be allowed
12 to address the ANC's oral testimony. I think
13 the Commission agreed to that. I thought
14 that.

15 And then the things that were
16 mentioned just now. So.

17 MR. TUMMONDS: In consultation, we
18 can provide that in three weeks.

19 MS. SCHELLIN: Okay. So, that
20 would put us at --

21 VICE CHAIRMAN SCHLATER: I think
22 that's --

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1 MS. SCHELLIN: We don't need to
2 push. We can go further than that.

3 VICE CHAIRMAN SCHLATER: --
4 pushing it a little fast frankly. I mean for
5 the sort of interactive approach we're asking
6 for --

7 MS. SCHELLIN: Because we're not
8 getting a decision that quickly.

9 VICE CHAIRMAN SCHLATER: -- let's
10 just hold off on getting that. I don't
11 anticipate us --

12 MS. SCHELLIN: Five weeks?

13 VICE CHAIRMAN SCHLATER: -- in the
14 next six weeks acting on this.

15 MS. SCHELLIN: Right. So.

16 VICE CHAIRMAN SCHLATER: So, I'm
17 just going to leave the deadline out --

18 MS. SCHELLIN: Six weeks.

19 VICE CHAIRMAN SCHLATER: -- for
20 six weeks.

21 MS. SCHELLIN: Six weeks. Okay.
22 Let's see. What's today? Today is the 20th.

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1 So, one, two, three, four, five. That would
2 put us to December 1st.

3 If we could have the Applicant's
4 responses and, of course, serving everything
5 on the parties by 3:00 p.m. December 1st and
6 then responses are due one week later from the
7 parties by December 8th 3:00 p.m. and other
8 than that, the record is closed.

9 MR. TUMMONDS: Thank you.

10 VICE CHAIRMAN SCHLATER: And we
11 anticipate making a decision after we take
12 action on --

13 MS. SCHELLIN: Correct.

14 VICE CHAIRMAN SCHLATER: -- the
15 2010 --

16 MS. SCHELLIN: Full campus plan.
17 Correct and we won't know when that is at this
18 point.

19 VICE CHAIRMAN SCHLATER: No.
20 Okay. Very good. Well, I declare this
21 hearing closed. Thank you very much for
22 all --

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1 MR. SMITH: Mr. Chairman, may I
2 ask you a point of clarification? Just a
3 question.

4 VICE CHAIRMAN SCHLATER: Sure.

5 MR. SMITH: With the time line
6 here that you're talking about, will the ANC
7 and the parties have the opportunity to reply
8 to the materials and is that what the December
9 8th date was?

10 MS. SCHELLIN: Correct. That is
11 what the December 8th date is.

12 MR. SMITH: Thank you very much.
13 Thank you.

14 COMMISSIONER MAY: Mr. Chairman,
15 can I just say that for the Chairman's benefit
16 when he reads the rest of the record that I
17 was perfectly willing to stay until 11:30
18 tonight, but we just couldn't make it last
19 that long. So, thanks.

20 MS. SCHELLIN: He'll appreciate
21 it.

22 VICE CHAIRMAN SCHLATER: Thank

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1 you, Commissioner May.

2 (Whereupon, at 9:07 p.m., the
3 hearing was adjourned.)

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