

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY

APRIL 26, 2000

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The Public Hearing convened in Room 220 South, 441
4th Street, N.W., Washington, D.C. 20001, pursuant to notice at
9:30 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
ROBERT N. SOCKWELL	Vice Chairperson
RODNEY L. MOULDEN	Board Member
ANN RENSHAW	Board Member

ZONING COMMISSION MEMBER PRESENT:

CAROL J. MITTEN	Commissioner
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OFFICE OF ZONING STAFF PRESENT:

Beverly Bailey	Zoning Specialist
Paul Hart	Zoning Specialist

OTHER AGENCY STAFF PRESENT:

Mary Vogle	Office of Planning
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D.C. OFFICE OF CORPORATION COUNSEL:

Mary Nagelhout, Esq.
Marie Sansone, Esq.

C-O-N-T-E-N-T-S

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P R O C E E D I N G S

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10:24 A.M.

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CHAIRPERSON REED: Good morning. Pardon our delay this morning. There were Board Members that we had to talk to prior to us coming out on the dais.

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Can you hear now? All right, again, I said we apologize for the delay. What we're going to do is start with the first case of the morning and then we're going to take a short recess and then we'll start with the George Washington Campus Plan.

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The hearing will please come to order. Before we get started, let me preface my opening remarks by saying that we expect everyone in this room to conduct themselves in a correct and polite manner and to adhere to the decorum and protocol that is expected a hearing of this nature as such.

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Anyone who persists upon yelling out from the floor or interrupting these proceedings in any way, shape, form or fashion today, we have no choice but to ask you to leave. So we'd like to kind of set those ground rules in the beginning.

21

Thank you.

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25

The hearing will please come to order. This is the April 26th public meeting, hearing of the Board of Zoning Adjustment of the District of Columbia. My name is Sheila Cross Reid, Chairperson. Joining me today is Robert Sockwell, Rodney

1 Moulden, representing the National Capital Planning Commission;
2 Ann Renshaw, and representing the Zoning Commission is Carol
3 Mitten.

4 Copies of today's hearing agenda are available to
5 you. They're located to my left near the door. All persons
6 planning to testify either in favor or in opposition ought to fill
7 out two witness cards. These cards are located at each end of the
8 table in front of us.

9 Before coming to speak before the Board, please
10 give both cards to the reporter who is sitting to my right.

11 The order of procedure for special exception and
12 variances is (1) statement and witnesses of Applicant; (2)
13 government reports, including Office of Planning, Department of
14 Public Works, etcetera; (3) report of the Advisory Neighborhood
15 Commission; (4) parties and persons in support; (5) parties and
16 persons in opposition; (6) closing remarks by the Applicant.

17 Cross examination of witnesses is permitted by the
18 Applicant or parties, the ANC within which the property is located
19 is automatically a party in the case.

20 The record will be closed at the conclusion of each
21 case except for any materials specifically requested by the Board
22 and staff will specify at the end of the hearing exactly what is
23 expected.

24 The decision of the Board in these protested cases
25 must be based exclusively on the public record. To avoid any

1 appearance to the contrary the Board requests that persons present
2 not engage members of the Board in conversation.

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

5 At this time the Board will consider any
6 preliminary matters. Preliminary matters are those which relate
7 to whether a case will or should be heard today such as a request
8 for postponement, continuance or withdrawal or whether proper and
9 adequate notice of the hearing has been given.

10 If you're not prepared to go forward or you believe
11 that the Board should not proceed, now is the time to raise such a
12 matter.

13 Are there any preliminary matters? Does staff any
14 preliminary matters?

15 MR. HART: No, Madam Chair.

16 CHAIRPERSON REED: Thank you, let's proceed with
17 the first case of the morning.

18 MR. HART: First case is Case No. 16569,
19 Application of the World Plan Executive Council/The Kingsbury
20 Center, pursuant to 11 DCMR 3104.1, for a special exception under
21 Section 205 to establish a private school for up to 400 students,
22 ages 5 through 18 years of age and 200 staff persons, and to
23 construct a small gym on the site in an R-1-B District at premises
24 5000 14th Street, N.W., that is Square 2711, Lot 802.

25 Those persons planning to testify, please stand for

1 the oath. Please raise your right hand.

2 (Witnesses were sworn.)

3 VICE CHAIRMAN SOCKWELL: Madam Chair, I feel that
4 there's a need for me to disclose to this Board and the hearing
5 that I found out recently that my sister-in-law, that is, my
6 brother's wife is a Member of the Board of Directors of this
7 Kingsbury Center. I know absolutely nothing about her role in the
8 center and only became aware of it and my only knowledge of the
9 center is that which is in our hearing package. As far as I'm
10 concerned, I would be able to hear this case without any pre-
11 conceived issues and would be fair and impartial.

12 CHAIRPERSON REED: Is there any objection? Unless
13 there's any objection from anyone who is concerned with this case,
14 then we will proceed, a little disclosure matter.

15 MS. GIORDANO: Thank you very much. Good morning,
16 Members of the Board. My name is Cynthia Giordano. I'm with the
17 law firm of Linowes and Blocher. And I, too, happen to be a
18 Member of the Kingsbury Board this morning, so I took the oath and
19 I may be testifying from time to time. I just wanted to let you
20 know my relationship is a little different to this case than the
21 usual.

22 To my right is Carolyn Thornell. She is Executive
23 Director of the Kingsbury Center. To my left is Cal Bowie with
24 Bowie, Gridley Architects and behind us Erwin Andres who is with
25 Grove Slade, the transportation consultants for this project.

1 These three persons will be our witnesses this morning.

2 Cal Bowie, I think, has been accepted by this Board
3 previously as an expert in architecture and Erwin Andres has also
4 been accepted as an expert in transportation planning, so I ask
5 that you acknowledge that expert status that these witnesses have.

6 CHAIRPERSON REED: Okay, hold on one second. How
7 many people here today are here for this particular case? Okay.
8 How many of those are in opposition? Is there any opposition?
9 Okay. There was a request for party status.

10 Can you come forward, please?

11 MS. FERGER: Good morning. I'm Kathryn Ferger,
12 President of the Carter Baron East Neighborhood Association. We
13 requested party status in this case.

14 CHAIRPERSON REED: All right, we did receive your
15 request and we have reviewed it and do any of the Board Members
16 have any objection to this particular association receiving party
17 status?

18 Okay. You're the representative or -- you're the
19 President?

20 MS. FERGER: President of the Association and our
21 boundaries go from Decatur to Longfellow, 16th to 13th Street, so
22 this property is right in the center of our neighborhood.

23 CHAIRPERSON REED: Typically, Ms. Ferger, we
24 require that there is some authorization or some letter that would
25 give you, like from your organization that would designate you as

1 their representative.

2 MS. FERGER: I am the president. I didn't realize
3 that and I signed the letter requesting status.

4 CHAIRPERSON REED: I understand that. You probably
5 didn't know. Nonetheless, we ask that you submit such a letter
6 for the record.

7 MS. FERGER: Okay, I can do that.

8 CHAIRPERSON REED: We request that. We want to
9 have the right people in front of us.

10 MS. FERGER: Signed by the other officers?

11 CHAIRPERSON REED: That would be the condition.

12 Okay, thank you very much.

13 MS. FERGER: Thank you.

14 CHAIRPERSON REED: Ms. Giordano, we have read the
15 materials that have been submitted and we have no opposition,
16 basically, so we would ask that you expedite and just give us the
17 salient points and we can get through relatively quickly.

18 MS. GIORDANO: Okay, we will do that. There is one
19 issue in the case which is parking, where there's been some
20 difference of opinion in the community about that, so we will
21 address that. I'd like to submit for the record now a revised
22 site plan, if I might. It's two pages. The existing site
23 condition and then a revised site plan which is different than
24 what we submitted before. The difference is primarily in the
25 layout of the parking and the number of parking spaces.

1 CHAIRPERSON REED: What would be very helpful, Ms.
2 Giordano, is if you can demonstrate to us in your presentation
3 here this morning how you are reconciling that parking issue in
4 regard to the fact that you have ANC requesting so many parking
5 spaces and then the Carter Baron Neighborhood Association
6 requesting another number and then you're requesting another
7 number all together and what you proffer to us as a resolution to
8 those three different figures as to parking.

9 MS. GIORDANO: I just want to also mention at the
10 outset that we have amended our application in the supplemental
11 submission to a maximum of 300 students from 400 which was
12 originally requested, and 138 full-time equivalency staff as
13 opposed to 200. What we're proposing for parking at this point is
14 95 spaces.

15 CHAIRPERSON REED: You reduced. You were 124?

16 MS. GIORDANO: Right. There's the ANC
17 recommendation, was 35; the Carter Baron East recommendation was
18 124; Office of Planning was 92; and we're proposing 95. We were
19 trying to basically comply with the Office of Planning
20 recommendation, but in the layout of the spaces it made sense to
21 keep three extra and I'll let Cal Bowie explain that in a few
22 moments, but so we're pretty much in conformance with the Office
23 of Planning and in between the ANC recommendation and the Carter
24 Baron East recommendation, so I think it's a good compromise
25 position and it works for us.

1 I'd also like for Carolyn Thornell to justify,
2 basically, the need for that amount of parking. There's a very
3 strong parking on the Kingsbury Center that the 95 spaces are
4 absolutely essential to the operation of their center there and
5 she will explain that in her statement. But first, she's also
6 going to provide a little bit of background about Kingsbury. I
7 know you've read the materials, but I think it's appropriate that
8 she introduce the Kingsbury Center to you. And also, she's
9 reminding me that I neglected to mention that also in our
10 supplemental submission we indicated that we're no longer
11 proposing any new construction on the site. The initial
12 application mentioned that we had intended to build a gym or a
13 multi-purpose room on the site, but we have withdrawn. In the
14 future, we may do that as the school grows and we have older high
15 school students, we may need that. But we're just not prepared at
16 this time to design that building and we don't have it financed so
17 we're not proposing that as part of this special exception.

18 So with that I'll ask Ms. Thornell to provide her
19 statement. I've also submitted it in writing to you.

20 MS. THORNELL: Good morning, Members of the Board.
21 I'm Carolyn Thornell, Executive Director of the Kingsbury Center.
22 On behalf of the Kingsbury Center I want to thank you for the
23 opportunity to appear before the BZA this morning. Kingsbury
24 Center is the oldest, nonprofit, educational institution in the
25 Washington area that addresses the special needs of young

1 children, adolescents and adults who experience learning
2 difficulties. It was founded in 1938 by Marian Kingsbury, a
3 pioneer in remedial education, and provides educational,
4 diagnostic, psychological, consultative and tutoring services to
5 hundreds of individuals each year through the Kingsbury Day School
6 and two ancillary divisions, diagnostic and psychological services
7 and tutoring services.

8 I'll tell you just briefly something about
9 Kingsbury's mission and program overview and our activities in the
10 community and I will try to be brief. The goal of the Kingsbury
11 Day School is to provide an appropriate and stimulating academic
12 program for children with learning difficulties that assists them
13 in learning compensatory skills to enable them to function
14 independently and effectively in elementary and secondary school
15 and college.

16 Currently, KDS, as the Kingsbury Day School is
17 known enrolls 100 students ages 5 to 14, of average or above
18 average cognitive ability with learning disabilities and helps
19 them to reach their potential in an academic setting. We have a
20 very low student-teacher ratio, 8 students and two teachers per
21 class. We offer one on one group work, multisensory teaching,
22 full complement of co-curricular classes, including art, music,
23 drama, phys. ed., most of which have to take place off-site at our
24 current location and our related services which include
25 occupational therapy, speech and language remediation and

1 psychotherapy when needed.

2 We have a tutoring division which trains its own
3 special tutors to work with children and adolescents with learning
4 difficulties. They also tutor children who are not currently
5 enrolled at KDS.

6 Kingsbury's diagnostic and psychological services
7 division, our third division, administers diagnostic tests and
8 provides therapy for KDS children and others referred to the
9 center because they appear to have learning or attentional
10 difficulties.

11 Of the hundred students we currently enroll, 69
12 percent are male, 31 percent are female; 82 percent are from the
13 District of Columbia; 15 percent from Maryland and 3 percent from
14 Virginia. Ethnically they are 46 percent African-American, 47
15 percent Caucasian, 5 percent Latino-Hispanic and 2 percent Asian-
16 American or other ethnicity.

17 Of the 88 children who have their tuition by
18 respective school districts under the federal law which provides
19 for such funding in the event that the public school jurisdiction
20 cannot offer services required by the child's IEP, of those 88
21 children, 80 are from D.C. public schools and their tuition is
22 paid by DCPS.

23 In the District of Columbia community, Kingsbury
24 has played a leadership role in developing and operating programs
25 for at risk children and adolescents as well as providing

1 enrichment programs for professionals. We have developed the
2 teachers and tutors program to increase the effectiveness of
3 teachers in educating mainstream students with learning
4 difficulties in selected D.C. public schools, including Brightwood
5 which is in our neighborhood, Garrison, Martin Luther King, Jr.,
6 and Cleveland elementary schools. We receive funding for this
7 program now from foundations and we put our tutors in the
8 classrooms identified by the principals and help these teachers
9 become more effective in identifying learning disabled children
10 and teaching them strategies for learning that will help them to
11 be successful students and help them to be able to stay in that
12 mainstream classroom, as opposed to being referred to special
13 education.

14 We have already met with the principal of West
15 Elementary School which is just across the street from our
16 proposed site about the possibility of implementing the program in
17 his school. We have a letter from him as well as from the
18 principal of Brightwood expressing the hope that our teachers and
19 tutors program will be implemented in their schools and I do have
20 copies of those letters here with me today.

21 We also provide as much financial assistance to
22 economically disadvantaged youngsters who need tutoring or
23 diagnostic testing because they're having trouble in school.
24 During 1998-1999 over \$82,000 in grants and internal funding
25 supported the center's program of testing and tutoring for

1 economically disadvantaged children. This figure includes the
2 center's waiver of more than \$9,000 in admissions, testing fees
3 for children applying to independent schools.

4 Our volunteers offer their services in schools
5 around the city. A number of them, D.C. public schools, and they
6 give of their time freely or at greatly reduced fees when children
7 appear to need the tutoring because of their economic
8 circumstances. Additionally, we offer symposia, lectures and
9 workshops on issues that will help the community understand
10 learning disabilities and attentional disorders better. These are
11 open to the public and many of them are free of charge.

12 We have been looking for a long time for a new
13 facility because our current facilities in the Sheridan/Kalorama
14 section of Washington are seriously overcrowded. There's no
15 outdoor play area on site and off street parking is severely
16 limited. Each year for the last five, the increased demand for
17 enrollment at KDS has resulted in more and more creative
18 attentions to carve space out of our already limited existing
19 facilities.

20 As a result, the classrooms have become
21 increasingly crowded and the centers programmatic and
22 administrative offices have been squeezed to the limit.
23 Similarly, families seeking diagnostic and remediation services
24 are experiencing several months' wait because enlargement of our
25 staff would require additional space.

1 We've been looking for an appropriate, affordable
2 location since 1997. The option of expanding our current
3 facilities has been ruled out for two reasons. First, the
4 buildings would require such extensive renovation that it would be
5 senseless to undertake that task, and second, the high density
6 residential buildings in the area do not lend themselves to school
7 use without resulting in adverse impacts on neighboring
8 residential uses.

9 In seeking a new facility, the Board and
10 administration of Kingsbury were committed to staying in the
11 District of Columbia and continuing its long history of serving
12 D.C.'s residents. The Board of Trustees and administration of
13 Kingsbury assured parents and staff that every effort would be
14 made to find a facility that was first centrally located in the
15 District; second, had ample green space so that the children could
16 play on the premises and third, offered adequate parking space on
17 the site. The Dixon Mansion, centrally located in D.C. at 5000
18 14th Street, N.W., with more than 57,000 square feet of space on
19 nearly four acres of land, ideally suits Kingsbury's criteria for
20 a new facility. An enlarged Kingsbury Day School will fill a
21 desperate need in the District of Columbia and surrounding
22 jurisdictions. Many more students in the District alone are
23 learning disabled, an estimated 1 in 5 children than can be
24 properly served in the existing special education schools. An
25 estimated 5,000 children have been identified as being learning

1 disabled in the District and more have not yet been diagnosed.
2 One D.C. based public school with 150 children and one independent
3 school with 310 spaces are the only ones in the District of
4 Columbia dedicated exclusively to learning disabled children. The
5 same shortage of spaces for learning disabled children is evident
6 at our own school. The rate of applications to Kingsbury Day
7 School has grown steadily since 1994. Since the
8 1996-1997 school year, Kingsbury has been able to replace its
9 average 15 students who age out of the program, plus increase
10 student enrollment from the existing applicant pool and still have
11 a year round wait list. We have four to five applications for
12 every available space.

13 While KDS enrollment is 100 today, we project
14 growth to 266 students by fiscal 2007 and to a maximum of 300
15 students within the subsequent three years. Kingsbury's concept
16 for growth also includes diversification of its program. We will
17 be expanding our middle school program following location to the
18 Dixon -- well, we've already expanded that and following
19 relocation to the Dixon Mansion, we will also begin a high school
20 program with our own students who have reached that grade and
21 others who are aging out of other programs in the area or seeking
22 a more suitable placement.

23 Further, the proposed move to Dixon Mansion will
24 allow Kingsbury's diagnostic and psychological services and
25 tutoring services divisions to expand and accommodate growing

1 requests for their services.

2 Finally, the purchase and renovation of Dixon
3 Mansion will enable Kingsbury to remain in the District and
4 conveniently serve the D.C. community.

5 Now to the matter of parking on site. As noted
6 earlier, adequate on-site parking was one of the criteria set by
7 Kingsbury's Board and Senior Administration for an acceptable new
8 facility. We were delighted with the Dixon Mansion because it
9 clearly could accommodate on-site parking for faculty, staff,
10 parents and visitors. Had this not been the case, it is likely
11 that the Board would have had serious reservations about
12 proceeding with plans to purchase the building. There were some
13 sites that we saw that simply were not acceptable because we could
14 not park on the premises.

15 We arranged to meet with the Carter Baron East
16 Neighborhood Association, CBENA, to determine the interest and
17 concerns of the immediate neighbors of 5000 14th Street. We also
18 sought to learn from the ANC single member district representative
19 of 4C02 if there were concerns that others in the ANC might have.

20 All indicated that traffic and parking were the major issues. We
21 met twice with CBENA, once with its traffic subcommittee and once
22 with the ANC. With respect to parking, the expressed concern was
23 that neighbors not be inconvenienced by our staff's parking on the
24 street. We increased on-site parking from an original site plan
25 that had 88 spaces to 124 spaces which met our current and future

1 parking needs and addressed the concerns of the neighbors and had
2 a little excess. The parking was configured in a manner that was
3 acceptable to CBENA and to us. We committed to leaving as many
4 trees and as much green space as possible and to having a
5 Kingsbury liaison to CBENA to discuss such issues as landscaping.

6 We were therefore surprised at the ANC meeting to
7 hear requests that the parking should be severely reduced in order
8 to preserve trees and that the staff should park off-site. The
9 suggested parking venue was Carter Baron. We could not agree to
10 that without reviewing the proposal in detail, but we did say that
11 we would consult with our Board Members and administrators about
12 this matter. After this review and consultation it is clear that
13 off-site parking or parking at a level well below our needs is not
14 acceptable to Kingsbury. Our long struggle with parking at our
15 current site clearly points to the reasons we need on-site parking
16 and the importance of such parking to Kingsbury's ability to
17 thrive and grow.

18 We offer a comprehensive services program with
19 staff and providers who are both full and
20 part-time and are in great demand. We will lose many part-time
21 staff if they must park a distance from the school and walk both
22 ways, thus adding to their time at Kingsbury. Their schedules are
23 such that they cannot lose this much time and satisfy their other
24 obligations.

25 Schools in the metropolitan area, especially

1 special education schools, are facing a well documented teacher
2 shortage. Kingsbury, therefore, is in a very competitive market
3 to attract qualified teachers. Unfortunately, our teacher
4 salaries at the highest level we can afford are much below those
5 offered by DCPS and other surrounding public school systems. Our
6 teachers who have master's degrees and 10 to 15 years' experience
7 earn approximately the same as beginning teachers in D.C. and
8 other neighborhood jurisdictions with only a bachelor's degree.

9 Parking is an amenity that helps them to compensate
10 for the low salary. Offering salaries in the range that we can
11 afford and then having parking at a distant location would cause
12 us to lose both prospective and current faculty.

13 Parking on the street would disturb the neighbors.

14 Parking at Carter Baron is entirely too far away. Further, it is
15 not always available. For example, during tennis tournaments or
16 camps. And we are a year round, virtually, year round program.

17 In addition, 90 percent of our staff is female.
18 There's no metropolitan area neighborhood, including this one, in
19 which men or women would feel safe walking to a parking site in
20 darkness, which four to months of the school year are, especially
21 one located in the midst of a poorly lit, wooded area. Parents
22 and visitors who come to our site to participate in their
23 children's school program or to have testing and tutoring from
24 members of our staff need to be assured of parking or they will
25 not come. And they certainly would not park at the proposed site,

1 leaving them either on neighborhood streets or in the case of
2 visitors choosing to go to another organization for testing or
3 tutoring. Further, our ability to attract parent
4 volunteers to enrich our program would be seriously limited by the
5 proposed parking restriction.

6 The success of our program at the Dixon Mansion
7 site depends on our ability to grow for the variety of reasons
8 mentioned off-site parking threatens our ability to grow and to
9 derive the revenues needed to cover the costs of financing this
10 property.

11 I want to reiterate, we are committed to working
12 with the community on landscaping and other germane issues. We
13 are also committed to keeping to a minimum trees that would be cut
14 down and to adding appropriate trees and shrubs to the property.
15 We are pleased to see that the Office of Planning has recommended
16 92 parking spaces. This approximate number is acceptable to
17 Kingsbury.

18 Thank you very much for your attention. I'd be
19 happy to answer any questions if this is the time that you ask
20 them. I'm not sure.

21 CHAIRPERSON REED: Board Members, are there any
22 questions for this witness? No question. We'll get into that in
23 a second.

24 Ms. Giordano, your application is for a private
25 school?

1 MS. GIORDANO: That's correct.

2 CHAIRPERSON REED: I see in the submission and in
3 many of the papers before me that you're applying under a 205,
4 Section subsection 205?

5 MS. GIORDANO: Yes.

6 CHAIRPERSON REED: But private schools are under
7 subsection 206?

8 MS. GIORDANO: Okay, that's a typo. I apologize.

9 MR. HART: It's 206 in her original application.

10 CHAIRPERSON REED: I see, the application says 206
11 but in your submission it's 205. And then also I think on the
12 agenda is it 205? Mr. Hart?

13 MR. HART: It's 205.

14 CHAIRPERSON REED: It's 206, for the record. We
15 want to be clear on that.

16 MS. GIORDANO: Thank you.

17 CHAIRPERSON REED: All right.

18 MS. GIORDANO: Would you like to proceed with Mr.
19 Bowie's presentation or do you have questions for Ms. Thornell?

20 CHAIRPERSON REED: For right now, we'll proceed.
21 We'll waive.

22 MS. GIORDANO: All right.

23 MR. BOWIE: Good morning. My name is Cal Bowie.
24 I'm from the architectural firm of Bowie, Gridley Architects. I'm
25 delighted to be here today to briefly take you through this

1 building and site.

2 The first exhibit that we have for you is site
3 photographs. The first board located to my left here is the
4 surrounding neighborhood. One of the things, let me say first of
5 all, that I've looked at this site for I think seven different
6 users, potential users, over the last eight or nine years and
7 Kingsbury is an excellent fit to this site in a lot of different
8 ways. It is a wonderful piece of property and a wonderful
9 building and it will be great to see it put back into a productive
10 use within this neighborhood.

11 One of the characteristics of it, of course, is
12 that it is set in a residential neighborhood on three of the sides
13 and then against 14th Street on the other. These site
14 photographs, the one in the upper left hand corner of my first
15 board shows the south borderline which is actually against the
16 alley of the adjoining houses on the southside which is Emerson
17 Street and then on the back along Piney Branch Road where there
18 are really large tracts that are open and residential properties
19 again, that's the west side of the site. The north side is
20 against Gallatin Street, wonderful houses along that, well set
21 back, wide streets, really a lovely neighborhood setting. And
22 then 14th Street has houses along part of the front which is the
23 eastern border of the property and the elementary school directly
24 across from the building, its entrance. And 14th, of course, is
25 the more busy of the streets that surround the property.

1 The second board shows the building itself which
2 again is really a wonderful old structure built in the 1920s. It
3 was originally a home for elderly men and the first upper left
4 hand corner shows looking at it from the 14th Street side on the
5 south end of the building. It has porches on either end and a
6 central portico which is the main entrance showing in the middle
7 photograph. And then the north end matches more or less the south
8 end of the building.

9 In the back against Piney Branch
10 Road-side, there is a freestanding, really what's almost a house
11 behind the building separated from it, it's actually a large
12 multi-purpose room with spaces above and a cafeteria and there's a
13 courtyard created in the back which really, as you'll see in the
14 site plan, create an ideal area for a play, an enclosed play area.

15 There are two possible places for play areas. One
16 is on the south side of the building that exists in the back and
17 the other is a much more enclosed courtyard area that's really
18 behind the sort of free-standing multi-purpose building. I'm
19 going to come back -- I'm going to go through the interior of the
20 building very quickly and then come back to the site plan and the
21 site circulation.

22 MEMBER RENSHAW: Does the connector between the
23 building in back and the main building exist now?

24 MR. BOWIE: Yes, it does. Starting actually on the
25 left hand -- on the right hand board which is the first floor

1 level, one of the nice things about this building is that it
2 actually has great bones for this use and for these kind of --
3 creating the kinds of spaces that Kingsbury requires. There's
4 essentially a central hall and there are entrances at the ends as
5 well as at the middle of the building.

6 The central entrance will be the entrance to the
7 school itself and testing functions and other support functions,
8 more or less, will enter from the north end of the building.
9 They're color coded here in terms of the school's support uses and
10 the actual teaching uses on these drawings. These drawings show
11 the full build out of the existing 57,000 square feet. As the
12 school moves in they require 40,000 initially and during the
13 occupancy when their population escalates up to the 300 that's
14 requested, they'll be doing more or less continuous construction
15 to -- but probably in pieces over the summers and in other times
16 after the initial occupancy takes place.

17 Largely, the first floor would have classrooms,
18 multi-purpose spaces and testing. The connector gives you the
19 multi-purpose room in the back and that would be reconfigured to
20 accommodate arts functions, largely in the back.

21 The second floor would be all classroom spaces with
22 some of the, again, testing and support functions on the north
23 side of the building.

24 That's the basement, excuse me.

25 And likewise, the second floor plan which matches

1 and there is an upper story in that back building on half of it
2 which would end up as administrative space probably in the end.

3 The one change to the envelope of the building that
4 we're proposing essentially is in the upper floor which is the
5 third story. Right now what exists all along the front and the
6 back are deep dormers and what we're proposing to do is in the
7 back and the center of the building is to connect those dormers
8 into larger dormers which will allow the creation of classroom
9 spaces on that floor, all with appropriate ceiling height. It's a
10 relatively minor change only in the back of the building and
11 really won't be visible from the front and the architecture of
12 those dormers will be consistent with the architecture of the
13 balance of the building. It's easy to do because the roof is so
14 high that the dormers will still work quite nicely with the back
15 of the building.

16 So those are basically the interior plans. The
17 other things obviously that have to be done on the interior
18 building are two new stairwells, an elevator, handicapped
19 accessibility ramps on the exterior so that the building will all
20 be ADA accessible and new bathrooms throughout. A large part of
21 the fabric of the interior building, of the building will be
22 maintained as smaller support teaching spaces and support spaces.

23 This was built as really essentially dormitory spaces, but when
24 you take out one wall between two of the existing rooms what you
25 end up with is a room that's perfectly suited to the size, class

1 and teaching facility of this school which is much smaller than an
2 average school, so the rooms still are smaller than a room that
3 would contain 20 kids, for instance, and two teachers.

4 Turning now to the site plan, as proposed,
5 currently proposed. The left hand drawing exhibit is the existing
6 site plan and one of the interesting things about this site is
7 that the basic infrastructure of roads and entrances already exist
8 and we're proposing to maintain all of the entrances right where
9 they are. There are four gates to the property right now, two
10 that are on Piney Branch Road to the east and two that are on 14th
11 Street to the west. Erwin will talk in more detail about the car
12 circulation when he makes his presentation, but the basic ring
13 road that exists all the way around the building on the inside is
14 actually well back and leaves all of the transportation issues
15 well insulated from the adjoining neighbors on the three of the
16 four sides.

17 And that's really where we're proposing to keep the
18 circulation. It provides enormous flexibility in terms of how you
19 can operate the traffic pattern on the internal side and it
20 provides really wonderful opportunity for creating the parking at
21 the level that we're proposing.

22 One of the characteristics about the site that's
23 particularly important to the school, as Carolyn said, is the
24 trees. There are wonderful, mature trees on this property and we
25 anticipate working very hard to preserve as many of them as

1 possible. Regrettably, some of them are not in the best shape and
2 the school anticipates working with an arborist to identify the
3 ones that have to go and perhaps reconfiguring the site plan in
4 minor ways to allow the preservation of trees where we can, once
5 we have an actual site survey and a full understanding of the
6 condition of each individual tree.

7 Beyond that, of course, the school, as Carolyn
8 said, is committed to working with the neighborhood to provide
9 appropriate landscaping for the new parking that goes on the
10 property to keep it the wonderful kind of rural site that it
11 appears to be today within the gated walls.

12 The right hand site plan shows the parking
13 configuration as it's proposed today. There are 95 spaces
14 proposed in this plan as it exists. The north entrance on 14th
15 Street would be considered a vehicle -- two entrances are vehicle
16 entrances and two are vehicle exits. The north one would be an
17 entrance and an exit and the north one on Piney Branch side and
18 likewise, on the opposite Farragut Street in the back would be an
19 entrance on Piney Branch and an exit on to 14th in the front. So
20 there are two entrances, two exits. There's one on each side of
21 the building and the ring road would be basically expanded to
22 allow two-way traffic around the body of the site and parking.

23 The other things that are also created on the site
24 are a play area along the north border which is largely open. The
25 trees that are on this northwest portion of that end of the site

1 are the ones that are perhaps in the worse shape. A lot of them
2 were damaged in the storm a good number of years ago and there are
3 still large pieces of them that are down and they're probably the
4 ones that look like they're in the worse shape. That's where
5 we're proposing to make a more or less open play area which would
6 be about 80 by 200 square feet and fenced with a low fence on the
7 interior and the existing fence along the road with landscaping.

8 As I said, the other playground area for the
9 younger kids would be inside of the ring road which again is a
10 wonderful thing about this particular site and there's also the
11 small courtyard between the building which is an opportunity for
12 yet a third play area for different ages of children on the
13 property.

14 The major thing that we discovered as we looked at
15 this site is that really the best place to put the body of the
16 parking area, the large body of the parking is along 14th Street.

17 That sits considerably lower than the building. The building is
18 raised up on essentially on a plinth along that side and the
19 parking can be slipped in there and be below the height of the
20 building so that the building will still sit above it from the
21 14th Street side. What we're proposing is a parking lot out there
22 that has about 35 spaces in it across the front and some would be
23 parallel parking, some would be head in parking and two way
24 circulation through the middle.

25 Again, one of the issues that's been a source of

1 concern is a grove of trees that exists at the southwest corner of
2 the site and when we survey more directly we will work as hard as
3 we can get the driveway to go in there and preserve as many of
4 those as possible.

5 The other aspects really are adding handicapped
6 accessible parking spaces near the front entrance and also, I
7 think, bicycle racks and a handicap ramp at the front to allow
8 accessible access to the building which is really raised up by
9 about eight steps.

10 I think those are the major components of the site
11 plan and I'm happy to answer any questions.

12 VICE CHAIRMAN SOCKWELL: Mr. Bowie, you suggested
13 that the grove of trees is at the southwest corner?

14 MR. BOWIE: This one right here.

15 VICE CHAIRMAN SOCKWELL: And I think you meant
16 southeast corner.

17 MR. BOWIE: Yes, I did.

18 VICE CHAIRMAN SOCKWELL: From my impression, the
19 original site plan proposed that most of the parking on the south
20 end of the site would be pushed to the outside of the ring road.
21 At this point, you've pushed it to the inside of the ring road,
22 apparently allowing for somewhat more sensitivity to the adjacent
23 neighbors to the south and it appears that the future parking area
24 that was proposed in the original site plan has been eliminated?

25 MR. BOWIE: That's true.

1 VICE CHAIRMAN SOCKWELL: Which would have wiped out
2 most of the existing vegetation in the area of those same homes?

3 MR. BOWIE: That's correct. See, there's actually
4 quite a bit of grade change, interestingly enough, that happens
5 with those trees and cutting a parking lot in back there was going
6 to certainly affect those trees even though on the surface
7 initially it appeared we could do it. You were going to end up
8 with retaining walls and the area in the front, really, there
9 aren't any trees over the vast majority of that area and it's
10 really a much better, less invasive site for parking.

11 VICE CHAIRMAN SOCKWELL: I assume that the renewed
12 sensitivity to the landscaping and existing vegetation was partly
13 the result of the ANC's objection?

14 MR. BOWIE: Certainly it was part of the
15 conversation.

16 VICE CHAIRMAN SOCKWELL: And if the way the parking
17 is designed right now, you're showing 95 spaces capable and there
18 will be a question raised later on for parking and it will be
19 discussed at that time.

20 MR. BOWIE: Okay, thank you.

21 MEMBER RENSHAW: Madam Chair?

22 CHAIRPERSON REED: Yes.

23 MEMBER RENSHAW: I would like to ask Mr. Bowie
24 about the play field on the right hand side. Could you tell us
25 how that is going to be used and the ages of the young people who

1 will be using it?

2 MR. BOWIE: I think I would like Carolyn, actually,
3 to answer that question.

4 MS. THORNELL: I am here today also with the
5 Director of the Day School and she can amplify on this, but the
6 play field would be for more organized physical education
7 activities, but its usage would vary during the course of the day
8 for some activities for younger children, it would be appropriate
9 for them to use it during part of the day, but then as the
10 children get older and P.E. activities take the shape of more
11 organized sports some of the activities associated with that P.E.
12 training would be on that field.

13 May I ask my Director to add to that? This is
14 Marlene Gustafson. She's the Director of the Day School portion
15 of the Kingsbury Center.

16 MS. GUSTAFSON: As Carolyn said my name is Marlene
17 Gustafson and I'm the Director of the Kingsbury Day School which
18 is one part of the Kingsbury Center and Carolyn described the
19 usage of that area exactly as we would have intended to do that.
20 As our kids get older, they require more rule based, strategy
21 based types of games and that would occur on a different site or a
22 location within the structure. But as it concurrently is
23 conceived the play field is designed for our younger children who
24 would need to have more socially-based games as well as recess
25 types of activities, outdoor play activities.

1 MEMBER RENSHAW: What are the hours when that play
2 field is going to be in use and will it be 7 days a week or 5 days
3 a week?

4 MS. GUSTAFSON: It's 5 days a week. Actually,
5 Monday through Thursday, we have full days within our program and
6 the time of highest use would be roughly between the hours of 10
7 and 11 in the morning and then after our lunch period which would
8 be from about 12:15 to 1 o'clock in the afternoon. And then on
9 Fridays there would be only a midmorning recess.

10 MEMBER RENSHAW: What kind of noise buffering are
11 you going to do because you're right up against Gallatin Street
12 and you described Gallatin Street as being the lovely neighborhood
13 that it is and I see that you have trees on your plan. Are you
14 going to do anything else to provide some kind of noise relief for
15 the neighborhood?

16 MR. BOWIE: The size of the area that gets
17 developed there is really only 80 by 200 feet. It's not a
18 regulation playing field by any stretch of the imagination. What
19 I anticipate along that side is really planting some low plantings
20 behind the iron fence and some trees that would be higher as well
21 and that that would provide some degree of buffering to the
22 adjoining houses across the street. They are actually quite a
23 ways across the street. It's a comfortably wide street. It's
24 probably 60 or 70 feet from the fence line to the other side.

25 MEMBER RENSHAW: Well, little children and then

1 soon to be big children's voices can carry and I'm just sensitive
2 to the fact, I live near a school and I'm sensitive to the fact
3 that we can hear them blocks away, so in any case, the screening,
4 you've got your trees and then you've got an outside fence. Is it
5 an open fence or is it a brick wall?

6 MR. BOWIE: It's an iron fence. It already exists
7 on the site today and I would think we would probably end up
8 planting upright compact evergreen.

9 MEMBER RENSHAW: But you would be receptive, the
10 school would be receptive to working with the neighbors should
11 there be a complaint about the noise, some kind of mitigation
12 measure that you would consider seriously?

13 MS. THORNELL: Yes, at the time that CBENA voted on
14 supporting Kingsbury's attempt to get a special exception, we
15 agreed as one of the conditions that there would be liaisons from
16 Kingsbury to the Carter Baron East Neighborhood Association and a
17 liaison from CBENA to Kingsbury so that there would be a ready
18 channel of communication should any issues come up so that we
19 could sit down and explore these issues before they got to the
20 point that they were a problem.

21 MEMBER RENSHAW: Will this area be open for the
22 neighbors to use over the weekend and are you planning to lease it
23 out to any group?

24 MS. THORNELL: We really did not in any of our
25 discussion with the neighborhood get to the question of whether it

1 would be available. I think for security reasons we would lock
2 the gates on the weekend unless there was some way to arrive at
3 some way in which it could be open. I mean we're not opposed to
4 it, it really hasn't been discussed. If we can maintain security
5 and maintain the property in the condition that it will not
6 attract people who would be detrimental to either the property or
7 to the neighborhood, then I should think we could work out
8 something, but that really has not been discussed.

9 MS. GIORDANO: Right, and if I can sort of add
10 here, sort of playing witness, that at the CBENA meeting there was
11 some concern about kids being attracted to another school located
12 in the immediate vicinity and basketball games late into the
13 night, so I don't think the neighborhood was looking to create
14 that kind of situation here. I don't think that that's something
15 they're particularly interested in. MEMBER RENSHAW: All
16 right, and as far as leasing it to any other group for an
17 organized activity or a fair or something of that sort, what is
18 your feeling on that? What are your plans?

19 MS. THORNELL: Again, we have not really discussed
20 that in full. We have not barred it, however. The question would
21 be whether we could do it in a way that we would be able to
22 control the activity and see that it was implemented in a way that
23 made sense, whether it was for actual payment or for usage.
24 Someone did ask at some point whether or not community groups
25 might be able to use the property to hold meetings or something

1 and that is something that I certainly would have no objection to.

2 If under the terms of our financing agreement and we are able to
3 lease to other groups and I'm not sure that that would be the
4 case, we would have to do so to sort of educationally orient a
5 group and we could not really, since we're nonprofit organization
6 we could not end up making a profit on these activities. I'm not
7 barring them. It may happen, but it would certainly be under our
8 control and very carefully watched.

9 MEMBER RENSHAW: Yes, because of the parking issues
10 related to having other groups use your property.

11 MS. THORNELL: Absolutely. Now whether or not --
12 what I would foresee is that if it were feasible to make the
13 property available to a particular group at a particular time,
14 then we would have to oversee the security at that time and
15 provide for parking at that time so that parking would not flow
16 out on to the streets.

17 MEMBER RENSHAW: And would you be, would you accept
18 the suggestion or the recommendation that you do so through the
19 committee that you set up with the community so that the community
20 has a feeling as to what outside groups are using the property and
21 at what time?

22 MS. THORNELL: Yes. I am sure that there's some
23 kind of structure that could be worked out. I don't think that it
24 would be particularly efficient either from our point of view or
25 the community's to have to go to them on each type of request that

1 we had, but I have no doubt that there is some way that we can
2 work out parameters or some sort of schedule or just notification.

3 Once we work out parameters, notification that this organization
4 is going to be doing X or Y. Maybe one of our own activities,
5 maybe we'll have a -- but never on a weekend.

6 VICE CHAIRMAN SOCKWELL: Other groups that have
7 come before us have had plans in place to notify the neighborhood
8 of principal activities to be held during the school term for any
9 given quarter or however you handle that so that they would be
10 aware of those times when there might be unusual impacts upon on
11 street parking as a result of the activities at the given center.

12 And it would be a good idea in community relations to have that
13 kind of thing presented to the community, even if it's your
14 responsibility alone to decide what the schedule might be.

15 MS. THORNELL: That would certainly be acceptable.

16 MEMBER RENSHAW: I wanted to ask Mr. Bowie also to
17 give us a brief outline about the outside lighting for this
18 property and can you tell us about how many trees you're planning
19 to cut down?

20 MR. BOWIE: The issue of outside lighting, of
21 course, is critical. All lighting that would be placed on the
22 site would be downward directed and inward directed so that it
23 doesn't impact the neighboring properties. We work on a
24 tremendous number of urban sites, many that are much, much tighter
25 than this and controlling the lighting and site lines to the

1 neighboring houses will be a part of the way that we resolve the
2 issue on this property.

3 I would be reluctant to even guess what the number
4 of trees will be because we really don't have a clear assessment
5 of the condition of the existing trees. Certainly, I think, the
6 school, the intentions are aligned with the neighborhood in terms
7 of preserving as many of them as are practical and feasible to
8 preserve.

9 VICE CHAIRMAN SOCKWELL: Mr. Bowie, just to let you
10 know there may be a typographical error in the Office of Planning
11 Report regarding this property. I counted 106 spaces as the
12 minimum required under Chapter 21 of the ordinance. When you
13 dissect the numbers in the OP Report, 97 spaces was stated with an
14 additional 17 equalling 124 which was the original count, 17 and
15 97 don't equal 124; 17 and 107, which was my count as I assessed
16 the requirements equals 124. So under the zoning ordinance, you
17 are required to have 107 spaces under Section 206.5, I think it
18 is. We are -- 206.3. We would not be able to reduce the parking
19 count below the minimum required under the ordinance because for
20 your particular use it states and I'll paraphrase, parking shall
21 be provided, but not less than that required under Chapter 21 and
22 that means 107 spaces.

23 CHAIRPERSON REED: Mr. Sockwell, Ms. Mitten would
24 like to weigh in on this particular discussion.

25 COMMISSIONER MITTEN: I undertook to just verify

1 the minimum required number of parking spaces and I came up with
2 97, so we could compare notes on -- MR. BOWIE: Yes, the OP
3 Report came up with 97 plus 17 equals 124.

4 COMMISSIONER MITTEN: But as the minimum.

5 MR. BOWIE: Yes, but what I'm saying is if they
6 said that there were 17 spaces to reach 124, it is possible that
7 what they meant was that 107 spaces is required and what they put
8 into the report was that 97 spaces were required. What they did
9 state -- that 124 was the result of the difference between their
10 count as a minimum and what the applicant had proposed.

11 COMMISSIONER MITTEN: Maybe I'll just put on the
12 record what I -- how I calculated the minimum number which is
13 there's three different categories of sort of usage categories for
14 parking in this case which is for elementary and junior high
15 school students, of which there would be a maximum of 200 by the
16 time that the 300 student maximum would be achieved. There's no
17 parking requirement for that category of student.

18 Then the next category of student is high school
19 student of which there would be 100 at the 300 student maximum.
20 Parking spaces are required at the rate of one space per 20 seats
21 which is five spaces.

22 Then the third category is for full-time equivalent
23 teachers of which there would be 138 at the maximum. Those spaces
24 are required at the rate of two spaces per three teachers which is
25 a total of 92 spaces, adding the five spaces for the high school

1 students is 97 as the minimum parking requirements. So I just say
2 that as how I calculate it in 1997 and anything else feel free to
3 jump in.

4 CHAIRPERSON REED: I think that even though there
5 is some disparity between the calculation of how it was calculated
6 and the number of parking spaces, nonetheless, we will I think it
7 would be prudent for us to allow the minimum amount of parking
8 spaces which is required, whatever that number is, however it is
9 calculated, be it 97 or 107, whatever is the correct number is the
10 number that we'll utilize as to this particular application.

11 VICE CHAIRMAN SOCKWELL: And we can get
12 clarification on that.

13 MS. THORNELL: From Kingsbury's point of view, 92
14 or 95 is the minimum that we --

15 CHAIRPERSON REED: But the only thing about it,
16 Kingsbury is not the one who is making the determination. It is
17 the minimum required by the zoning regulations and that, in fact,
18 gives you more than what you really need, either way you go, so
19 we'll make sure that that's done.

20 MS. THORNELL: I also wanted to say, however, more
21 spaces are fine with us.

22 CHAIRPERSON REED: I would think so.

23 MS. THORNELL: I didn't put my sentence together
24 well because --

25 CHAIRPERSON REED: We understand. We'll make sure

1 that whatever that number is, it will be accurately determined and
2 it will be required to have that amount of parking spaces,
3 somewhere between 97 and 107.

4 MS. THORNELL: I think we probably have a site plan
5 somewhere for 107. We've got them all the way up to 124 from 95,
6 so.

7 VICE CHAIRMAN SOCKWELL: I have a couple of more
8 items. One, Mr. Bowie, with regard to the preservation of trees
9 on the site, whatever -- well, for example, the Department of
10 Public Works in public space trees requires the replacement of
11 trees removed in equivalent caliper inches. That might be a
12 difficulty to you, but if you could assess the caliper inches of
13 trees to be removed as a real number and then look at trying to
14 achieve something close to that in replacement trees it would help
15 to give you some guideline for reforesting within the area and
16 would probably be better than taking a 12-inch tree and replacing
17 it with a 3.5 inch tree and assuming that that's making up for the
18 removal of the 12-inch tree.

19 MR. BOWIE: Yes, I guess the only qualification I
20 would ask is that there are a certain number of them are standing,
21 but dead and that those would not be included in that kind of a
22 calculation because they are enormous old trees and the number of
23 them add up to -- some of them are --

24 VICE CHAIRMAN SOCKWELL: The dead trees, I can
25 agree with that. The dead trees are no longer serving a useful

1 function.

2 MR. BOWIE: Right.

3 CHAIRPERSON REED: Are you done, sir?

4 VICE CHAIRMAN SOCKWELL: Yes.

5 MS. GIORDANO: We have one more witness, the
6 transportation report. We can go through -- we've submitted it in
7 detail. We can go through and just highlight it if that's what
8 you'd like. He doesn't have to do a full-blown presentation.

9 CHAIRPERSON REED: He can summarize for us because
10 we do have the report and give us his conclusions and
11 recommendations.

12 MR. ANDRES: Good morning, my name is Erwin Andres
13 and I'm with Grove Slade Associates. We've done work on several
14 private schools within the District and I'm familiar with
15 practices and planning on private schools and their functions.

16 Basically, just to give you a synopsis of what
17 we've done, in terms of identifying the needs of the Kingsbury
18 Center, we looked at existing conditions. Based on their existing
19 conditions in the Kalorama neighborhood, they have very limited
20 on-site stacking in that there is no on-site stacking. All the
21 stacking associated with the school functions occurs on public
22 streets. However, there is an extensive bussing program that
23 accommodates approximately 66 percent of the school population, so
24 66 percent of the population would be -- is currently being
25 transported to the site with the use of minibuses that are half-

1 size buses coming primarily from the District, but they're also
2 buses from Virginia and Maryland also.

3 In identifying the needs, the transportation needs
4 for the Kingsbury Center we looked at future conditions and
5 looking at the site, one of the major benefits of the site is the
6 fact that there is significant property to maximize on-site
7 stacking. In addition, there are two entrances and two exits
8 which will allow for the dispersion of traffic. In meeting with
9 CBENA and the ANC, there was one traffic issue that was
10 identified. Looking at the southeast exit, as I approach the
11 board --

12 CHAIRPERSON REED: The question was whether or not
13 -- what was your name again?

14 MR. ANDRES: My name is Erwin Andres.

15 CHAIRPERSON REED: Mr. Andres has appeared before
16 us previously. I think that the firm Grove Slade was the expert
17 witness and as such he's represented by Grove Slade and I felt
18 comfortable with that because they have many times been before us,
19 even though I don't know if this gentleman individually -- have
20 you?

21 MR. ANDRES: I haven't personally.

22 CHAIRPERSON REED: Have not.

23 MR. ANDRES: No.

24 CHAIRPERSON REED: Okay. Did you submit your
25 résumé?

1 MR. ANDRES: No, I haven't.

2 MS. GIORDANO: It was my misunderstanding. I
3 thought that he had appeared. So can he orally present his
4 qualifications?

5 CHAIRPERSON REED: I have no problem with that,
6 just for the record, he had not before.

7 MEMBER RENSHAW: Could he submit his qualifications
8 for the record?

9 CHAIRPERSON REED: And the Board Members would like
10 for you to give your qualifications orally today and then submit
11 for the record your résumé?

12 VICE CHAIRMAN SOCKWELL: Yes, it would just qualify
13 you with regard to responses to questions raised that would need
14 to be answered by a technical person and accepted as an expert
15 witness for Grove Slade.

16 MR. ANDRES: So would you like a summary, an oral
17 summary of my qualifications?

18 CHAIRPERSON REED: Please.

19 MR. ANDRES: I have a Bachelor of Science in Civil
20 and Environmental Engineering from Rutgers University. I'm
21 currently acting as the Project Director and Associate for Grove
22 Slade Associates. I have been responsible for the management and
23 technical work done on this project as well as several other
24 private schools within the District that have been approved. Some
25 of the schools that we have worked on consists of the Georgetown

1 Day School, the Washington International School, St. Patrick's
2 Episcopal Day School. I've also worked on numerous master plans,
3 campus master plans, including the George Washington University
4 and Mount Vernon College master plan and also on many other
5 private projects in the District, including the Sibley Memorial
6 Hospital as well.

7 VICE CHAIRMAN SOCKWELL: And the date of your
8 degree?

9 MR. ANDRES: May of 1994.

10 VICE CHAIRMAN SOCKWELL: Thank you.

11 CHAIRPERSON REED: Proceed.

12 MR. ANDRES: As I mentioned earlier, I'm going to
13 approach the boards to go over quickly the access implications.

14 As Cal Bowie had mentioned earlier, there are
15 basically a pair of entrances and exits that work throughout the
16 site. The entrances consists of one on Farragut and one on 14th
17 Street and the opposing pair of exits are on Piney Branch and on
18 the south on 14th Street. There's a two-way circulation to allow
19 for the access of all of the parking located along the ring road,
20 however, in front of the school there's a one way access to allow
21 for safe and efficient passenger drop off in front of the school.

22 As a result, as parents approach from the west and the north,
23 they will be entering into the site, dropping off and have the
24 opportunity to leave on 14th Street or circulate through the site
25 to leave on Piney Branch Road.

1 In meeting with the community representatives,
2 there was an issue identified concerning the southeast entrance in
3 that, as you notice, the alignment of the driveway is angled. It's
4 not perpendicular to 14th Street. As a result, 14th Street
5 becomes Iowa and it also becomes 14th Street, so there's a jog in
6 14th Street that is a concern for a lot of the residents in the
7 neighborhood because Iowa comes into this intersection at an
8 awkward angle.

9 In identifying that issue, the school will
10 implement a right turn out only. No entrance, no left turns in
11 and no right turns in will be allowed. In addition, no left turns
12 out will be allowed. As a result, the safest use of this driveway
13 is a right turn out only.

14 Another concern for this corridor, the 14th Street
15 corridor is commuting speeds. As Carolyn had mentioned earlier,
16 they are coordinating with the West Elementary School located
17 across the street which is this property located on the board. In
18 order to address the speeding issues along 14th Street, we are
19 recommending to DPW the installation of school speed zone signs
20 that have been, that are currently implemented in several areas
21 within the District and we see it as an appropriate recommendation
22 for this location as well.

23 VICE CHAIRMAN SOCKWELL: With regard to the traffic
24 speed issue, you may be aware that the neighborhood residents have
25 actually at times erected illegal stop signs to try to stop the

1 traffic, in particular, going north in the afternoons which DPW
2 comes and takes down.

3 MR. ANDRES: Yes, there are federal standards in
4 which DPW is responsible for identifying the need for speed
5 mitigation in that location.

6 VICE CHAIRMAN SOCKWELL: And the number of
7 accidents that have taken place along 14th Street in the
8 neighborhood of that southeast entry exit point is what?

9 MR. ANDRES: We don't have that information. In
10 identifying the recommendation for reducing the speeds in that
11 corridor, we believe in reducing the speeds will help to reduce
12 the number of accidents, especially during times of morning drop
13 off and afternoon dismissal.

14 MEMBER RENSHAW: And what's the time of the morning
15 drop off, just to coincide with the a.m. rush?

16 MR. ANDRES: Yes, it does. The morning drop off,
17 the drop off period, I have to consult my notes real quick.

18 (Pause.)

19 The morning drop off, the school begins at 8:30 in
20 the morning and the morning drop off usually starts from the time
21 of 8 o'clock to about 8:30 where most of the traffic arrives in a
22 15 to 20 minute period before 8:30 and the school dismissal occurs
23 at 3:15 and again, most of the pick up operations occur within a
24 15, 20 minutes before school ends as well and 15 to 20 minutes
25 after school ends.

1 MEMBER RENSHAW: Point out on that map exactly
2 where the school is nearby, the elementary school?

3 MR. ANDRES: It's over here.

4 MEMBER RENSHAW: Right on that corner?

5 MR. ANDRES: Yes, it is.

6 MEMBER RENSHAW: Have you worked out a or has the
7 school worked out any kind of a traffic management plan because
8 that school is receiving in the morning is receiving traffic and
9 there are drop offs on that side of the street. Now there are
10 drop offs on the other side of the street going into your
11 property. And it seems to me that the two institutions should be
12 working together on some kind of a traffic management program.

13 MS. THORNELL: My understanding is that West
14 Elementary School begins at 9 o'clock in the morning and our
15 classes start at 8:30 and so that in most of the entries into the
16 school be between -- by 8:30. Classes start then, so there is
17 dispersion from the property by then.

18 MEMBER RENSHAW: But West Elementary may be
19 receiving students at 8 or 8:30 in the morning?

20 MS. THORNELL: At 8 or 8:30.

21 MEMBER RENSHAW: So I would suggest that the two
22 institutions get together and work this out to have a coordinated
23 plan because you're going to get a lot of commuter traffic through
24 that and they're not going to want to -- well, let's say that it
25 is my observation that they slow down for no one, so in any case,

1 they're going to have to have a police presence up there, I would
2 imagine and that is something that the school obviously will be
3 looking into.

4 I wanted to address a comment to your southeast
5 entrance, right over there. It abuts the alley. Is the little
6 leg that goes out onto 14th Street, part of the alley system?

7 MR. ANDRES: Yes, it is. The property line ends,
8 the property line actually ends right here. This is public right
9 of way.

10 MEMBER RENSHAW: So that is going to have to be
11 maintained as two-way traffic unless otherwise marked by DPW?

12 MR. ANDRES: This is, the existing alley ties into
13 this alley. This alley -- There are currently no designations of
14 these alleys. The width of this alley is approximately 15 feet so
15 it's conducive to only one way traffic.

16 MEMBER RENSHAW: But DPW is not going to enlarge
17 that alley opening?

18 MR. ANDRES: No, they're not.

19 MEMBER RENSHAW: Now you say it's conducive to one
20 way, but do the neighbors use it as two-way traffic? Do they
21 access their garages from that alley?

22 MR. ANDRES: There's an alley located to the rear
23 that doesn't access any of the facilities to the rear.

24 MEMBER RENSHAW: Yes, but you are going to have to
25 keep that open for fire and emergency access?

1 MR. ANDRES: Yes, that access will be available for
2 emergency access.

3 MEMBER RENSHAW: All right, but you're directing
4 your people to exit that in a one-way fashion?

5 MR. ANDRES: Yes.

6 MEMBER RENSHAW: So you're going to be coming out
7 of the school into that alley system and exiting and making it a
8 one way use for a certain period of time during the day, the
9 morning and the afternoon?

10 MR. ANDRES: Yes, that's correct.

11 MEMBER RENSHAW: And have you -- I have problems
12 with that.

13 VICE CHAIRMAN SOCKWELL: Mr. Andres, if you notice
14 the exit gate at that alley and alley connection with the
15 extension of Iowa Avenue up to that point, that gate opens into
16 and is shown at least in the drawings as closing off a portion of
17 the alley width, would you not say?

18 MR. ANDRES: This gate over here?

19 VICE CHAIRMAN SOCKWELL: That gate.

20 MR. ANDRES: Yes, it does.

21 VICE CHAIRMAN SOCKWELL: So that gate really needs
22 to be pulled back so that it would never open into the alley?
23 Even graphically presented it doesn't look good.

24 MR. ANDRES: I'm not sure that that's correct. I
25 believe it probably opens in.

1 But certainly, if it opens out, we'll reverse the
2 swing on it.

3 VICE CHAIRMAN SOCKWELL: Then it should be
4 relocated so that it does not open into the alley. That's
5 actually not legal, even if it's existing.

6 MR. ANDRES: We'll certainly correct that if that,
7 in fact, is the case. The alley is actually virtually abandoned.
8 I mean it's almost --

9 VICE CHAIRMAN SOCKWELL: Well, one couldn't
10 consider an alley abandoned unless the city closes it.

11 MR. ANDRES: I understand that.

12 VICE CHAIRMAN SOCKWELL: And not only that, it's
13 the only way of access to the garages behind those homes.
14 Abandonment would not sound good to the residents of the
15 neighborhood if they thought that we were considering it as nearly
16 abandoned, partially abandoned. It may be partially improved, but
17 not nearly abandoned.

18 MR. ANDRES: Right. Partially improved would be a
19 better --

20 MEMBER RENSHAW: But you're not going in for alley
21 closing?

22 MR. ANDRES: No, absolutely not. No. We're just
23 leaving the existing condition as it is. When you inspect it on
24 the site, it appears to be virtually unused at this point. The
25 gate may not, probably isn't drawn, opening the right way, in

1 fact, it opens in.

2 MEMBER RENSHAW: The gate should be on your
3 property, right on your property line.

4 MR. ANDRES: The gate exists in the public right of
5 way and has for presumably 20 or 30 years.

6 VICE CHAIRMAN SOCKWELL: It really shouldn't be
7 there and you're a new user.

8 CHAIRPERSON REED: I think I understand you to say
9 that whatever adjustments are necessary to make the correction
10 will be taken care of?

11 MR. BOWIE: We will certainly make sure that the
12 gate does not obstruct the alley.

13 CHAIRPERSON REED: Thank you.

14 COMMISSIONER MITTEN: Can I just ask a follow-up
15 question to what Ms. Renshaw was asking which is the designation
16 of the diagonal piece for right turn only, since that is public
17 right of way, all of that, that's a DPW function to make that
18 designation?

19 MR. ANDRES: In terms of controlling the school
20 population, the school policy will be to allow that for -- to
21 mandate that all of the school related vehicles turn right out of
22 that exit. There's a possibility that residents in the
23 neighborhood might use the alley for some reason to come through
24 and the school doesn't have any control over them, but for the
25 individuals that are associated with the Kingsbury Center, they

1 will be required to turn right at that exit point.

2 MS. GIORDANO: So the sign could be on our
3 property. We're not trying to control anybody else's --

4 COMMISSIONER MITTEN: I am just wondering if --
5 you're making a recommendation to DPW about having this school
6 zone speed limit arrangement and if that would be an additional --
7 it's clearly a good idea for everyone that they shouldn't be
8 making left turns out of there, so if that could be added to the
9 list of recommendations.

10 MR. ANDRES: Sure, we'll include that as part of
11 our recommendations to DPW.

12 CHAIRPERSON REED: Okay. Thank you very much.

13 Mr. Moulden?

14 MEMBER MOULDEN: My question is concerning the
15 circulation on the site and my general question is are the two
16 main entrances to the site so the students can be dropped off off
17 of Piney Branch Road and 14th Street?

18 MR. ANDRES: They will enter the site at those
19 locations. The drop off point will primarily be in front of the
20 school. However, there are also entrances on the north and the
21 south side. The building to the west serves a different function,
22 but the Kingsbury Day School is primarily this building.

23 MEMBER MOULDEN: With that in mind the parking
24 that's adjacent to 14th Street, is that for faculty or visitors or
25 both?

1 MR. ANDRES: It will be for both.

2 MEMBER MOULDEN: Okay. The reason why I ask that
3 is because I think while parents may drop off the kids on 14th
4 Street, some will enter the site and drop off their kids adjacent
5 to the facility. That could cause some stacking in the parking
6 area and to the traffic lane. There's about what, 40 -- 34
7 percent of the students will be dropped off by vehicles basically
8 and 66 percent are bused?

9 MR. ANDRES: About 33 percent, about a third.

10 MEMBER MOULDEN: Okay. I was just concerned about
11 the stacking along the school and possibly into the entranceway.

12 MR. ANDRES: Well, what we've done is part of our
13 existing conditions, we identified what the existing queues are
14 and we projected those into the future based on the populations
15 and the future queue in the mornings is fairly low in that the
16 maximum queue in the morning consists of six vehicles and 11
17 minibuses. The reason for that is in the mornings your pick up --
18 your drop off operations are fairly efficient in that you're not
19 waiting for your child. Your child gets out of the car safely,
20 escorted in and the vehicle leaves. So that turnover process
21 occurs fairly efficiently.

22 MEMBER MOULDEN: As part of the traffic management
23 will there be a person directing and managing the traffic at the
24 drop off areas?

25 MR. ANDRES: Yes, well, Carolyn Thornell will

1 address that.

2 MS. THORNELL: Yes, one or more of the teachers or
3 administrators of the school would be up front to receive the
4 children and to keep the traffic directed.

5 MEMBER MOULDEN: For the safety of the kids, I
6 thinks that's a good recommendation. Thank you.

7 MEMBER RENSHAW: Is there a sidewalk along the
8 front of the property on 14th Street because I would imagine some
9 parents are going to be dropping off their children outside of the
10 fence.

11 MR. ANDRES: There is a sidewalk located on 14th
12 Street. A majority of the students that are dropped off are of
13 younger age students, so parents are a little more comfortable to
14 pull into the driveway and drop off in front of the school.

15 MEMBER RENSHAW: How many students are going to be
16 driving to school?

17 MR. ANDRES: There's a high school population
18 projected in the future of 100 students. Of those 100 students,
19 probably -- I'm speculating here, probably about a third who would
20 be eligible to drive, would be of age to drive or maybe even less.

21 MS. THORNELL: I think as a matter of fact under
22 the new D.C. law our school age, high school age population is
23 going to go to 18 and under what I understand to be D.C. driving
24 laws, most of the students in their school would not be eligible
25 to drive and what we have talked about seriously is making it a

1 rule of the school since we do have the freedom to do that as a
2 private school that students at the school could not drive cars.

3 COMMISSIONER MITTEN: Would you be willing to make
4 that a condition of the approval in this case?

5 MS. THORNELL: We really haven't studied it at all
6 sufficiently to be positive. I mean with the five -- if there is
7 the additional five spaces to be allowed for kids, we would prefer
8 that they not and I think that we do have the latitude, but I have
9 not firmly fixed on all of the rules and regulations guiding the
10 extent to which this can be controlled. That's the only reason
11 that I'm hesitant to say that I'd be willing to make this a
12 condition of the order. If I had more information I might well be
13 willing to do that.

14 MS. GIORDANO: I think you have to take into
15 consideration too, that Kingsbury right now doesn't have any
16 existing high school students, so they just haven't been in this
17 ballgame.

18 CHAIRPERSON REED: I think I would agree with you.
19 It's kind of premature to make an assertion like that and for the
20 life of the school, not knowing what circumstances might arise and
21 perhaps another alternative to consider is you were saying,
22 limiting the number of children -- parking spaces for the kids and
23 may be a reasonable compromise. And they may or may not use them
24 at some point in the future. But if you just completely take away
25 children, the ability for them to drive at all that may cause

1 problems later.

2 MS. THORNELL: Yes, that seems reasonable to me.
3 As I say, we've talked about, but we really have not studied the
4 matter thoroughly because we -- are high school is probably three
5 years off and we simply wanted to make sure we had enough spaces
6 to meet code on that.

7 CHAIRPERSON REED: Given the fact that most private
8 schools at a high school level, most of the children do drive, so
9 --

10 MS. THORNELL: Some have restrictions about whether
11 they can or what grades can drive or where they can park if they
12 drive.

13 CHAIRPERSON REED: Yes, they have restrictions.

14 MS. THORNELL: Restrictions, so it sort of
15 discourages it and this would be the sort of thing that I think we
16 should probably look at in making a firm determination about what
17 we're going to do when we have high school students. I think we
18 would be happier if they didn't because we do have students who
19 might be better served by not driving, some of them.

20 CHAIRPERSON REED: All right, let's move forward.
21 You're done, Ms. Giordano, that's your list witness?

22 MS. GIORDANO: That concludes our presentation.

23 CHAIRPERSON REED: Thank you very much. We'll go
24 now to Office of Planning Report. Excuse me, were there any
25 questions, any cross examination by the ANC or by the Carter Baron

1 East Neighborhood Association?

2 MS. FERGER: None from the Association.

3 CHAIRPERSON REED: And is the ANC here? All right,
4 thank you.

5 Office of Planning Report.

6 MS. VOGEL: My name is Mary Vogel. I'm a community
7 planner with the Office of Planning with the Strategic Planning
8 and Development Review Division of the Office of Planning. We're
9 located at 801 North Capitol Street, N.E.

10 This application by the World Plan Executive
11 Council and Kingsbury Center seeks special exception relief
12 approval to establish a private school to be operated by the
13 Kingsbury Center at 5000 14th Street, N.W., Square 2711, Lot 802.

14 The subject project is located in an R-1-B with D-R-1 overlay
15 district.

16 I think we've already established what the
17 application is about, a maximum of 300 students and 138 full-time
18 equivalent staff. The student enrollment and staff increases will
19 ramp up gradually and I won't go through all the dates and all. I
20 think that's already been covered here.

21 I want to move, first of all, go into our summary
22 of our recommendation that the Office of Planning recommends the
23 application be approved with several conditions. I think we agree
24 with Mr. Bowie of Cal Bowie Architects that the Kingsbury Center
25 is an excellent fit for this location and we were delighted to see

1 this application.

2 I'm going to go right into our analysis of the
3 case. As I said already, the subject site is in an R-1-B
4 district. The zoning regulations in Section 200.1 describe such
5 districts as follows: the R-1 district is designated to protect
6 quite residential areas, now developed with one family detached
7 dwellings and adjoining vacant areas likely to be developed for
8 those purposes. Subsection 200.2 further explains the provisions
9 of this chapter intended to stabilize the residential areas to
10 promote a suitable environment for family life. For that reason,
11 only a few additional and compatible uses shall be permitted.
12 Section 206 of the zoning regulations permits private school use
13 within R-1 districts by special exception under certain
14 conditions. Section 206.2 states the private school shall be
15 located so that it is not likely to be objectionable to adjoining
16 and nearby property because of noise, traffic, number of students
17 or other objectionable conditions.

18 Subsection 206.3 requires that ample parking space
19 be provided and in addition to these specific tests for private
20 schools, the proposed use must meet the general test for special
21 exceptions. According to Section 3104.1, those special exceptions
22 will be in harmony with the general purpose and intent of the
23 zoning regulations and maps and will not tend to adversely affect
24 the use of neighboring property.

25 So the following analyses of the Office of

1 Planning, we'll deal with these conditions in turn. Again, the
2 property is in a diplomatic residential overlay zone and the
3 purpose of this overlay is to permit chanceries of foreign
4 countries to locate within the zone. The designation of the zone
5 recognizes that the large size of houses tended to make them
6 suitable for uses of a certain institutional character. We
7 figured that actually this very property that probably warranted
8 that zone here and the applicant's proposed site here has that
9 kind of institutional character.

10 In terms of noise, again, although the playground
11 and playing field are to be added to the site, we didn't feel that
12 noise would be likely to be a problem because the site is really
13 well buffered from residential uses by set backs, landscaping and
14 parking areas. In addition, the fact that Kingsbury has agreed to
15 designate a person to serve as a liaison to the neighborhood
16 association to address any concerns, the residents have regarding
17 the operation of Kingsbury also made us feel that this would be
18 not a problem for the site. Or at least that problems would be
19 dealt with. We felt Kingsbury has already shown quite a
20 sensitivity to the neighborhood and we believe will continue to do
21 so.

22 Traffic associated with Kingsbury is likely to be
23 substantially less than a typical independent school because most
24 of the students are transported to school by way of public school
25 minibuses. Sixty-six percent of the existing students, student

1 population of 100 students currently use bus service from
2 Maryland, Virginia or the District of Columbia to arrive at or
3 department from the school and 80 percent of all students are from
4 the District, actually there are now, it was testified that 82
5 percent is actually from the District.

6 I'm not going to go over what was already covered
7 by Mr. Andres from Grove Slade in terms of the drop off and the
8 queuing and all that, but I think I'll move right no on to
9 parking. The applicant proposes to, at least in the original
10 application proposed to provide 124 spaces which we calculate it
11 to be 17 more than the 97 spaces which would be required under the
12 zoning regulations and here again, we came using the formula, like
13 Ms. Mitten, arrived at 97 rather than 107 because we did not
14 include, we only included the additional classroom space for high
15 school students only, not for the other grade levels and so I
16 think we disagreed with the traffic engineer on that one. And I
17 calculated 97 spaces that would be required under the zoning
18 regulations. A portion of the zoning regulations with regard to
19 parking is attached as Exhibit 2 and again, you can use those to
20 do your own calculations. Briefly, they require two spaces per
21 every three teachers. High school adds another space for each 20
22 high school classroom seats.

23 The Board of Zoning Adjustment, however, has the
24 authority to reduce the amount of parking spaces required for
25 nonresidential uses. Among other things, the Board may give

1 consideration to the quantity of existing public commercial or
2 private parking, other than curb parking on the property or in the
3 neighborhood which can be reasonably expected to be available when
4 the building or structure is in use. So considering the fact that
5 ANC 4-C hinged its support of the application on the very
6 restricted
7 on-site parking and noted that a very large parking lot is
8 available to the public free of charge only two blocks away by
9 looking at the map, but whatever, four blocks, unrestricted on-
10 site parking is permitted the full length of 14th Street and 36
11 parking spaces there appear more than sufficient to meet overflow
12 parking needs. Now this is the part of 14th Street right in front
13 of the school, not in front of anyone's home. Actually, some
14 neighbors have pointed out that likewise, Gallatin Street has a
15 whole portion that is only on school or next to the school
16 property and not on anyone's home too, that that is largely
17 unused. And that some of the proposed spaces will increase storm
18 water runoff and require the cutting of several mature trees. In
19 fact, these are quite majestic trees that we recommended some
20 reduction in parking for that normally required by the zoning
21 regulations, in fact, we suggested 92 spaces which would without
22 the additional five spaces for the students would be what would be
23 required under the zoning regulations and we figured that at least
24 the students who drive could be asked to part at Carter Baron, if
25 not the teachers. We were trying to accommodate to the needs of

1 the Kingsbury Center because we feel it would be such an asset to
2 the community and I think that the majority of the community do
3 too. And we did want to be sensitive to the recommendation of the
4 ANC as well. I attended that ANC meeting and you know, the
5 discussion largely centered around what a public school does in
6 terms of its -- what one of the members of the audience was --
7 worked for a public school who had very restricted parking and a
8 lot of the discussion got into that. During that discussion there
9 was also a discussion of the need to preserve more of the
10 character of the site, the applicants have testified to their
11 willingness to try to do that too, to try to preserve some of the
12 mature trees and all on the site, as many as possible.

13 So in order to meet ANC 4-C's concerns that greater
14 effort be made to preserve the open space character of the site,
15 the Office of Planning suggests that Kingsbury look at more ways
16 to encourage alternative modes of travel to the single occupant
17 motor vehicle, suggest that Kingsbury consider -- well, one of the
18 things was bicycle parking and we were glad to see that in the new
19 concept plan they did add, in fact, add bicycle parking, that they
20 offer the staff the option of Metro checks rather than free
21 parking, for example, and then assist the staff to develop
22 shuttles from the closest Metro stations that could be figuring
23 where people do come from and what Metro stations would be on the
24 way, they might develop the kind of transportation management plan
25 that Grove Slade is quite famous for doing private schools that

1 have more traffic issues than this particular area.

2 Anyway, in terms of number of students, as we've
3 already said 80 percent or 82 percent of the students are D.C.
4 residents today and a similar proportion is expected as the school
5 expands. While Kingsbury's enrollment is 100 today, it projects
6 growth to 266 students by Fiscal 2007 and to a maximum of 300 by
7 2010. The projected number of students is not likely to be a
8 problem at this location which is nearly four acres in size and
9 well buffered from the rest of the community. And other
10 objectionable conditions -- neighbors have asked the opportunity
11 to have continued input to the school on both lighting and
12 landscaping and as you heard the school is willing to grant that.

13 Another neighborhood condition which we actually
14 failed to put into the OP report, but I noticed that was in the
15 Carter Baron -- the latest issue that I got of the Carter Baron
16 neighborhood, Carter Baron East Neighborhood Association's request
17 was for the school to look at environmentally friendly
18 alternatives to asphalt for the parking and driveway surfaces.
19 And that was also mentioned at the ANC meeting that night and it's
20 also mentioned in a letter from a couple of the neighborhood
21 residents, Laurie Emrich and Gail Murphy from 1405 Emerson Street,
22 N.W. also ask that be added as a condition.

23 Anyways, as I've already pointed out, ANC 4-C has
24 jurisdiction on Tuesday, April 11th. It voted to approve this
25 application with conditions. One condition that differed in a

1 major way from Carter Baron East Neighborhood Association is
2 parking. In order to achieve maximum environmental protection for
3 the site, Commissioners wanted no more than 35 spaces to be
4 provided on site suggesting that the school could use Carter Baron
5 parking lot. The number of blocks hadn't been counted at that
6 time. I mean they just kept saying a couple blocks away. A very
7 large lot that is open to the public on a no charge basis, one of
8 the neighbors at the ANC meeting requested Kingsbury consider
9 porous paving for the parking areas in order to help better
10 preserve the ecology of the site. And there was concurrence that
11 this was a good idea to look into.

12 The Carter Baron East Neighborhood Association
13 voted to support the application with conditions at its early
14 meeting in early April and one of its conditions was that
15 Kingsbury supply its proposed 124 parking spaces on site. The
16 prevailing interest at this meeting was to minimize parking
17 inconvenience to the closest neighbors, the immediate neighbors
18 who prevailed here did not want Kingsbury patrons usurping parking
19 spaces in front of their homes and I attached as Exhibit 3 the --
20 what we had, at least at the time from the Carter Baron East
21 Neighborhood Association. We now have a later version of their
22 recommendations on their letterhead that I believe the BZA staff
23 has probably included in the record as well.

24 In terms of other agencies, we did finally get a
25 report from the Office of the Fire Marshal who has no objections

1 to the proposed application as long as there are fire alarms and
2 the other kinds of safety precautions that were mentioned in the
3 proposal already are instituted, so the Office of Planning
4 recommends approval of this application subject to several
5 conditions which are enumerated below.

6 First, that Kingsbury shall manage and control all
7 incoming and outgoing traffic to minimize any deleterious effects
8 on the neighborhood as outlined in its traffic impact analysis.
9 As the school grows in size and as experienced teachers everyone
10 concerned, where problems and unacceptable traffic flow or
11 congestion may occur, Kingsbury shall work with the community to
12 try to adjust patterns to mitigate traffic impacts to the maximum
13 extent practicable and this was taken directly from Carter Baron
14 East conditions.

15 Kingsbury, the second condition, Kingsbury shall
16 provide no more than 92 parking spaces on site. In creating the
17 driveway and parking spaces, Kingsbury shall preserve the trees
18 and green space to the maximum extent possible and give
19 neighborhood residents input on landscaping. For any overflow
20 parking, Kingsbury shall direct its clientele to park along 14th
21 Street, on its side of the street.

22 Three, Kingsbury shall designate a person to serve
23 as liaison to the Carter Baron East Neighborhood Association. Any
24 concerns that the residents of the Carter Baron East Neighborhood
25 Association have regarding the operation of Kingsbury shall be

1 discussed in a timely fashion and every reasonable effort shall be
2 made by Kingsbury to resolve problems for the residents created by
3 their operation.

4 I might say here that the Carter Baron East
5 Neighborhood Association conditions did also mention having one of
6 their people serve on the Kingsbury Board. We were under the
7 impression that that had been taken out at the time we wrote this
8 and so I don't know whether the community wants to raise that
9 again or not, but it is not in our recommendations in terms of the
10 conditions.

11 Number four, Kingsbury shall not exceed 300
12 students in total enrollment.

13 Number five, Kingsbury shall have the following
14 hours of operation: Monday through Friday, 8:30 to 6:15 p.m.;
15 Saturday, 8:30 a.m. to 1:30 p.m., during several months of the
16 year and Sunday it is closed.

17 Number six, lighting of the property should be
18 internally focused so as not to interfere with neighbors' quiet
19 enjoyment of their property.

20 Again, the Office of Planning recommends approval.

21 Thank you.

22 CHAIRPERSON REED: Colleagues, I have one question.

23 Ms. Vogel, I have one question regarding the report. In regards
24 to the parking, while -- it's your contention that the number of
25 parking spaces is 97. You're recommending 92. Now my question

1 then is, if the 97 are required by the regulations, then could the
2 school allow five parking spaces to be off-site?

3 MS. VOGEL: Well, again, I pointed out that a
4 portion of the zoning regulations allow the Board of Zoning
5 Adjustment to reduce the amount of parking spaces required for
6 nonresidential uses, based upon things such as property -- on the
7 property or in the neighborhood which could reasonably be expected
8 to be available when the building or structure is in use. I mean
9 especially considering the amount of parking, the 36 spaces on
10 14th Street that, you know, we feel that that is basically
11 available parking for the school as well.

12 CHAIRPERSON REED: But doesn't it say that the BZA
13 is allowed to reduce or eliminate the parking spaces provided that
14 the building or structure has the right connection to a Metro rail
15 station?

16 MS. VOGEL: That's one of the possible conditions.

17

18 CHAIRPERSON REED: Is it?

19 MS. VOGEL: No, that's one of. There are many
20 different reasons that the BZA may agree to reduce the amount of
21 parking.

22 CHAIRPERSON REED: Where is it?

23 MS. VOGEL: As I said it's in Subsection 2108 which
24 is attached, I believe, as one of our -- okay, 2108. It is
25 attachment -- it's included in Exhibit 2, if you look at page 21-

1 11 there, reduction of parking spaces.

2 CHAIRPERSON REED: So basically what we're saying
3 is notwithstanding the proximity to a Metro rail station that we
4 can do that. I wasn't clear.

5 MS. VOGEL: Well, what I'm saying is it doesn't
6 need to be in proximity. That's one of the potential ways that
7 you would reduce parking.

8 CHAIRPERSON REED: I had interpreted it as in
9 addition to, in other words, one of the conditions and then it
10 goes into -- I think that I was looking at it a little
11 differently. I think it's clear to me now what you're saying,
12 that notwithstanding the proximity to the Metro rail station there
13 are other aspects of the regulations to allow us to make a
14 reduction, based on our analysis of the situation.

15 One moment.

16 MS. VOGEL: Sure.

17 (Pause.)

18 CHAIRPERSON REED: All right, in regard to this
19 issue, Corp. Counsel, Ms. Sansone, will clarify the matter for us.

20 MS. SANSONE: Yes, Madam Chair, the zoning
21 regulations do allow for a reduction in parking spaces in Section
22 2108 and they also allow for parking to meet your parking
23 requirements off-site, but in order to obtain that type of zoning
24 relief, it's necessary for the applicant to apply for a special
25 exception to allow that reduction. That has not been done here.

1 The application is for zoning relief under Section 206 relating to
2 private schools, so -- and Section 206 does require the applicant
3 to provide the minimum number of required parking spaces which
4 would be either, I guess the 97 or 107, it hasn't been clarified
5 yet, but if additional relief was required to reduce the parking
6 spaces we would need to have an application for a special
7 exception to allow that.

8 CHAIRPERSON REED: Thank you, Ms. Sansone. This is
9 where I was a little unclear because on the one hand, hearing that
10 we had authority to reduce the parking and on another hand, the
11 regulations are very clear as to the number of parking spaces that
12 they have to have as a minimum and if there's -- if there's an
13 exception to the exception, and that gets to be rather confusing.

14 Nonetheless, I think that we're all clear on the fact that
15 anything that we do, that is an exception to or a deviation from,
16 what is allowed on the regulation has to be done properly with the
17 request for the proper type of relief. We can't just arbitrarily
18 reduce the number of parking spaces required.

19 CHAIRPERSON REED: Okay, thank you very much. Are
20 there any other questions of Ms. Vogel?

21 VICE CHAIRMAN SOCKWELL: Yes, two things. One, I
22 think that the Office of Planning report needs to be amended so
23 that the 17 is amended to 27 which it should be because 97 and 17
24 will never add up to 124.

25 If you read your page 4, paragraph 5, you will

1 notice that it says 97 is the minimum, 124 as the applicant's
2 number and the difference being 17. So you should make the
3 difference 27 because 97 and 27 add up to 124 and we don't want
4 the OP's reports to have math errors.

5 MS. VOGEL: Thank you.

6 CHAIRPERSON REED: Any other question?

7 VICE CHAIRMAN SOCKWELL: The other question is that
8 under Environmental Friendly Alternatives to Asphalt, there may be
9 a Department of Health problem because for large parking areas the
10 collection of automobile borne oil residue is generally provided
11 for with sediment control facilities and to do it the other way
12 would allow those things to sink directly into the soil causing
13 environmental pollution. That is an issue that probably will not
14 pass Health Department muster.

15 MS. VOGEL: One of the neighbors that night had
16 some information he was planning to get for the school from an
17 architecture firm in Philadelphia, I believe, who have been
18 utilizing an environmental friendly type of parking pavement for
19 many years, Andrew Pogan & Associates. And he was going to
20 provide that for the school.

21 VICE CHAIRMAN SOCKWELL: I would suggest that the
22 Department of Health, Environmental Protection Branch, Tim Carrie,
23 Area Code 202/535-2248, be consulted on that.

24 MS. VOGEL: Okay, will do.

25 MEMBER RENSHAW: Madam Chair, I had a question. We

1 have been told that 11 minibuses are going to be used to bring
2 students to the school in the morning and I expect that they would
3 be put into service for the afternoon also, but do the parking
4 requirements include or exclude the parking of minibuses on site?

5 MS. THORNELL: It might be helpful to clarify that
6 these are not Kingsbury Center-owned buses. These are buses owned
7 by the jurisdictions, public school systems, so they bring the
8 children and leave and are not on site during the day at all.

9 MEMBER RENSHAW: All right, thank you for that
10 explanation. Do you have any buses that you're going to have on
11 site?

12 MS. THORNELL: I doubt it.

13 CHAIRPERSON REED: Okay. Thank you very much.
14 Other government reports? I don't think we had any, DPW or the
15 Department of Health or Human Services Report that we get for a
16 school.

17 All right, then persons and parties in support of
18 the application?

19 Persons and parties in opposition? We did receive
20 one letter of opposition and basically it was from a neighbor who
21 complained about the possibility of there being problems with
22 traffic congestion and parking, I think.

23 COMMISSIONER MITTEN: Madam Chair, I think Ms.
24 Ferger was getting ready to testify in support, if I didn't
25 misread her standing up.

1 CHAIRPERSON REED: Were you?

2 MS. FERGER: I didn't know when --

3 CHAIRPERSON REED: Okay, I said -- I called for
4 parties and persons in support. I'm sorry, I probably was looking
5 down and didn't see you. She was established as a party in this
6 case. I'm sorry.

7 MS. FERGER: Hi. I'm Kathy Ferger, President of
8 Carter Baron East Neighborhood Association and we voted at our
9 April meeting to support this application with the conditions
10 which Ms. Vogel has mentioned and they are in a letter that's on
11 the record. We did, as an organization vote for 124 parking
12 spaces based on the work of a committee that met with Kingsbury
13 during the month of March. They recommended 124 spaces as a
14 compromise between some people who wanted more and some who wanted
15 less. And there still are divergent views in the community. We
16 have one person who's waited until last week to testify and is
17 here today. I think she would like to present her own views on
18 the need for parking and we also -- there was one woman who was
19 here this morning and last week, but she had to week. She favors
20 fewer parking spaces. She would be very happy with the number in
21 the 90s.

22 CHAIRPERSON REED: There's someone else here to
23 testify?

24 MS. FERGER: Right.

25 CHAIRPERSON REED: Who is that person here to

1 testify in support? All right.

2 MS. FERGER: The other person had to leave, I
3 believe. She had an 11 o'clock appointment.

4 Laurie Emrich was here to testify that she would
5 favor a lower number of parking spaces. She's especially
6 concerned about preserving the mature trees and the green spaces.

7 As an organization, we came to 124. That's the
8 number that we would support.

9 CHAIRPERSON REED: So 124 or less is fine.

10 MS. FERGER: If it came down to would we appeal a
11 decision by the Board to have 90 spaces I think people would say
12 no, we can live with 90 spaces, but that's not a vote of the whole
13 organization.

14 The community, I don't think, really understood the
15 ANC as a separate vote and I know that I was unable to attend that
16 meeting, although I was aware of it and knew its importance and
17 other residents who lived very close to the facility may not have
18 understood that it was a meeting that they should go to and
19 express their point of view. So the views of those living very
20 close by, most effective were not, I don't believe adequately
21 represented at the ANC meeting, but nonetheless their vote stands.

22 And I really don't think I need to add anything
23 more to this discussion unless you have questions to ask.

24 CHAIRPERSON REED: Are there any questions of this
25 witness? Thank you very much for your testimony.

1 We'll have the other witness who is testifying in
2 support and then, Ms. Renshaw, will you give the submission for
3 our records. I don't think there's anyone here present today from
4 the ANC. I asked once and I just wanted to make sure.

5 MS. HARRIS: My name is Michelle Harris and I live
6 on Gallatin Street which the architect described as the lovely
7 residential, lovely homes and I have a letter here from another,
8 the gentleman who actually lives on that house on the corner of
9 Gallatin and Piney Branch, probably of all the neighborhood
10 residents would be most impacted by this and he was here last
11 Tuesday and was unable to make it. He asked me to make sure you
12 received his letter from Jack Whitney. Did you receive that
13 letter?

14 CHAIRPERSON REED: What's his name?

15 MS. HARRIS: Jack Whitney. He sent it. He wanted
16 to make sure you received it. I have another copy here.

17 CHAIRPERSON REED: I don't think that I received --
18 maybe some of the other Board Members received his letter. Did
19 anyone else receive that? Okay, then will you please submit it
20 for the record.

21 MS. HARRIS: Thank you. Jack and I were on that
22 CBENA committee which came up with the 124 as the number of
23 parking spaces we suggested that the Board allow the Kingsbury
24 Center to create and that was not a capricious number. That is a
25 number that we reached through compromise and by consensus. There

1 were many concerns by the people on our committee about the
2 parking situation. Just to clarify, for instance, my home like
3 16th Street is just about equal distance between Carter Baron and
4 my home and even this morning as I was waiting for my neighbor to
5 get ready to come down to this hearing, we watched as commuters
6 from D.C. and Maryland park on our street and walk to the bus stop
7 to take the bus down 16th Street. And like I said we are just as
8 close, Carter Baron is just as close to the bus stop as our homes
9 are and cars, people do not choose to park at Carter Baron. It is
10 free. It is convenient and they prefer to park on our street and
11 that is the concern of most of the residents on our street.

12 Other concerns we have is the situation of
13 illegally parked cars is almost out of hand. We have cars
14 blocking the alleys, parked illegally behind our houses in the
15 alleys, blocking fire hydrants and this is almost daily. There
16 are many churches. On our street alone there are three churches
17 and there are many funerals and daily church activities which also
18 add to the congestion.

19 My concern specifically has to do with the
20 reduction of parking spaces and what I think might create
21 disharmony between the school and the community residents. Right
22 now, I think many residents are very excited about having the
23 Kingsbury Center come, improve upon the space. I think our
24 understanding is that the Kingsbury Center appreciates the beauty
25 of the space as much as we do, the green space and the trees and

1 they don't want to just pave over the whole place willy-nilly.
2 It's our understanding they'll only pave spaces as we need.

3 I worry, however, that 95 spaces might not meet the
4 school's future needs. I don't want my comments to prevent the
5 Kingsbury Center from gaining approval of the Board, but I hope
6 the Board will agree that we don't want to be here again. As
7 Georgetown residents are here often, as the residents of Foggy
8 Bottom are here often fighting over parking spaces. We want the
9 school to be allowed to alter, to responsibly alter the space to
10 meet their needs now, to prevent any disharmony in the future.

11 CHAIRPERSON REED: Thank you. Did you give your
12 address?

13 MS. HARRIS: My address is 1509 Gallatin Street.
14 1509 Gallatin.

15 CHAIRPERSON REED: And you're aware of the fact
16 that the ANC is requesting 35 spaces?

17 MS. HARRIS: Yes, I am. I am absolutely
18 flabbergasted that the ANC has undermined the CBENA's
19 recommendation of 124 spaces. I don't understand. I was not in
20 town when that meeting was. I can't possibly imagine what they
21 were thinking. I don't know if they're aware that we have
22 commuters parking on our street. I don't know if they're aware of
23 the illegal cars, for instance, Gallatin residents, we're planning
24 on requesting residential parking, but quite honestly with the
25 number of cars which completely ignore the parking laws as it is,

1 I'm not sure if it will help, but that's a step we'd like to take
2 as it is. I don't know if you're aware, but on the corner of
3 Piney Branch and Gallatin, there's an independent school already
4 but they have no parking. It's the Deal School. They have no
5 parking. They park on our street, the teachers, the parents and
6 the visitors. Many of the parents park on our street, and go to
7 work and come back and pick up their cars and their children in
8 the evening. I don't know if the ANC took that into consideration
9 or was aware of it at all.

10 MEMBER RENSHAW: Would you go to the map and point
11 out that school and where your home is located and Mr. Whitney's
12 home, just so that we have a picture? Are they on that map?

13 MS. HARRIS: This is Mr. Whitney's home. This is
14 the independent school. My house is back here.

15 MEMBER RENSHAW: Thank you.

16 CHAIRPERSON REED: Okay, and the applicant is
17 requesting 95 and they are required to have 97.

18 COMMISSIONER MITTEN: Madam Chair, I think I might
19 have figured out where the source of this 10 parking space
20 difference. While the testimony was going on I went back to the
21 traffic study and the difference is for high school seats, you
22 count either seats or you count the one tenth of a -- let me see
23 exactly what it says. It's -- parking space for every classroom
24 seats or one for every 10 seats of the largest auditorium,
25 gymnasium or public assembly space. Maybe someone can clarify.

1 Is this the
2 pre-gymnasium or post-gymnasium calculation?

3 MS. GIORDANO: It is post-gymnasium, but it's not a
4 room that has any fixed seating, so it was sort of a number that
5 pretty much was approximate, taken out of the air.

6 Mr. Andres and I have been talking. We are
7 comfortable with the 97. We certainly cannot afford to go back to
8 the drawing board and resubmit another special exception
9 application now. We're in a situation where we were already
10 delayed last week. We have financing contingency in our contract
11 to purchase the property coming up very soon. Our revenue bond
12 approval by the City Council is contingent upon the zoning
13 approval and it's a dominoes effect. We can't get the financing
14 commitment until we get the revenue bond financing approved. So
15 we really need to go forward as quickly as possible. I guess our
16 feeling is there's very little difference between 95 and 97. We
17 would be very happy to get an approval based upon 97 minimum
18 spaces. We have indicated before that we're committed to siting,
19 I guess those two additional spaces, all the spaces on the site
20 for the maximum preservation of trees and green space. The school
21 has their own personal interest in having a beautiful site and
22 having a beautiful area for kids to play on which includes shading
23 by trees and for staff to have lunch outside. That's what this
24 whole proposal was about is to have a site that allowed for that
25 kind of activity. So it's not in their interest to pave over this

1 site and create a bit parking lot, but they are very much down to
2 the wire now in terms of getting their approval and for two
3 spaces, we hope that the Board of Zoning Adjustment will agree
4 there's no point in resubmitting another special exception
5 application which we agree would be required to make that
6 reduction.

7 COMMISSIONER MITTEN: Just to help us make sure
8 we're making the right calculation, since you don't have an
9 auditorium with fixed seats --

10 MS. GIORDANO: That's correct.

11 COMMISSIONER MITTEN: What's the size of the
12 largest assembly space?

13 MS. GIORDANO: It would be that multi-purpose room,
14 that back area.

15 COMMISSIONER MITTEN: We don't have all of the
16 plans. We just have the site plans, so if someone could give us
17 the measurement?

18 MS. GIORDANO: I think Mr. Bowie is trying to
19 derive that.

20 MR. BOWIE: The actual largest room that exists
21 today will be divided in half, so it won't exist as the single
22 largest room. The remaining one would be the one in the rear
23 building that shows at the top of the drawing on the right.

24 COMMISSIONER MITTEN: And what's the size?

25 MR. BOWIE: 25 by 40 is my guess.

1 COMMISSIONER MITTEN: 25 by 40?

2 (Pause.)

3 MR. BOWIE: It's 1700 square feet.

4 COMMISSIONER MITTEN: 1700?

5 CHAIRPERSON REED: Okay, while we're doing that,
6 let us move forward. The ANC report, that was submitted to us?

7 MEMBER RENSHAW: Yes, the ANC report was
8 -- this is ANC 4-C, submitted to the BZA on April 13, 2000. There
9 was a public meeting on April 11, 2000 to consider the
10 application, the proper notice was given. Six Commissioners
11 constituted a quorum and six Commissioners were present at said
12 meeting. There was opposition raised concerning the number of
13 parking spaces. The architectural plans were for 124. There was
14 expressed opposition to the removal of trees. Therefore, ANC 4-C
15 recommended the parking spaces be reduced to 35. They voted
16 unanimously to support the zoning approval of BZA application
17 16569 contingent upon the Center's agreement to reduce the parking
18 spaces from 124 to 35 and it was submitted by Maureen Young, the
19 Chairperson of ANC 4-C.

20 CHAIRPERSON REED: Well, while they certainly have
21 the basis for the seemingly great weight to which they are
22 entitled, nonetheless, in regarding to the request for 35 spaces,
23 that is not in compliance with the zoning regulations, so that is
24 not something that we have the ability to do in the first place.

25 So I think given that fact, they may not have even

1 been aware of that, that something that would be more in keeping
2 with the amount of spaces required by the zoning regulation would
3 be where we would have to go.

4 All right, closing remarks. Unless there are any
5 other questions?

6 MR. BOWIE: I can address the issue of that multi-
7 purpose room. We calculated that room to have a capacity of 150
8 people which at one space per ten seats equalled 15 parking
9 spaces, additional 15 parking spaces and that was included in
10 Grove Slade's calculation.

11 CHAIRPERSON REED: 15 in addition to the base
12 number?

13 MR. BOWIE: That's part of their number.

14 CHAIRPERSON REED: So then what number do you come
15 up with, the total number.

16 MR. ANDRES: The zoning, the parking requirements
17 for zoning were based on the two-thirds for the faculty and the
18 greater of 5 or 15.

19 CHAIRPERSON REED: What is the number?

20 MR. ANDRES: Which is 107. I guess the question is
21 whether to use that 5 or the 15. That's the difference, that's
22 the discrepancy we're coming across here.

23 COMMISSIONER MITTEN: What the ordinance says is to
24 use the higher number, unfortunately, in this case.

25 CHAIRPERSON REED: So they would have to kick it up

1 to 107, is that what I'm understanding?

2 COMMISSIONER MITTEN: Yes ma'am.

3 CHAIRPERSON REED: Given the fact that we have for
4 various reasons different requests for a different number of
5 parking spaces, again, we have to be in compliance with the
6 regulations and we have to act accordingly. We do not have any
7 authority to impose any more, any less than what the regulations
8 require and that the minimum that has been ascertained here today
9 is 107. I would suppose that that's where we need to go, in
10 addition to the fact that the -- on the one hand, ANC is very
11 concerned about the preservation of green space and aesthetics.
12 On the other hand, we have the Carter Baron Neighborhood
13 Association, what is it CBENA? Carter Baron East Neighborhood
14 Association who has grave concern about the parking problems and
15 looking into the future as to what may happen when the additional
16 amount of children are added. So I think we have to look at the
17 entire picture and see what makes sense prudently. At the bare
18 minimum it sounds like it can be no less than 107.

19 MS. THORNELL: Madam Chairman?

20 CHAIRPERSON REED: Yes.

21 MS. THORNELL: 107 is no problem to Kingsbury
22 Center. We can easily accommodate that amount of parking on our
23 site and our architect can lay that out.

24 CHAIRPERSON REED: We probably were aware of that,
25 given the fact that you asked initially for 124.

1 MS. THORNELL: That is not a problem.

2 VICE CHAIRMAN SOCKWELL: Madam Chair, might I add,
3 and I believe I'm correct in stating that at the time of the
4 Carter Baron East objection, the site plan existed in a different
5 form than the one that was presented today and the current site
6 plan responds much more to the need for buffering and for
7 reduction in the actual removal of natural or existing trees and
8 vegetation and that is somewhat a modification of the specifics
9 upon which the concerns were raised and I think that we can go
10 forward on the basis that the applicant has been responsive.

11 CHAIRPERSON REED: Thank you, Mr. Sockwell.
12 Closing remarks by the Applicant?

13 MS. GIORDANO: Just to be very brief, we believe
14 that the school can successfully locate here without having an
15 adverse impact on the neighborhood. It's a very large site. It's
16 buffered on all sides by public right of ways. There are no
17 immediately adjacent residential uses. As we've demonstrated the
18 traffic and parking can be accommodated on the site. All of the
19 stacking can occur on site. There's no need for any spill over on
20 any neighborhood streets. The Applicant is willing to abide by
21 all of the conditions proposed by OP in their report, modifying
22 obviously the amount of parking and then the oral condition I
23 think that was added at the hearing regarding looking at
24 alternatives to asphalt. We had also concluded that that was
25 going to be problematic because of the ability of the oil and such

1 to get into the soil, so probably it's not legal. But all of the
2 conditions that are written in OP's report regarding the liaison
3 with CBENA, the amount of students, the operating hours, parking
4 at 107 spaces, etcetera. We are willing to abide by and we ask
5 for your approval on that basis as soon as possible. Again, we
6 are in a situation where we have a revenue bond, a matter pending
7 before the City Council and we need to let them know that we have
8 a zoning approval so we can proceed with the acquisition of the
9 site.

10 We would like a bench decision.

11 CHAIRPERSON REED: What number is it?

12 VICE CHAIRMAN SOCKWELL: I would move that -- well,
13 I'll let you make the motion.

14 MEMBER RENSHAW: I move that the BZA approve the
15 Kingsbury's application based on 206 with conditions and various
16 conditions that I have enumerated. By the way, Madam Chair, do
17 you want the Board to vote on the overall approval and then we go
18 to conditions?

19 CHAIRPERSON REED: Yes.

20 MEMBER RENSHAW: Do you want to do it that way?

21 CHAIRPERSON REED: Yes.

22 MEMBER RENSHAW: Then I need a second.

23 COMMISSIONER MITTEN: Second.

24 CHAIRPERSON REED: Discussion?

25 VICE CHAIRMAN SOCKWELL: I would just like to state

1 that this property could be by a matter of right developed into
2 residential single family dwellings, approximately 29 by my
3 calculations, assuming theoretical lots of 5,000 square foot per
4 dwelling in R-1-B, about 15 percent for internal road system which
5 would, in fact, cause major changes to the existing conditions,
6 destroy most of the existing vegetation, most likely, and result
7 in a long period of disruption for all in the neighborhood. I
8 feel that this is a very reasonable modification of the existing
9 conditions, to provide a valuable service to the city and that it
10 is tastefully handled and I did look at the combination of those
11 three dormers in the back just to see what that might look like
12 and you've got two conditions, I think. It looks reasonable. I
13 would say that this is an acceptable, low impact development.

14 CHAIRPERSON REED: Thank you. Mr. Moulden, did you
15 have any comments? Ms. Mitten, did you have any further comments?

16 I concur with my colleagues and feel further that
17 granting this application is certainly a very worthwhile type of
18 endeavor for this particular site and that it does not appear to,
19 given the fact that we don't see a lot of opposition, does not
20 appear to have any noticeable adverse impact and the parking issue
21 will be addressed in the conditions and that it does not tend to
22 impair the intent or integrity of the zoning regulations.

23 Now conditions.

24 COMMISSIONER MITTEN: Can we vote on that motion
25 before we go to conditions?

1 CHAIRPERSON REED: All in favor?

2 (AYES.)

3 CHAIRPERSON REED: Opposed?

4 MR. HART: Staff would record the vote as 5 to 0 to
5 approve. Ms. Renshaw, Ms. Mitten, Mr. Sockwell, Mr. Moulden and
6 Ms. Reed.

7 MEMBER RENSHAW: Various conditions that I made
8 note of during the testimony and discussion are as follows and I'm
9 sure my colleagues will have others pertaining to their areas of
10 expertise. One is that the alley at the southeast corner must be
11 kept open for two-way traffic and emergency vehicles at all times;
12 that the gate in the southeast corner should be on the property
13 line and that the gates swing inward; that there should be
14 coordination of the transportation plan with West Elementary
15 School, including a request, if it's not in force now, for school
16 crossing guards during the a.m. and p.m. rush; that the school
17 consider or the Board consider the policy about students not
18 driving to be reviewed and in force for the children when they
19 reach the appropriate age. We'll take up the discussion of
20 parking spaces.

21 CHAIRPERSON REED: Ms. Renshaw, you said that for
22 the Board to review.

23 MEMBER RENSHAW: Or decide to determine.

24 CHAIRPERSON REED: For that to be done they would
25 have to come back to this Board. Now, an alternative to that may

1 be they discussed the creation of a community liaison.

2 MEMBER RENSHAW: Okay.

3 CHAIRPERSON REED: And we may condition that that
4 decision would be made in conjunction with community liaison.

5 MEMBER RENSHAW: Along with the policy for leasing
6 of the school's facilities.

7 CHAIRPERSON REED: That's another condition.

8 MEMBER RENSHAW: Including --

9 CHAIRPERSON REED: That's another condition?

10 MEMBER RENSHAW: It could be put under your liaison
11 committee functions or we can condition it separately.

12 CHAIRPERSON REED: Okay, okay, so this is something
13 else that you want to be brought to the community liaison
14 committee prior to decision being made.

15 MEMBER RENSHAW: The leasing of the school, the
16 outside grounds and any play facilities. That has to involve the
17 CBENA and ANC 4-C.

18 CHAIRPERSON REED: Well, the community liaison
19 would be created -- they would be a part of and not limited to
20 those entities.

21 MEMBER RENSHAW: Yes. Right. That's it for now.

22 CHAIRPERSON REED: Of course, our usual conditions
23 would be the number of students. It was 300, Ms. Giordano, you
24 reduced it. And the staff, 138. The hours of operation as
25 presented to us, Monday through Friday, 8:30 a.m. to 6:15 p.m. and

1 Saturday, 8:30 to 1:30 -- you have classes on Saturday?

2 MS. GIORDANO: Testing.

3 CHAIRPERSON REED: The ages of the children were?

4 MS. THORNELL: 5 to 18.

5 CHAIRPERSON REED: 5 to 18. The days of operation,
6 Monday through Saturday, and the parking spaces would be --

7 VICE CHAIRMAN SOCKWELL: The parking spaces would
8 be 107, based on our final agreed-upon count and that tree
9 replacements for those living trees to be removed would be at a
10 rate of 1 caliper inch added for each caliper inch removed. That
11 was considered acceptable, as long as the dead trees were not
12 included in the count.

13 CHAIRPERSON REED: Did we indicate the creation of
14 the community liaison committee? All right, that would be
15 established and this committee should be -- should meet quarterly.

16 We just don't want to say a community liaison committee without
17 determining how often they should meet.

18 MS. GIORDANO: Quarterly is fine.

19 CHAIRPERSON REED: Quarterly. Okay. Any other
20 conditions or does that take care of it?

21 COMMISSIONER MITTEN: I would just like to add a
22 little bit of clarification to the maximum enrollment which is,
23 then there has a been a breakdown supplied by the applicant which
24 is that the maximum will be divided between 200 elementary and
25 junior high school students and a maximum of 100 high school

1 students.

2 VICE CHAIRMAN SOCKWELL: Also, it might be added
3 that effective buffers between the school property and adjacent
4 residential properties would be maintained.

5 MEMBER RENSHAW: And a time limit, Madam Chair.

6 CHAIRPERSON REED: The term of the school?

7 MEMBER RENSHAW: A time limit for this order.

8 CHAIRPERSON REED: What do you mean a time limit?

9 (Pause.)

10 MEMBER RENSHAW: This is approved for a period of -

11 -

12 CHAIRPERSON REED: I'm asking the term. Let me ask
13 Ms. Sansone for a private school, do we -- I know for the
14 community development centers we usually give that for a term of
15 5, 7 years, but for private school establishment. We can, if we
16 can --

17 MS. GIORDANO: If I can interject, that issue was
18 discussed at the CBENA meeting. There was a recommendation
19 initially for 10 years. We discussed it with our revenue bond
20 council and it was basically a nonstarter because the financing is
21 based upon a 30-year mortgage and we would be really in dire
22 circumstances in terms of getting financing with that kind of
23 condition. So CBENA was kind enough to remove it.

24 CHAIRPERSON REED: They didn't ask us for that
25 condition, nor did the ANC nor did the Office of Planning, so Mr.

1 Moulden had a comment.

2 MR. MOULDEN: I would just say what was the need?

3 VICE CHAIRMAN SOCKWELL: If you accelerate your
4 mortgage to 5 years, you'll be paid off early.

5 CHAIRPERSON REED: I have no problem with that. So
6 that then would conclude your hearing and you should receive your
7 order in about two weeks.

8 COMMISSIONER MITTEN: Could I just -- I thought
9 that Ms. Renshaw had proposed some conditions, but we didn't
10 necessarily -- for instance, she raised whether --

11 MEMBER RENSHAW: That is correct.

12 COMMISSIONER MITTEN: Whether or not there would be
13 a condition related to student parking. She didn't offer the
14 condition.

15 CHAIRPERSON REED: I did. Mr. Sockwell did.

16 COMMISSIONER MITTEN: Okay, then I'm sorry. Would
17 you repeat that?

18 CHAIRPERSON REED: Go ahead.

19 VICE CHAIRMAN SOCKWELL: I stated that 107 cars was
20 the on-site parking requirement that we had agreed upon.

21 COMMISSIONER MITTEN: I agree with that. I think
22 there was what Ms. Renshaw had raised was whether or not there
23 would be any restriction on, for instance, students who were of
24 legal driving age driving to the --

25 MEMBER RENSHAW: That was going to be discussed as

1 one of the subjects of this liaison committee.

2 COMMISSIONER MITTEN: Okay, sorry.

3 CHAIRPERSON REED: She's going to allow them to
4 make that determination.

5 COMMISSIONER MITTEN: That's up to them? Okay.

6 CHAIRPERSON REED: That then concludes the morning
7 session. Now for the afternoon -- before you leave --

8 (Pause.)

9 Just a moment, before you leave, those persons who
10 are involved in the George Washington University application, in
11 regard to party status, we are going to recess for 30 minutes.
12 We'll be back. We'll start at 1:30. At 1:30, however, we had --
13 take note of the fact that we had several requests for party
14 status and there are several that -- this was an ANC as well and
15 the ANC is automatic, but there's also a single member district
16 representative and in order to be able to move this case along, we
17 wanted to ask that you consider designating one person to do the
18 cross examination and if you have set questions to kind of combine
19 those questions so that you won't be five or six people doing
20 cross examination and given the fact that we're going to be
21 breaking for half an hour, perhaps at that time you may want to
22 kind of put your heads together to determine you think it can best
23 be done.

24 Other than that, we'll be here all day if we have
25 six people asking questions for every segment of the hearing. So

1 we thought that would be a way to expedite things. This is not in
2 any way to insinuate that any of your questions would be left out.

3 We just want you to combine them because we know that when -- we
4 have several people -- with party status, sometimes the questions
5 are redundant and repetitive and we're just trying to eliminate
6 that where we can.

7 Thank you.

8 (Whereupon, at 1:02 p.m., the hearing was recessed,
9 to reconvene at 1:30 p.m., Wednesday, April 26, 2000.)

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A F T E R N O O N S E S S I O N

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1:55 P.M.

CHAIRPERSON REED: Good afternoon. Let's get started. We'll now commence with the second case of the afternoon, George Washington University. Excuse me one second.

(Pause.)

Okay, we'll now start with the second case of the day which is George Washington University and staff will come in in a couple of minutes. Can you hear me now?

We will now commence with the second case of the day, George Washington University. Staff will be here in a moment to call the case and swear in the witnesses.

We just wanted to indicate again in these proceedings this afternoon we ask that people conduct themselves properly and the staff has asked and also we've gotten some indications that even if you are not speaking and you make gestures or movements that can be construed as ex parte communication with Board Members, that is not permissible, so we ask that you please not do that, if you are so inclined.

Thank you.

MR. HART: This is Case 16553, Application of the George Washington University, pursuant to 11 DCMR 3104.2, for a special exception for the review and approval of the University Foggy Bottom Campus Plan, years (2000-2010) under Sections 210 and 507; the boundaries are as follows: Pennsylvania Avenue on the north, 19th H, 20th and G Streets on the east; F Street on the

1 south and 23rd, G and 24th Streets on the west, and also includes
2 a portion of Square 122 extending south of F Street along 19th
3 Street, N.W. Within the campus plan boundaries, the property
4 owned by the University is devoted to a variety of University
5 uses, including, but not limited to classroom, dormitory, library,
6 research, office, support, assembly, athletic and hospital
7 purposes. These uses would be continued under the Campus Plan in
8 a variety of existing and new buildings in the R-5-D, R-5-E, C-3-C
9 and SP-2 Districts: Square 39, Lot 803, Square 40, Lot 36, Square
10 41, Lot 40, Square 42, Lots 54 and 55; Square 54, Lot 30, Square
11 55, Lots 28, 854 and 855; Square 56, Lots 30 and 31, Square 57,
12 Lots 55 and 56, Square 75, Lots 23, 33, 34, 41, 42, 46, 47, 858,
13 961, 863 and 864; Square 77, Lots 5, 59, 60 845, 846 and 864,
14 Square 794; Square 79, Lots 63, 64, 65, 808, 853, 854, 861 and
15 862, Square 80, Lots 2, 26, 27, 28, 29, 42, 45, 46, 47, 50, 51,
16 52, 54, 55, 800, 811, 820, 821, 822, 823, 824, 825 and 828, Square
17 101, Lots 58, 60, 62 and 879, Square 102, Lot 46, Square 103, Lots
18 1, 13, 27, 28, 33, 35, 40, 812, 813, 814, 816, 817, 818, 819 and
19 820, Square 119, Lot 26, Square 121, Lot 819, Square 122, Lots 824
20 and 825; these Squares are within the Campus Plan properties;
21 Square 39, Lot 77, Square 40, Lot 79, Square 41, Lot 80, Square
22 42, Lot 101, Square 54, Lot 102, Square 55, Lot 103, Square 56,
23 Lot 119, Square 57, Lot 121 (Part only) Square 75, Lot 122 (Part
24 only).

25 Will those persons planning to testify please stand

1 to take an oath.

2 (The witnesses were sworn.)

3 CHAIRPERSON REED: Those people who are here who
4 did not stand to be sworn in, is the assumption that you're here
5 just to lend your moral support to these proceedings or did you
6 not understand that if you are going to participate that you have
7 to be sworn in. There were several people who did not stand and I
8 just wanted to make sure that everyone was aware of what Mr. Hart
9 was asking you to do.

10 Thank you very much.

11 MS. SPILLINGER: Madam Chair, I have a procedural
12 question. May I interrupt?

13 CHAIRPERSON REED: Okay.

14 MS. SPILLINGER: I'm Barbara Spillinger, chair of
15 ANC-2A and we have submitted a letter as a preliminary matter
16 asking, which is somewhat moot at the moment, but that GW be
17 allowed to present its case today and that the opposition be
18 allowed to respond on May 24th and also that the ANC be permitted
19 to submit a supplemental or revised report 7 days before the
20 hearing, the next hearing.

21 I didn't know whether you had been able to consider
22 that in your preliminary --

23 CHAIRPERSON REED: We do have your request, Ms.
24 Spillinger, and that does not appear to be unreasonable. I think
25 that given the fact that we're just starting now at 2 o'clock and

1 the fact that our recorder has to leave at 6 then we're going to
2 get through as much as we can today and I doubt very seriously if
3 we would even get to that point anyway. So I don't have a problem
4 with that request.

5 MS. DWYER: Madam Chair, if I can address that on
6 behalf of the University? We don't have a problem with that as
7 well and we were going to come in and say that we supported it.
8 We would add just two things. One is there are several students
9 who are supporters who are here today who will not be here for the
10 second hearing, so if there's perhaps 5 minutes at the end of
11 today's hearing to allow them to testify out of turn, we'd like
12 permission to do that.

13 Second, we would request that the opposition file
14 its materials in advance of the next hearing. As you know, we
15 filed ours two weeks in advance and we would like, if they could
16 file their materials two weeks in advance of the May 24th hearing
17 which would be May 10th.

18 CHAIRPERSON REED: Are you agreeable to that?

19 MS. SPILLINGER: We will not have our regular ANC
20 meeting by then. We won't have it until May 17th. We would like
21 to approve the filing at the regular meeting on May 17th and file
22 it the next day.

23 MS. DWYER: That would be fine, if it could be
24 filed then on May 18th and if we could be hand delivered a copy of
25 it so we have a chance to review it before the hearing.

1 MS. SPILLINGER: Yes, I'd be glad to do that.

2 CHAIRPERSON REED: Okay.

3 MS. DWYER: Madam Chair, we had a couple of other
4 preliminary issues. One is there was a request and I believe also
5 from ANC-2A that the University make available as a witness its
6 Registrar to address enrollment and student housing issues. And I
7 just wanted to point out that we have two witnesses from the
8 University who are both qualified to address that issue, so even
9 though we do not have the Registrar, we have Mr. Charles Barber
10 and Mr. Craig Linebaugh who can both address the enrollment and
11 student housing issue.

12 CHAIRPERSON REED: Is that okay?

13 MS. SPILLINGER: We will accept that. Thank you.

14 MS. DWYER: The final preliminary matter, there
15 were several requests for party status and I don't know if you're
16 going --

17 CHAIRPERSON REED: We're going to take up the issue
18 of party status at this time. Yes.

19 MS. MILLER: Good afternoon. I'm Dorothy Miller,
20 ANC-2A05 and I think it's important that the Registrar be here.
21 We have met with these people numerous times and have never been
22 able to accurately answer our questions as to how many students
23 and where they live, so I think only the Registrar would have that
24 information because they don't seem to know. And I don't see
25 anybody here that has not been present before that could have

1 responded accurately and answered those questions.

2 CHAIRPERSON REED: Thank you very much, Ms. Miller.

3 However, the request by the Applicant to allow these two other
4 persons to testify with regard to the questions directed to the
5 Registrar and it's been asserted that these people have the
6 capacity and ability to do so and the ANC has agreed, so why don't
7 we do this --

8 MS. MILLER: Well, the problem is then they haven't
9 in the past.

10 CHAIRPERSON REED: Just a moment, Ms. Miller.

11 MS. MILLER: I'm sorry.

12 CHAIRPERSON REED: Why don't we allow them an
13 opportunity to respond to the questions and if, in fact, the
14 answers are not forthcoming or you feel that they are
15 insufficient, then we do have another hearing day and the Board
16 can then make a decision as to whether or not we want specifically
17 to ask that the Registrar come.

18 MS. MILLER: If they cannot answer the questions in
19 cross examination or today, then we do request that the Registrar
20 be present for the 24th. Very well.

21 CHAIRPERSON REED: Thank you. Now in regard to
22 party status, we had several requests. Those persons who have
23 requested party status are James Droud -- the attorney for the
24 ANC-2A. Is he here?

25 MS. SPILLINGER: No, Madam Chair. We are not

1 represented by Mr. Droud today. He is our attorney. He has --
2 the ANC has hired him as our attorney and he did prepare the
3 report which we submitted and he will prepare the findings of fact
4 and conclusions of law, but he will do so from the testimony. As
5 you know, we are a volunteer organization with limited funds and
6 rather than have Mr. Droud sit here for most of the day we decided
7 we would conserve our resources and he is not with us today.

8 CHAIRPERSON REED: So he is not with you to
9 represent you, so who is going to be the lead person for the ANC?

10 MS. SPILLINGER: The lead person on our cross
11 examination will be Michael Thomas.

12 CHAIRPERSON REED: And he is here?

13 MS. SPILLINGER: He is here.

14 CHAIRPERSON REED: Okay, all right, now the ANC-2A
15 has requested party status, but you know that as the ANC you are
16 automatically a party in the case.

17 MS. SPILLINGER: I'm aware of that.

18 CHAIRPERSON REED: That's a given.

19 MS. SPILLINGER: The reason that I did request it
20 was that just in case this application might be reopened or
21 something might come up when I am no longer chair. I had asked
22 that I be given party status.

23 CHAIRPERSON REED: Now --

24 COMMISSIONER MITTEN: Madam Chair, just to be clear
25 about what Ms. Spillinger is asking for, are you asking for party

1 status as an individual, as well as your role --

2 MS. SPILLINGER: Yes, for my SMD as well as chair,
3 if that's possible.

4 CHAIRPERSON REED: Now this is where we're trying
5 to get the gist of Ms. Spillinger. You're going to be wearing two
6 hats?

7 In other words, you already have party status as
8 the ANC, then you also need a party status as an individual?

9 MS. SPILLINGER: The reason I ask was just
10 insurance in that should I no longer be chair and there should be
11 some reason to appear, I would like to have the opportunity to do
12 so.

13 CHAIRPERSON REED: I understand, so between now and
14 the next hearing is it --

15 MS. SPILLINGER: That should not be a problem.

16 CHAIRPERSON REED: So you will be cross examining,
17 when you asked your questions, you are going to be asking for both
18 entities, for yourself and for the ANC.

19 MS. SPILLINGER: At this point it would be for the
20 ANC.

21 CHAIRPERSON REED: Are you going to do the cross
22 examination or is Mr. Thomas also representing you as an
23 individual?

24 MS. SPILLINGER: Mr. Thomas will be the lead cross
25 examiner.

1 CHAIRPERSON REED: So you won't be asking
2 questions?

3 MS. SPILLINGER: From time to time, depending on
4 the subject matter, there may be one or two other members of the
5 ANC who would ask questions in their area of expertise.

6 CHAIRPERSON REED: Just one second, please.

7 (Pause.)

8 MEMBER RENSHAW: Ms. Spillinger, just for the
9 record, what is your SMD?

10 MS. SPILLINGER: 2A-04.

11 MEMBER RENSHAW: 2A-04. Thank you.

12 CHAIRPERSON REED: Ms. Spillinger, Corporation
13 Counsel just pointed out to me that you did submit a letter to
14 waive the 14-day requirement for having your submission in to
15 request party status which you did that, we had that, but we never
16 did receive a submission from you to actually request a party
17 status, for you as an individual.

18 MS. SPILLINGER: I did send that in. I will see if
19 I have -- I did submit it.

20 (Pause.)

21 I have a copy here if that's helpful.

22 CHAIRPERSON REED: Okay.

23 MS. DWYER: Madam Chair, if I can address this
24 issue as well. We have in our records that the request was filed
25 on April 21st which is not in accordance with the Board's rules,

1 that it be filed two weeks in advance.

2 CHAIRPERSON REED: This is true, Ms. Dwyer and we
3 understand that we had in our package a request to waive the time
4 frame for her to be able to submit later.

5 MS. DWYER: Right, we understood that request was
6 for the ANC, not for her individually.

7 CHAIRPERSON REED: The request was for her
8 individually. Let me just double check that, just to make sure.

9 MS. DWYER: That is correct.

10 CHAIRPERSON REED: Individually, Ms. Dwyer. I have
11 no problem with waiving the rules to allow Ms. Spillinger's letter
12 to come into the record late. If there's an objection about that?
13 Okay.

14 Now Ms. Spillinger, Mr. Thomas is going to be the
15 lead person and you were saying that in that capacity he's going
16 to do what?

17 MS. SPILLINGER: Quick cross examination.

18 CHAIRPERSON REED: For, on behalf of who?

19 MS. SPILLINGER: On behalf of ANC and the Foggy
20 Bottom Association.

21 CHAIRPERSON REED: The Foggy Bottom Association.
22 Was there a letter from the Foggy Bottom Association?

23 MS. SPILLINGER: Yes. Alan Becker and Michael
24 Thomas both requested party status.

25 CHAIRPERSON REED: Okay, the Foggy Bottom

1 Association, do you have that letter?

2 COMMISSIONER MITTEN: Yes, the first one.

3 CHAIRPERSON REED: Okay, he's going to represent
4 Ms. Becker on behalf of the Foggy Bottom Association. So we have
5 the ANC and Ms. Spillinger and Ms. Becker, all being represented
6 or -- the lead person being Michael Thomas, right? Okay.

7 Now what about -- we have Dorothy Miller and Maria
8 Tyler.

9 MS. SPILLINGER: Yes, they have both --

10 CHAIRPERSON REED: Now you're saying, just one
11 second, Ms. Tyler. You're saying that even though Mr. Thomas
12 would be the lead person that you also would want to cross
13 examine? Can you not give him the questions?

14 MS. SPILLINGER: We will try to do that as much as
15 possible, but there are several cases where people have particular
16 expertise in a particular matter and would like to cross examine a
17 particular witness, so that there may be one or two other members
18 of the ANC or members of the ANC who would also ask questions, but
19 we will try not to be duplicative and we will try to pass
20 questions to Mr. Thomas insofar as we can. But in certain areas
21 there may be a person or two who will have particular questions on
22 a particular subject.

23 CHAIRPERSON REED: So are you saying, Ms.
24 Spillinger, am I understanding you to say that if, in fact, one of
25 you do choose to question a particular witness, then Mr. Thomas

1 would not be questioning that same witness that you would --

2 MS. SPILLINGER: Not necessarily. There could be
3 two people or even three questioning one person.

4 CHAIRPERSON REED: This is what we're trying to
5 avoid and that is multiple cross examining witnesses and then that
6 would -- it would just take so much time.

7 MS. SPILLINGER: I recognize that and we will try
8 insofar as possible to hold our questions to a minimum, but there
9 are cases where it really would be helpful if another person could
10 participate.

11 CHAIRPERSON REED: Excuse me one second.

12 MS. SPILLINGER: Certainly.

13 (Pause.)

14 CHAIRPERSON REED: If that is necessary and I am
15 going to assume, Ms. Spillinger, that this is not going to be in
16 every instance.

17 MS. SPILLINGER: Correct.

18 CHAIRPERSON REED: Unique instances where it would
19 just, in your estimation you would determine that it was necessary
20 to do that and if that does happen, if you know that you're going
21 to question, two of you are going to question the same witness,
22 then I'd ask that both of you come up so that we don't have to
23 wait until one person goes back, another person comes back up,
24 just come on up and then once one person is finished and the other
25 one is immediately asked the questions and obviously we would not

1 want to see duplications or repetitive questions or testimony,
2 anything that is not within the auspices of what is supposed to be
3 done at cross examination.

4 MS. SPILLINGER: We recognize your concern and
5 we'll make every effort to do so.

6 MS. DWYER: Madam Chair, if I can just state for
7 the record our objection to giving individual status, party status
8 to Ms. Spillinger in addition to the ANC and this issue will come
9 up again with the other two ANC Commissioners. All of these
10 individuals are ANC Commissioners. They represent their
11 constituents on the ANC. They have direct input to the ANC and it
12 seems duplicative to accord individual party status and have
13 exactly the situation that you're trying to avoid where you have
14 several persons up here cross examining the witnesses.

15 Any particular questions they have can be given to
16 Mr. Thomas. Any particular issues they have can be raised in
17 their direct testimony and we don't believe that each individually
18 has to be recognized as a party in addition to the ANC.

19 CHAIRPERSON REED: Okay.

20 MS. SPILLINGER: I believe Commissioner Mandelbaum
21 requested party status as well.

22 CHAIRPERSON REED: Who?

23 MS. SPILLINGER: Commissioner Stephen Mandelbaum.

24 CHAIRPERSON REED: Yes, all right. Yes, Ms. Tyler?

25 MS. TYLER: Thank you, Madam Chair. I just want to

1 make sure that --

2 CHAIRPERSON REED: Speak into the mike.

3 MS. TYLER: Thank you, Madam Chair. I just want to
4 make sure that my request was received in a timely fashion by the
5 Zoning Office. It was hand delivered on April 12th for party
6 status and I gave the reasons why I wanted to have the party
7 status. I just wanted to make sure that everything is in order.

8 CHAIRPERSON REED: Summarize quickly.

9 MS. TYLER: My name is Maria Tyler. I am the ANC
10 Commissioner, ANC-2A03. I've been publicly elected every two
11 years since 1980 as a Commissioner. My particular district is
12 particularly aggrieved by the present situation of the expansion
13 of GW. It also contains in it the Foggy Bottom Historic District
14 where the comprehensive plan makes specific reference that the
15 G.W. development has to take into account the Foggy Bottom
16 Historic District and there are several other reasons, social,
17 environmental and economic that I have outlined. I can give you
18 this copy, yes.

19 CHAIRPERSON REED: Okay, than you, Ms. Tyler.

20 MS. TYLER: Thank you.

21 CHAIRPERSON REED: Excuse me, Ms. Tyler, you're not
22 going to be represented by Mr. Thomas at all? He's not going to
23 be the lead person for your questioning.

24 MS. TYLER: Madam Chair, in terms of cross
25 examination, be certain it will not be repetitive, just in case

1 sometimes you know how it is, it is difficult sometimes to pass on
2 the question. We can assure you we will not be repetitive.

3 CHAIRPERSON REED: Is he working with you?

4 MS. TYLER: Well, we haven't been working on the
5 questions as yet because we were really under extreme time
6 constraint. As you know, we received most of these documentations
7 or this data just very recently, so it has not always been
8 possible to communicate even between us because we had so little
9 time to do the homework.

10 CHAIRPERSON REED: Okay, all right, thank you.

11 MS. TYLER: Thank you, ma'am.

12 MS. DWYER: Madam Chair, just for the record, we
13 object, for the reasons stated earlier and I really -- we feel
14 strongly that if the ANC can represent the interest of the larger
15 community, we certainly believe that the ANC should be able to
16 represent the interest of the six Commissioners without each
17 individual being a party.

18 MS. TYLER: Madam Chair, just for the record again,
19 we are publicly elected every two years. The chair or any
20 delegate that is not publicly elected by the District which we
21 represent we must have the constitutional right to present our
22 single member district and we cannot delegate that kind of
23 process, publicly elected or publicly -- that process, transferred
24 to another person. That is just not right.

25 CHAIRPERSON REED: Thank you, Ms. Tyler.

1 MS. TYLER: I respectfully disagree with Ms. Dwyer.

2 Thank you.

3 CHAIRPERSON REED: Ms. Miller?

4 MS. MILLER: My name is Dorothy Miller and I'm
5 Commissioner for ANC 2A05 and I'm Vice President of Columbia Plaza
6 Tenants Association and I filed my request in both of those
7 positions and where the person can represent in cross examination
8 that puts, affects the entire community. It's very difficult when
9 you're trying to have someone buy your apartment and ask the
10 people to leave so they can put students in and that's my purpose.

11 CHAIRPERSON REED: Don't -- Ms. Miller. You'll
12 have an opportunity to testify. Just keep it to the party status.

13 MS. MILLER: Now I want to tell you what happened
14 two years. I was chair of the ANC and when I tried to file
15 something after the case was over, I was told I was not a party to
16 the case and that's the reason we're asking for parties to the
17 case because we have a right to sue and I have to go back and get
18 the ANC --

19 CHAIRPERSON REED: Wait a minute, Ms. Miller. Hold
20 that point right there for one second.

21 My understanding was that you don't have to have
22 party status to file a --

23 MS. MILLER: To be able to sue.

24 (Pause.)

25 Do you represent Columbia Plaza?

1 MS. MILLER: I do.

2 CHAIRPERSON REED: Do you have authorization?

3 MS. MILLER: I do and it's been on file for 8 or 9
4 years.

5 COMMISSIONER MITTEN: Are you saying we have it?

6 MS. MILLER: You should have it in file, they asked
7 for it the first time I showed up and I brought it back the very
8 next time and the people that I represent will not have a right to
9 sue, unless I have party status.

10 COMMISSIONER MITTEN: Madam Chair, if I could just
11 address that. The DCAPA says any person aggrieved, so there's no
12 requirement that you be a party in order to take an appeal.

13 MS. MILLER: The Supreme Court says I have the
14 right.

15 CHAIRPERSON REED: Truly, my understanding is that
16 you don't have to have party status in order to be able to --

17 MS. MILLER: Yes, you do.

18 CHAIRPERSON REED: File an appeal.

19 MS. MILLER: That anyone who I represent. I can
20 read you what the Supreme Court said if you'd like to hear it.

21 CHAIRPERSON REED: Uh-huh.

22 MS. MILLER: Would you like to hear it?

23 CHAIRPERSON REED: Is it long?

24 MS. MILLER: No, I can give you a copy.

25 CHAIRPERSON REED: Okay, give us a copy.

1 MS. MILLER: This is my last copy.

2 CHAIRPERSON REED: All right, notwithstanding that.

3 MS. MILLER: It's basically one paragraph and I can
4 read it for you real quickly. "Citizens' group have interest
5 distinctive from members of the general public to seek an appeal
6 on behalf of their members who include home owners, renters,
7 living outside of the approved campus quarters, but the expansion
8 of the University beyond its borders has violated 11 DCMR 2102
9 causing objectional conditions."

10 Now these conditions are most objectionable to the
11 people I represent, far more so than the whole community because
12 they've destroyed the whole community, but they're doing worse to
13 us.

14 COMMISSIONER MITTEN: Was that the quote?

15 MS. MILLER: The last sentence was mine.

16 The Court said you --

17 CHAIRPERSON REED: The party status --

18 COMMISSIONER MITTEN: Madam Chair, if I could just
19 direct this. What about what you just read speaks to the right of
20 someone to appeal?

21 MS. MILLER: It says first, its members must have
22 standing to sue in their own right. That's the first reason.

23 COMMISSIONER MITTEN: Standing means being
24 aggrieved.

25 MS. MILLER: Standing is party status.

1 MS. DWYER: No.

2 CHAIRPERSON REED: That's not true. Ms. Miller,
3 Ms. Miller --

4 MS. MILLER: Seeks to --

5 CHAIRPERSON REED: We understand that. That's where
6 there may be a little confusion. An aggrieved person does not
7 necessarily have to have party status. If you're aggrieved, you
8 have a right to --

9 MS. MILLER: No, the problem is that a group is
10 more cohesive. They don't have lawyers. We come before you all
11 totally unarmed and without money most of the time and the people
12 can collectively take a stand against an aggrieved situation which
13 as is most aggrieved at this point.

14 Consequently for that, I want party status for my
15 ANC and the people I represent and for Columbia Plaza.

16 COMMISSIONER MITTEN: Madam Chair, can our
17 representative from Corporation Counsel's Office speak to this
18 issue?

19 MS. NAGELHOUT: The BZA rules are set forth in 3106
20 and 3106.2 speaks to the requirements that you have to meet to get
21 party status, specifically (e) is a written statement.

22 MS. MILLER: We can't hear you very well.

23 MS. NAGELHOUT: The BZA rules, I think, are set
24 forth in Section 3106.2 for what a person has to do 14 days prior
25 to the date set for hearing.

1 MS. MILLER: I did that. I did that.

2 MS. NAGELHOUT: Have you addressed the five things
3 listed in E5?

4 MS. MILLER: I did.

5 MS. NAGELHOUT: And if you can point the Board to
6 where you've done that.

7 MS. MILLER: No. 92 in the file. Filed on the
8 12th.

9 COMMISSIONER MITTEN: I think the point of
10 contention is that I think a lot of requests that we're getting
11 are a result of some folks feeling that their rights are not going
12 to be -- they're not going to have as many rights to appeal any
13 decision that's made if they are not granted party status by the
14 BZA and that's specifically what I'd like you to speak to if you
15 can.

16 MS. MILLER: That is correct.

17 COMMISSIONER MITTEN: Do they have fewer rights to
18 appeal any decision that we make if they're not granted party
19 status? That's the question.

20 MS. NAGELHOUT: No, I am not able to speak about
21 that for appeal rights. I would -- I think party status is more
22 their rights to participate i this proceeding.

23 VICE CHAIRMAN SOCKWELL: Madam Chair --

24 MS. MILLER: I can't understand you.

25 VICE CHAIRMAN SOCKWELL: Madam Chair, it appears

1 that perhaps part of the drive for party status for the
2 organization be based on the simple fact that it's easier to bring
3 together individuals to support an action when the organization is
4 bound as a party than when the individuals are asked to come
5 together separately to join as individuals in an action. And I
6 believe that is the reason for the request for party status for
7 the organization as much as anything else, the individuals' rights
8 are probably no different no less than those of the group, but
9 certainly the ability for people to act in cohesion would be
10 improved by giving the group the status and it would enhance their
11 ability to respond as a unit, as opposed to individuals being
12 brought together as individuals.

13 MS. MILLER: Correct.

14 CHAIRPERSON REED: Okay, Ms. Miller, is Michael
15 Thomas also a lead person?

16 MS. MILLER: He's the lead person for ANC 2A and
17 for the community it represents, okay?

18 CHAIRPERSON REED: That would include you?

19 MS. MILLER: Not necessarily, because I asked for
20 party status for two groups, first my commission and second, for
21 the people who live at Columbia Plaza that are being so abused at
22 this given point and it's going to get worse.

23 CHAIRPERSON REED: My question is he is not the --
24 you're going to speak and you're going to do the cross
25 examination?

1 MS. MILLER: Right.

2 CHAIRPERSON REED: For those two entities?

3 MS. MILLER: Right, correct.

4 CHAIRPERSON REED: Okay. Just a moment.

5 (Pause.)

6 CHAIRPERSON REED: Okay, all right, thank you very
7 much.

8 MS. MILLER: Could I call the Corporation's
9 attention to the Supreme Court decision in International Union,
10 United Auto Workers v. BARC. That was 1986, 447 U.S. 274 which
11 they confirmed institutional rights of people to be represented or
12 associations and members to be represented. And it does give
13 them, they've got a standing because you can call on a larger
14 group to help you.

15 CHAIRPERSON REED: Okay.

16 MS. MILLER: I'd be happy to give her a copy of
17 this.

18 COMMISSIONER MITTEN: The other person is
19 Mandelbaum.

20 MS. DWYER: Madam Chair, if I could just make a
21 comment before Ms. Miller leaves? Could she file on the record
22 the authorization from the Columbia Plaza for her to act on their
23 behalf. I know she said it's in the record, but if it's 9 years
24 old, we really should have something current.

25 CHAIRPERSON REED: We took note of that, Ms. Dwyer,

1 while we were at our sidebar and it was the consensus of the group
2 that we would like her to file it and each time, for each hearing,
3 even though you may have had it on record. Each hearing that you
4 may participate in in representing the Columbia Plaza Association,
5 submitted each time and then that way there will be no confusion.

6 MS. MILLER: I can do that, but the President of
7 the Association is down here today. If you'd like to have it
8 reaffirmed now.

9 CHAIRPERSON REED: We need it in writing.

10 MS. MILLER: We'll put it in writing.

11 CHAIRPERSON REED: Okay. Does your Board require
12 that there be a meeting convened and a vote taken to give you the
13 representation, to give you the authority to represent them?

14 MS. MILLER: Absolutely, the Board gave me the
15 authority to represent them.

16 CHAIRPERSON REED: Okay.

17 MS. MILLER: The Board makes the decisions.

18 CHAIRPERSON REED: Okay. Have the vote recorded in
19 the letter that you submit.

20 MS. MILLER: It was not counted, but voiced. But I
21 can see what I can do.

22 CHAIRPERSON REED: Sure. Thank you. All right,
23 Mr. Mandelbaum, we do have your letter, your submission?

24 MR. MANDELBAUM: Yes. I don't know if I hit the
25 right points in the letter. I don't know if I had that --

1 CHAIRPERSON REED: That's just it. The items that
2 you were supposed to speak to were not addressed for the most
3 part.

4 MR. MANDELBAUM: I think I can address those here,
5 if I may.

6 My single member district is 2A06.

7 CHAIRPERSON REED: You're a single member district
8 representative too?

9 MR. MANDELBAUM: Yeah, I am an ANC Commissioner.

10 CHAIRPERSON REED: All right.

11 MR. MANDELBAUM: All but one block of my district
12 is within the campus plan boundaries. I'm a current George
13 Washington University student, both undergraduate and graduate and
14 I live in University housing. So I think that my participation is
15 extremely relevant to the case.

16 CHAIRPERSON REED: Are you associated with Michael
17 Thomas? Is he the lead person for you?

18 MS. SPILLINGER: Madam Chair, may I speak to that?

19 Perhaps this would simplify things. Michael Thomas will
20 represent the Foggy Bottom Association and he will be the lead
21 person and the first questioner in cross examination. But then
22 where we have members of the ANC who have expertise in particular
23 areas, then they will speak to the case. We again, will make
24 every effort not to be duplicative and not to do this in every
25 case, but just where we have expertise and follow-up that.

1 CHAIRPERSON REED: So Michael Thomas, you are also
2 going to allow Michael Thomas to be the lead person?

3 MR. MANDELBAUM: That's correct.

4 CHAIRPERSON REED: That's fine.

5 MR. MANDELBAUM: Myself, Ms. Spillinger and Mr.
6 Thomas have participated in discussion with the University, so
7 we've tried to pool all of our resources through Mr. Thomas.
8 Unfortunately, it's a very large case with lots of externalities,
9 so we may need additional people.

10 CHAIRPERSON REED: Thank you very much.

11 MR. MANDELBAUM: Thank you.

12 CHAIRPERSON REED: Then the last person was Sondra
13 Maddox of the Monroe House Condominiums?

14 MS. MADDUX: Good afternoon, Madam Chair. To
15 correct the record, my name is Sara Maddux. I believe you will
16 find in the letter the resolution from the regularly held monthly
17 meeting of the Monroe House Condominium Board. We represent 110
18 owners of a condominium at 522 21st Street and I believe that I
19 met all the standards for filing with the explanations for the
20 factors which have been raised as to why we are more impacted than
21 the quote unquote general public which is the standard that was
22 furnished to us.

23 CHAIRPERSON REED: If I understand it correctly,
24 Ms. Maddux, it states that you fee you are more impacted because
25 of the fact that you were a condominium association with deep

1 roots in the community.

2 MS. MADDUX: Yes, Madam Chair, and the other
3 factors that are raised to achieve party status because we are so
4 intimately affected by this proposal as opposed to the general
5 public which I envision as general public as being people
6 strolling by on the street.

7 CHAIRPERSON REED: The thing about it is general
8 public cannot request or receive party status. It has to be
9 people fall into the category of those that are particularly or
10 uniquely aggrieved.

11 MS. MADDUX: We are particularly and uniquely
12 aggrieved because we own there. We have fought to maintain. We
13 are a tenant converted building. We used our own sweat equity to
14 achieve what we have there at that building.

15 CHAIRPERSON REED: And your building is on the
16 border of the boundary of the George Washington University?

17 MS. MADDUX: Yes ma'am. It's within the 200 foot
18 requirement.

19 CHAIRPERSON REED: Are you affiliated with Michael
20 Thomas.

21 MS. MADDUX: No ma'am

22 CHAIRPERSON REED: So you will, if granted party
23 status, you will then do your own cross examining?

24 MS. MADDUX: Yes ma'am.

25 CHAIRPERSON REED: Following the same rules --

1 MS. MADDUX: I understand the requirement for not
2 having duplicative questioning.

3 CHAIRPERSON REED: Okay. All right.

4 MS. DWYER: Madam Chair, just for the record, on
5 what date was that filed because we don't have a copy of that
6 request for party status in our records?

7 CHAIRPERSON REED: March 20th is the date that's
8 stamped --

9 MEMBER RENSHAW: It's March 13th it was received.
10 March 13th it was received, dated March 9.

11 CHAIRPERSON REED: March 13th? Okay, thank you.

12 MS. DWYER: Madam Chair, if I can just make one
13 other suggestion. With respect to the other parties that have
14 been accorded status, could they be requested to file their
15 materials two weeks in advance of the next hearing? We understand
16 that for the ANC it has notice of requirements with regard to its
17 meeting, but with regard to these other parties, if they could
18 file two weeks in advance, that would be helpful in terms of our
19 preparing.

20 (Pause.)

21 CHAIRPERSON REED: Let Mr. McLeod speak.

22 MR. McLEOD: Good afternoon, Madam Chair.

23 CHAIRPERSON REED: Good afternoon.

24 MR. McLEOD: I heard you say the last party. I had
25 submitted a request on April --

1 CHAIRPERSON REED: I'm sorry, that was just brought
2 to my attention that you were also and I did not -- I overlooked
3 your name momentarily, but go ahead.

4 MR. McLEOD: Yes, if there's no opposition, I don't
5 want to waste the Board's time. If there is, I'd be glad to
6 address the concerns.

7 CHAIRPERSON REED: Your basis is for requesting
8 party status?

9 MR. McLEOD: I stated in my letter and I'm an
10 attorney. I do cross examination. I know my audience is not
11 going to appreciate what I say if it's redundant, so I just avoid
12 redundancy. I'm sure Michael Thomas is going to ask most of the
13 questions I find relevant.

14 There's one or two points I didn't mention in my
15 letter which were brought out actually be reading the Office of
16 Planning report here. I am a founding member of what's called the
17 Horseshoe Alliance Resource Center. The Office of Planning refers
18 to the ring of residential and mixed use around the central
19 employment area. Theirs is a bit more expansion than what the
20 Horseshoe Alliance was, was West End, Foggy Bottom, Dupont Circle,
21 Logan Circle, Shaw, China Town and Pennsylvania Quarter which is
22 why we call it a horseshoe. It ends at the Mall, at the base.
23 But I think that gives me a unique perspective on the downtown
24 residential areas. I live between the historic Foggy Bottom and
25 Dupont area, Dupont Circle area which are more traditionally

1 residential. We're in the mixed use zone. Back in 1983 I wrote
2 to either the Office of Planning or Zoning, whoever was
3 responsible for the comprehensive plan and told them of my
4 concerns about the mixed use designation for my area which is
5 north of Pennsylvania. I live just south of Pennsylvania and
6 that's become more mixed use and my concern is that the mixture of
7 residences is maintained as best it can be in that particular area
8 to connect Foggy Bottom with Dupont Circle and the rest. I do
9 live very close to the campus and I have been intimately involved
10 with suggestions to President Tractenburg as to the site of the
11 hospital. I'm concerned about because they didn't build the dorm
12 at that site, pedestrian hazards, and as Office of Planning
13 pointed out, the plan doesn't talk about what's going to happen
14 with the current hospital.

15 CHAIRPERSON REED: You have to stay with the reason
16 why you're requesting party status.

17 MR. McLEOD: I think my letter, I think the key
18 point that I have a concern about is my building specifically, 33,
19 I think is the number, apartments were leased by the University, I
20 think a couple of years ago. It is now for their students and
21 given that is the key issue, obviously --

22 CHAIRPERSON REED: Mr. McLeod, you will be given an
23 opportunity to testify, so at this point in time we're just
24 sticking with the reason why you think you should receive party
25 status and I think we've gotten your letter and --

1 MR. McLEOD: I think I've met the the requirements
2 that counsel referred to at 3106.2 and I would like to have the
3 opportunity in the rare circumstances that I feel would be needed
4 to cross examine to do that and only a party can cross examine.
5 And again, if I do cross examine, it would be on something I
6 considered important and just like now, if I'm not getting the
7 attention of the Board, it's not going to do much good to talk, so
8 I would try and be very particular about cross examining and
9 wouldn't want to take up the Court's time.

10 Part of the Horseshoe Alliance purpose is to get
11 people involved in this process of the zoning. I do maintain
12 their collection of zoning materials which is at the West End
13 Library.

14 CHAIRPERSON REED: But the thing about this
15 particular thing, Mr. McLeod is whether or not you would be more
16 uniquely affected than the other people who live right in your
17 neighborhood and in your letter you testified that "the approval
18 of such a plan would subject me and other residents who lived in
19 the neighborhood."

20 MR. McLEOD: I do refer to other residents.

21 CHAIRPERSON REED: See, that would not give you
22 uniqueness. It has to be something that makes you uniquely
23 aggrieved.

24 MR. McLEOD: I just said in 1993 I wrote the Office
25 of Planning, my concerns about the mixed use areas, mixed use

1 designation for my neighborhood. Now I don't know of other
2 neighbors who did that. I talked about my building specifically
3 being impacted already by G.W.'s lack of campus housing and how
4 it's changed the character of my building.

5 I've talked about how I organized the Horseshoe
6 Alliance Resource Center which is a resource center for citizens
7 to be educated about the zoning rules so they'll come down here
8 and participate in this process. I don't want to waste your time
9 at all. All I want to do is have an opportunity if the occasion
10 arises to cross examine the party. That's all. That's all I
11 want. I don't want to waste your time and it wouldn't make sense
12 for me to do that. I wouldn't do that, so why is that not unique?

13 Why are the things that I've just described, are there other
14 people that have done those things?

15 CHAIRPERSON REED: Well, the thing about it is that
16 decision, we're basically just taking information right now and
17 then when you're done then we will make a decision as to who will
18 be granted party status.

19 MR. McLEOD: I guess you're saying that as a member
20 of the public because other members of the public might be
21 affected too, then basically nobody can meet that standard.

22 COMMISSIONER MITTEN: Mr. McLeod, maybe if I could
23 just say on the Chair's behalf that when you first articulated the
24 reasons she has a lot to handle in this case and her attention was
25 diverted, so by asking to repeat it, it wasn't that she doesn't

1 agree with what you said. I think we've heard what you said and
2 we have adequate information to make our decision about party
3 status. She's not saying that she doesn't think you meet the
4 standard. She's just -- I think she missed the first time around
5 when you articulated your unique reasons, most specifically the
6 fact that you have a large number of students in your building.
7 Is that a fair representation, Madam Chair?

8 CHAIRPERSON REED: I have it also in the letter. I
9 think we understand.

10 MR. McLEOD: I guess if the Board doesn't want to
11 grant party status --

12 CHAIRPERSON REED: Mr. McLeod, we have not made
13 that decision. We haven't made a decision on anyone yet. We're
14 taking information and then we'll make a decision as to which
15 persons we feel we should grant party status to. So you have not
16 been eliminated.

17 MR. McLEOD: So I should just assume that I may be
18 a party?

19 MEMBER RENSHAW: Just wait for the vote.

20 MR. McLEOD: So I should just return to my seat?

21 CHAIRPERSON REED: Just wait. Okay.

22 MS. TYLER: Madam Chair, I do not know whether or
23 not this is the time to raise this question but Ms. Dwyer
24 requested that the individuals who are going to get party status
25 submit their material, their testimony two weeks ahead of the

1 hearing which is on the 24th which again I would like to repeat
2 that we receive a stack like this and our chair will speak to that
3 as well of information that we have to wade through and prepare
4 our testimony. So I would respectfully submit to and ask you to
5 reduce that time to one week ahead of time which would give still
6 plenty of time to look at our testimonies, our individual
7 testimonies.

8 Thank you.

9 MS. DWYER: We have no objection.

10 MS. SPILLINGER: I have a question though. I am
11 not aware that members of the -- and I could be totally wrong,
12 members of the opposition are required to file their testimony
13 prior to their presenting. Is there a ruling to that effect?

14 CHAIRPERSON REED: I don't think there is a ruling
15 necessarily. I think there was a request on the part of Ms.
16 Dwyer.

17 MS. SPILLINGER: We certainly didn't file our
18 testimony before this hearing. I don't see why we should need to
19 file a testimony before any hearing.

20 CHAIRPERSON REED: That question will be directed
21 to Ms. Dwyer.

22 MS. DWYER: If I could respond. I think everyone
23 is interested in getting through the process and streamlining it
24 and enabling everyone to prepare adequately and it would greatly
25 serve the Board's review and our review at the second hearing if

1 we could have a week in advance the testimony, so our questions
2 can be carefully thought out and very focused and it's similar to
3 the courtesy that we extend to the community by filing our
4 materials two weeks in advance. Other cases where there are more
5 than one hearing, the Board has suggested this in a way of
6 streamlining and focusing the hearing and we're just asking for
7 the same rules here.

8 MS. SPILLINGER: What George Washington has
9 provided us is an outline of what the different witnesses may
10 testify upon. And I assume we could do the same.

11 MS. DWYER: What we have provided is a document
12 that includes as attachments, outlines and I think there are about
13 20 pages of text, so it's basically our case with outlines of
14 testimony. If the same could be provided by the opposition
15 parties that would be appreciated.

16 CHAIRPERSON REED: All right, Ms. Miller?

17 MS. MILLER: I wish to object to that request and
18 the reason I do is we have received on the night we had our
19 special meeting to formulate what we were going to send in. We
20 got changes to the campus plan. We just got the economic report
21 and that took the man a month or two to do it and we need a chance
22 to look through it, to analyze it and last night we got the
23 additions to the traffic that Mr. Slade had submitted and they
24 have walked in here at the time of the hearings and they have
25 handed you all things. And if it's possible we don't mind doing

1 it, but it's not always possible. We have other commitments and
2 other duties and I object to her requesting that because they
3 themselves do not do it.

4 CHAIRPERSON REED: Okay. I'm trying to -- is there
5 a requirement or is this just a courtesy accommodation? Courtesy.

6 And so therefore if you choose to honor her request to do so a
7 week ahead of time as an accommodation, then that would be great.

8 On the other hand, there is no legal requirement that you do so.

9 MS. MILLER: Thank you.

10 CHAIRPERSON REED: You are not compelled to do it
11 if you don't want to.

12 MS. MILLER: Thank you very much.

13 COMMISSIONER MITTEN: Madam Chair, can I just throw
14 into the mix that it's not exclusively a courtesy to the applicant
15 or a courtesy to the opposition, but it's a courtesy to us as the
16 Members of the Board if you file things in the most timely manner.

17 We're not attempting to exclude anyone responding to any
18 information, but the more you can give us earlier the more time we
19 have time to digest it, so keep in mind that it's helpful to us
20 and we're the decision makers, so anything you can do to help us
21 is most appreciated.

22 And if you are able to provide it to the Board,
23 then there's no reason why you wouldn't simultaneously make a copy
24 available to the applicant.

25 CHAIRPERSON REED: All right, in regard to party

1 status now that we have beat this horse to death, can we now
2 determine based on the representations to us of the -- is it eight
3 -- persons who have requested party status, then can we have a
4 motion and could we do it in a consent calendar type of mode,
5 except for anyone that you feel should not be included and tell
6 the reason why?

7 MEMBER RENSHAW: I will move the eight persons who
8 have requested party status to be given party status.

9 VICE CHAIRMAN SOCKWELL: I'll second the motion.

10 CHAIRPERSON REED: Is there anyone that any Board
11 Member wishes to remove from that list?

12 VICE CHAIRMAN SOCKWELL: I have a question.

13 CHAIRPERSON REED: Question.

14 VICE CHAIRMAN SOCKWELL: Of Mr. McLeod. Would you
15 come forward, please?

16 Mr. McLeod, on the floor that you live, this is
17 your home address at 2424?

18 MR. McLEOD: Yes, it has been since -- full-time
19 since 1983, yes.

20 VICE CHAIRMAN SOCKWELL: The number of units on
21 your floor, do you have an idea of how many units there are?

22 MR. McLEOD: I think there are roughly 20 per floor
23 in the building.

24 VICE CHAIRMAN SOCKWELL: Do you have any idea how
25 many students are on your floor,

1 student-occupied units are on your floor?

2 MR. McLEOD: I don't know from the current -- there
3 was a representation made as to students currently living in the
4 building. Now there may be some. In my letter I talk about the
5 University leasing 33 apartments in the building. They did so and
6 then the students moved out. So the University as far as I know
7 does not currently lease 33 apartments in the building. My
8 concern is that they're going to do so again, particularly if
9 there's not enough
10 on-campus housing which is my key point.

11 And again, I think Michael Thomas is going to cover
12 most of that, so therefore there would be little need for me to
13 take up your time in cross examination and therefore I would just
14 be sitting back in the rear instance where there was some area I
15 did want to talk about.

16 VICE CHAIRMAN SOCKWELL: One other question, do you
17 have any idea of the percentage of occupancy of your building at
18 this point?

19 MR. McLEOD: How much of it is occupied?

20 VICE CHAIRMAN SOCKWELL: Yes sir.

21 MR. McLEOD: It's nearly 100 percent occupied.
22 Unfortunately, in terms of long-term residents, there's probably
23 only about 30 of us left in the building. It is currently
24 occupied. It's a very popular part of town to live.

25 VICE CHAIRMAN SOCKWELL: So the building will lease

1 for 2-month and 6-month --

2 MR. McLEOD: It will lease to one month. According
3 to law, it has to lease for at least one month, but many of the
4 people that come in there are World Bank, U.S. Courts, for
5 example. They lease the units and bring people in for one month
6 seminar. It's a very transient, much more transient than it was
7 before G.W. did what it did.

8 VICE CHAIRMAN SOCKWELL: But those units are
9 committed for long term by the World Bank and others for transient
10 users?

11 MR. McLEOD: I've just seen the roster of those who
12 get bills and the World Bank is one of them. The U.S. Courts is
13 another. Federal agencies are another. I don't know. They don't
14 share that information with me. No, I don't know that.

15 VICE CHAIRMAN SOCKWELL: The reason I'm asking the
16 questions is I'm attempting to determine the extent to which the
17 University impact might be possible as a potential. At the
18 current, if the building is virtually fully leased out, then the
19 University wouldn't have access to 33 units, at the present time.
20 And to hold.

21 MR. McLEOD: But it was virtually leased out when
22 they did so two years ago. I don't think that's a problem for
23 them.

24 VICE CHAIRMAN SOCKWELL: Well, they can't get a
25 unit unless they move somebody out, but anyway, I appreciate your

1 answers.

2 MR. McLEOD: Sure.

3 CHAIRPERSON REED: All right, thank you. All in
4 favor?

5 (AYES.)

6 Opposed? Okay, now that we've gotten that
7 straighten out, let us proceed and again I will ask those of you
8 who have party status that unless you absolutely have to cross
9 examine, if someone else has asked the question, please do not be
10 redundant and if Mr. McLeod is the lead person, he is asking the
11 bulk of the questions, please allow him to do so so that we can
12 try to move this along as expeditiously as possible.

13 Thank you. Ms. Dwyer?

14 MS. DWYER: Good afternoon, Madam Chair, and
15 Members of the Board.

16 CHAIRPERSON REED: I'm sorry. One other
17 housekeeping item.

18 Mr. Hart, will you please specify the time lines so
19 everyone can be aware of them?

20 MR. HART: Certainly. The time lines we are
21 working with will be one hour for the Applicant; one hour for
22 opposition; parties, ten minutes in support; organizations, five
23 minutes; individuals, three minutes. And we will be on the clock
24 and we'll ask that you pay attention to the clock. In the past,
25 people tend to ignore the clock and the chair is asking that you

1 respect the clock. Thank you.

2 MS. DWYER: Madam Chair, if I may address that.
3 This is a campus plan case. We have many witnesses and a lot of
4 material to cover. When we were last before you for the Mount
5 Vernon campus plan there were special time limits put in place
6 recognizing the complexity of the case and the witnesses and in
7 that case I believe we had two hours which ended up being two and
8 a half hours in point of fact to present our testimony. We have
9 tried to work within that time frame, even though this is a larger
10 campus with many issues. All of our witnesses have been timed,
11 but we estimate that our direct case is going to take two and a
12 half hours.

13 CHAIRPERSON REED: Well, now, Ms. Dwyer, if in
14 fact, we have your submissions and I might add a voluminous amount
15 of submissions, this book and several other submissions and we
16 have read them. So we are already familiar with the case. We
17 know basically the gist of it and this is an opportunity for you
18 to highlight the salient points and to counter any adverse impact
19 that you anticipate and you don't think that you can wrap it in an
20 hour?

21 MS. DWYER: Madam Chair, we will try, but just
22 given the number of the witnesses and the different points that we
23 have to cover.

24 CHAIRPERSON REED: How many witnesses?

25 MS. DWYER: Our witnesses are listed. We have

1 eight witnesses and the exhibits and materials that they're going
2 to be presenting. Even if each were to try and hold their
3 testimony to 10 minutes that takes us above the hour right there.

4 Some of the witnesses are going to take longer time, in
5 particular, Charles Barber, because there's a lot to cover in
6 terms of what the University has done with the community meeting
7 process to date. As well, the architects, in order to explain
8 what's going on on the campus, we had given them more than 10
9 minutes. We had allotted them 30 minutes to go through their
10 presentation.

11 As I said, even with trying to keep everyone very
12 focused and I can ask them again to be more focused, but we
13 estimated that it was going to take about two and a half hours.
14 If I ask them to reduce that my guess is we may be able to do it
15 in an hour and an hour to maybe an hour and three quarters, but I
16 don't see any way that we can hold it to one hour.

17 CHAIRPERSON REED: Okay.

18 COMMISSIONER MITTEN: Madam Chair, if I could
19 suggest that -- I think it's very helpful to set realistic time
20 frames and then the expectation is that those time frames will be
21 respected. I think that maybe at the outset to the extent that
22 okay, we've already got the first time frame, we've been told is
23 unrealistic. Well, let's get all the time frames, either we're
24 going to -- I think we're justified in imposing restrictions on
25 individual testimony and so on, but to the extent that the

1 opposition's case is going to go longer than an hour, let's find
2 that out now so that when we go forward, everybody is committed to
3 the time frames that they have proffered.

4 CHAIRPERSON REED: I understand and concur with
5 your comments, Ms. Mitten. The time that we imposed was a time
6 that we just kind of picked out of the air and as a benchmark for
7 moving cases along and it's been proffered to us that that is
8 unrealistic and it just -- it will not allow you to be able to put
9 on your case adequately, then we'll make adjustments and if you
10 say now that you think that it's more reasonable to look at a
11 couple of hours, two hours, then I have no problem with that.

12 MS. DWYER: Okay.

13 MEMBER RENSHAW: Madam Chair, I would just like to
14 ask Ms. Dwyer if she communicated her time needs to staff prior to
15 this hearing? In other words, did you let the office know that
16 you were going to need two and a half hours or three hours?
17 Because if you haven't done that I would suggest to the chair that
18 we require, we ask applicants and the opposition to communicate
19 with the BZA the time needs for presentation so that we can better
20 shall we say shape our hearings.

21 CHAIRPERSON REED: I think that in response to
22 that, Ms. Renshaw, I think in all fairness Ms. Pruitt who is not
23 here today, anticipated this being a humongous case and as such
24 scheduled two days.

25 MS. DWYER: Exactly, we did have discussions with

1 staff.

2 CHAIRPERSON REED: In view of that, that's
3 understandable.

4 MR. THOMAS: Madam Chair, I am Michael Thomas.

5 (Laughter.)

6 The ghost from the front row. I'm the Vice
7 President of the Foggy Bottom Association and I did try to
8 undertake to lead and cross examination. I will tell you and then
9 there's nothing that I don't think that anybody can do about it
10 that I have a personal problem. In my other life I'm a graduate
11 student and I have a presentation, a graded presentation to make
12 tonight at 6 o'clock at the other end of town so I'm going to be
13 getting out of here, unfortunately, early.

14 VICE CHAIRMAN SOCKWELL: Is this at G.W.?

15 (Laughter.)

16 MR. THOMAS: No, although I have taken courses at
17 G.W. as well. But the discussion about the time lines did bring
18 to my mind that the ANC had asked specifically that today be
19 dedicated to the presentation of the Applicant's case and that the
20 opponents put on their case later and I was congruent with the
21 position of OP in their filing that we have had, in fact, some
22 facilitated talks and that they thought that we could have some
23 more that would be helpful in this intervening time. So I don't
24 want to suggest to you that you shouldn't hold the applicant to
25 reasonable time constraints. I'm just saying that in the context

1 of everything that's going on here in a very large mass of issues
2 that I suggest we probably cannot get through, certainly not with
3 cross examination, we cannot get through the Applicant's case
4 today, it does not seem to me.

5 CHAIRPERSON REED: Well, if, in fact, it's 3
6 o'clock, a little after 3 and we now are saying approximately two
7 hours, maybe a little less. That gives an additional hour for
8 cross examination. I hope that we're not talking about needing
9 much more time than that for cross.

10 MEMBER RENSHAW: When does Mr. Thomas have to
11 leave?

12 MR. THOMAS: No, I pretty much have to leave here
13 at quarter after 5 if I'm going to get there to make a
14 presentation at 6.

15 MEMBER RENSHAW: So you will not have an
16 opportunity to cross?

17 MR. THOMAS: I mean that's what it's starting to
18 look like to me. Obviously, we all sat here this morning for
19 several hours in an unopposed case and I understand that that was
20 for good reason, I don't doubt.

21 CHAIRPERSON REED: Why don't we get started and
22 then see how far we get. If, in fact, you cannot continue, then
23 you have some very able minded people here who can, I'm sure,
24 responsibly take care of the cross examination.

25 MR. THOMAS: I have ever confidence.

1 VICE CHAIRMAN SOCKWELL: Madam Chair, it always
2 seems to appear that the opposition cases are somewhat
3 evolutionary because they are responding to the Applicant's case
4 and their timing may not meet what the Applicant's timing would
5 meet simply because they're responding.

6 CHAIRPERSON REED: Well, time line-wise, we try to
7 be equal time. So we're now saying two hours for the Application
8 and we would ask that the opposition also take two hours to put on
9 their case. Then you still have the time for the parties in
10 opposition and the ANC report so that should be adequate and fair
11 and equitable, we feel.

12 MS. SPILLINGER: Madam Chair, one brief question if
13 I might. It's my understanding that there is no time limit on the
14 ANC, is that so?

15 CHAIRPERSON REED: I did not apply a time on the
16 ANC.

17 MS. SPILLINGER: Thank you.

18 CHAIRPERSON REED: Nor did Mr. Hart.

19 MS. SPILLINGER: Yes.

20 CHAIRPERSON REED: We just ask that you try to be
21 prudent and reasonable. Obviously, we would not want to see an
22 ANC report that would take several hours.

23 MS. SPILLINGER: Right, I understand. I just
24 wanted to clarify.

25 CHAIRPERSON REED: Thank you.

1 MS. SPILLINGER: Thank you.

2 MS. DWYER: For the record, Maureen Dwyer with
3 Wilkes, Artis and with me is Allison Prince and we are counsel for
4 the Applicant in this case George Washington University. We are
5 going to suggest that maybe for smoothest for the hearing
6 procedure to get through the full panel of witness and then have
7 questions at the end. That seems to work very well in terms of
8 avoiding repetitive questions and that's the way we're proceeding.

9 This is only the third campus plan that George
10 Washington University has brought before this Board. The first
11 was in 1970 and that plan had no expiration date. The second was
12 in 1985 which expires at the end of this year and this plan is
13 intended to cover campus plan development over the next 10 years
14 or until the year 2010.

15 In between or in addition to those campus plan
16 cases there have been over 20 further processing cases that have
17 come before this Board and in those cases many of the buildings
18 that are located on the campus today have been approved and built.

19 In addition, there have been several court cases
20 and in all of those court cases involving George Washington
21 University's campus or further processing applications, the D.C.
22 Court of Appeals has affirmed the decisions of this Board.

23 Those court cases have also helped establish the
24 body of law that defines and clarifies the campus plan process and
25 I just wanted to highlight a couple of things about those court

1 decisions and the prior decisions of this Board concerning campus
2 plans.

3 One is that campus plans are conceptual. They
4 establish policies for development, not specific buildings. Those
5 are the subject of the second stage application.

6 Second, in looking at campus plans, the court has
7 recognized that this Board must take into account the needs of the
8 institution.

9 Third, the test for this BZA is whether the campus
10 plan is likely to create an objectionable impact, not whether
11 there is any impact at all. There will always be impacts and many
12 of those, we submit are positive.

13 Finally, and most importantly, what the court cases
14 establish is that campus plans are zoning documents. They are not
15 meant to cover every activity of the University in the District of
16 Columbia, nor do they limit the University's right to develop
17 property as a matter of right where the underlying zoning permits
18 that.

19 We respect the Board's jurisdiction and the
20 decisions of the Court of Appeals that your jurisdiction only
21 extends to the campus plan property. Matter of right uses are not
22 part of the campus plan and we cannot extend your jurisdiction by
23 including them.

24 This campus plan, however, does address the
25 University's impacts on the surrounding communities and again,

1 many of these submit are positive. Further, recognizing the
2 sensitivity of both the community and the Office of Planning on
3 the issue of student housing, we have included in this plan a
4 discussion of how the University plans to provide housing for its
5 undergraduate students, both on and off campus and that discussion
6 is found at pages 9 through 11 of our pre-hearing statement.

7 The issues in this case are not unlike the issues
8 in the 1985 cases and I thought it would just be instructive to
9 highlight for you some of the issues that were before this Board
10 in 1985 and also before the court. In the court's decision on
11 that 1985 plan, it noted that in 1985 the ANC 2A found any
12 increase in student enrollment objectionable, nothing that a
13 shortage of University housing caused housing competition in the
14 Foggy Bottom neighborhood. Back in 1985, the ANC also asserted
15 that the campus plan lacked sufficient detail. And finally, back
16 in 1985, the ANC argued that the University's use of off campus
17 space constituted a de facto expansion of the campus boundaries.

18 The Board, back in 1985, addressed these issues in
19 its conditions approving that campus plan and you will do the same
20 today or at the conclusion of these hearings.

21 With that brief overview, I'm not going to repeat
22 the testimony that you will hear from the witnesses. I would just
23 like to point out that in our pre-hearing submission, beginning on
24 page 16, we point out in great detail how we meet the requirements
25 of Section 210 and each of those will be addressed by the

1 witnesses. In all respects, we believe that this plan meets or
2 exceeds the requirements and merits approval.

3 With that overview, I will now call the first
4 witness, Dr. Craig Linebaugh, who is the Associate Vice President
5 for Academic Planning and Special Projects at George Washington
6 University. An outline of his testimony can be found at Tab 16 of
7 our pre-hearing submission.

8 DR. LINEBAUGH: My name is Craig Linebaugh. I've
9 been a member of faculty of the George Washington University for
10 24 years, holding appointments as a professor of speech and
11 hearing science and a research professor of medicine. For the
12 last three years, I've served the University as its Associate Vice
13 President for Academic Planning and Special Projects.

14 Now if you will bear with me briefly, I'm going to
15 fly through a whole bunch of slides that you don't even have to
16 look at, lest you get dizzy. (Pause.)

17 So much for my eloquent exposition of the goals of
18 the campus plan and our academic vision.

19 (Laughter.)

20 I trust you all or rather I appreciate the
21 attention and time you've taken in reading through the plan and
22 we'll assume that you are familiar with the goals and the vision
23 that we have for the University. I do want to comment a bit about
24 enrollment. The slide you see before you details our current head
25 count and full-time equivalents. Just for the record, full-time

1 equivalents as determined in universities is the sum of full-time
2 students, plus the number of full-time enrollments derived by
3 dividing the number of credit hours taken by part-time students by
4 an appropriate conversion factor. That varies slightly for
5 graduate versus undergraduate students.

6 COMMISSIONER MITTEN: While we're here, could you
7 just say what the conversion factor is?

8 DR. LINEBAUGH: Sure. The conversion factor for
9 undergraduate students is 12 credit hours per semester. For
10 graduate students, it's 9 credit hours per semester.

11 COMMISSIONER MITTEN: Thank you.

12 CHAIRPERSON REED: Is that formula -- where is the
13 formula in your submission?

14 DR. LINEBAUGH: I don't know that it's in the
15 submission per se.

16 CHAIRPERSON REED: Please provide us with that
17 because that was one of the issues we were discussing, how -- this
18 always comes up, how the full-time equivalent is calculated, what
19 formula you use. So if you could please submit that to us, we'd
20 appreciate it.

21 DR. LINEBAUGH: I'd be happy to. It's the standard
22 used pretty much by all universities. It represents normal course
23 load.

24 The point I wanted to make about enrollments is the
25 potential head count of 20,000 that might potentially be reached

1 by the Year 2010 over the course of the campus plan. And the
2 critical factor here is this represents no increase from the head
3 count cap that was approved in 1985. I've labeled it as a
4 potential increase because quite frankly there's no way of knowing
5 if we would get to 20,000 over the next 10 years. We deal with a
6 myriad of economic and programmatic factors that allow for
7 variability in this. I'll talk about that variability a little
8 later on.

9 With regard to faculty, it's a similar situation.
10 You see both current and potential numbers. And again, the issue
11 is one of what is the unknown? Programmatic issues, economic
12 issues leave us in a situation where we cannot predict with full
13 accuracy what the number may be ten years from now. And again,
14 I'll expound on those issues in a bit.

15 The goals that you are familiar with from reading
16 the campus plan, the various factors that we're dealing with as we
17 try and develop a great University have important implications for
18 the campus plan. One important implication is the further
19 development of the academic core. The concept of an academic core
20 is critical to virtually all university campuses. By having
21 academic buildings in physical proximity to one another, we are
22 able to achieve greater synergies, greater interactions among
23 faculty and students. It also facilitates our addressing a wide
24 variety of logistical issues ranging on the one hand from simply
25 class scheduling to more complex issues related to the deployment

1 of a technological infrastructure.

2 Specific to our campus, the development of the
3 academic core which facilitate consolidating academic departments
4 in single locations, currently our School of Engineering and
5 Applied Science, our School of Business and Public Management,
6 have their faculties housed in a variety of locations on campus.
7 It is critical to us to try and bring those units into a single
8 consolidated location.

9 Other benefits that could be derived from
10 developing the academic core would be bringing various departments
11 into physical proximity to foster interdisciplinary collaboration,
12 providing more classrooms with state of the art instructional
13 technology, providing more teaching and research laboratory space,
14 providing more interior and outdoor spaces that would encourage
15 the sorts of informal interactions that make a residential
16 university experience unique and that oftentimes lead to the most
17 powerful insights both students and faculty can derive. Finally,
18 the deploying and supporting of the University's technological
19 infrastructure.

20 A second critical implication is the need for
21 flexibility in the plan. I must say to you as one who engages in
22 academic planning I would revel in some sort of certitude about
23 what the future of pedagogical practices and demands for education
24 would look like and how we deliver that education. That certitude
25 doesn't exist and quite frankly I believe is unattainable. If you

1 just think about over the last five years, go back five years ago,
2 I mean who would have predicted with any certainty whatsoever the
3 impact that the world wide web would have on higher education?
4 Yet here we are trying to project out 10 years and anticipate what
5 the nature of teaching, what the nature of learning will be like
6 ten years from now. In a presentation that I gave to the Society
7 for College and University Planning last month, the presentation
8 was entitled "Designing for Change, Learning and Teaching." I
9 talked at length about the uncertainty that all of us in higher
10 education are facing and the various factors that we have to try
11 and cope with and just how critical it is, whether we're talking
12 about physical plant, our hiring practices, our various operating
13 procedures, all of the things that go into operating a university
14 and making a great university, how difficult it is to manage that
15 uncertainty and how we have to remain flexible and agile to
16 address that.

17 There are two key issues that relate to this need
18 for flexibility as it relates to G.W. One is pedagogical
19 practices. We are working very hard, developing our faculty. We
20 operate a center for excellence in learning and teaching that
21 conducts many symposia and workshops for our faculty to introduce
22 them to the latest things in best pedagogical practices. That
23 includes problem-based, inquiry-based learning and we're doing
24 everything we can to enable our faculty to implement these
25 strategies. We've made great strides in incorporating more

1 instructional technology into our classrooms, but all of these
2 efforts require significant changes and enhancements in our
3 learning environments.

4 A second key factor is that G.W. is a tuition-
5 dependent university. We don't have the luxury of a huge
6 endowment, nor do we have the luxury of support from tax revenues.

7 We depend very heavily on tuition. As such, it is critical for
8 us to retain the flexibility to respond to the various factors
9 that affect enrollments, that affect the delivery of education.
10 Among those factors are demographic trends. The number of
11 individuals seeking undergraduate versus graduate education, vary
12 significantly over time. In recent years, the number of high
13 school graduates seeking undergraduate education has been
14 increasing. But that trend is predicted that it may reverse
15 itself around the Year 2010.

16 We also are working very hard to integrate more
17 information technology into what we're doing and we need the
18 flexibility to stay abreast of the newest innovations and how
19 information technology impacts research, teaching and just the
20 operation of the University at large.

21 Finally, the economy, it's fairly well known in
22 higher education circles that when the economy is strong, graduate
23 enrollments decrease and virtually every university in the country
24 has experienced that phenomenon in recent years.

25 Last thing I wanted to mention was some of the

1 partnerships that we have throughout the District of Columbia.
2 I'll cut this down in the interest of time and mention just the
3 first one. The Center for Excellence in Municipal Management you
4 may be familiar with it. It was established in 1997 and is a
5 unique partnership of Washington area public, private, business
6 and governmental institutions. And its primary focus is to develop
7 leaders. Its hallmark program is a one year graduate certificate
8 program that has been designed specifically for District of
9 Columbia middle and senior level managers and central
10 administrative officials of the D.C. schools. To date, 205
11 District employees have completed this program and another 95 are
12 currently enrolled. You see before you the D.C. public schools
13 with whom we work very closely. And you see that we work with a
14 range of institutions, ranging from the Hoop Dream Scholarship
15 Foundation that I trust you're all familiar with to the Wagner
16 Society.

17 I'd like to leave you with one thought. In his
18 April 21st memorandum to you, Office of Planning Director, Andrew
19 Altman stated that G.W.'s central location is a significant asset
20 for George Washington University in terms of easy accessibility by
21 students, faculty and staff to the intellectual and other
22 resources of the city.

23 I would submit to you that the myriad of
24 partnerships that the University has with District institutions
25 clearly demonstrates that G.W.'s location in the District is a

1 significant asset for the city whose residents and employees have
2 easy access to the intellectual and other resources of the
3 University.

4 Thank you.

5 CHAIRPERSON REED: Thank you.

6 MS. DWYER: Thank you. The next witness is Charles
7 Barber, Senior Counsel for the University and an outline of his
8 testimony can be found at Tab 17.

9 MS. SPILLINGER: Madam Chair, excuse me, I do have
10 one problem with this process in that we have already looked at
11 the time and if it takes two hours for George Washington to
12 present all of its witnesses that will be 5 o'clock which is just
13 when Mr. Thomas must leave and he will not have opportunity to
14 cross examine. I wonder if he could cross examine the witnesses
15 after they appear, in other words, if he could cross examine Mr.
16 Linebaugh at this point. Otherwise, we are severely handicapped.

17 CHAIRPERSON REED: I understand what you're saying.
18 Let's see now, if in fact, he is allowed to cross examine during
19 the time that they're making their presentation, then we will have
20 to be able to manage the clock very, very -- Mr. Hart stepped out
21 for a second.

22 So are we going to just allow Mr. Thomas to cross
23 examine and then everyone else can cross examine after --

24 MS. SPILLINGER: We could do it that way.

25 CHAIRPERSON REED: I have no problem with that, if,

1 in fact, other Board Members don't have any objection to us
2 allowing -- let me just reiterate what it is, allowing Mr. Thomas
3 to cross examine the witnesses today and then everyone else who
4 may have questions would do it either after he leaves or continue
5 on the next scheduled date, the 24th.

6 MS. DWYER: Madam Chair, if I could just make
7 another suggestion? Because one of the reasons why it makes sense
8 to go through the panel, some of the questions he asks Mr.
9 Linebaugh may be answered by Mr. Barber. If we could go through
10 an hour of our presentation and then make a judgment then as to
11 how much longer -- we may be able to finish in an hour and a half.

12 CHAIRPERSON REED: She's right because it may be
13 some of the questions may be answered and at least get through one
14 hour of the presentation.

15 MS. DWYER: Thank you. Mr. Barber?

16 MR. BARBER: Thank you, Madam Chair and Members of
17 the Board, as Ms. Dwyer said my name is Charles Barber, I'm senior
18 counsel. I do have slightly revised outline of my testimony which
19 I will submit for the record. I will try to summarize. I will
20 spend just a couple of minutes discussing how our interaction with
21 the community has shaped the filing of our campus plan and I will
22 spend more time on what has resulted from our recent discussions.

23 This case really began with an Advisory
24 Neighborhood 2A petition filed back in 1998, August, asking this
25 Board to require that the University file its plan in February of

1 1999, claiming that the plan expired in December of 1999. The
2 University had planned under its internal process to file around
3 this time, April of the Year 2000 since we understood the plan to
4 expire December 31, 2000. The BZA at that time agreed that the
5 plan expired December 31, 2000, but as an accommodation to the
6 community it required G.W. to file an updated plan by January 4th.

7 The point here being that the University in response to its
8 directive pushed up this time frame and speeded up what it had
9 originally planned to do.

10 We began then in February 1999 with a series of
11 monthly community meetings with ANC Commissioners, representatives
12 of the West End Citizens Association and the Foggy Bottom
13 Association. These were meetings intended to solicit comments
14 prior to preparing the plan. We took these discussions seriously.

15 We had Lou Katz, our Treasurer, there at the opening meeting.
16 Topics were jointly selected. We had a Vice President for Student
17 Affairs leading the discussion about housing and student behavior.

18 We had a Vice President for Academic Affairs leading discussions
19 about academic issues. However, in July of 1999, the community
20 representatives chose to discontinue this dialogue in the absence
21 of a plan document and we had not one prepared at that time. We
22 thought it was worthwhile to continue, but they decided not to.

23 Thereupon, we completed a draft document for which
24 we provided to the ANC and the community on October 29, 1999. We
25 made formal presentations to the ANC at its November and December

1 meetings. We listened to comments, made some adjustments and then
2 filed our plan on December 28, 1999. Since that time, G.W. has
3 continued to solicit community views. We've had a number of small
4 group sessions and one on one meetings. We've established a
5 website, a campus hotline. We've made the plan readily available
6 and most significant we made repeated requests to the ANC for more
7 focused discussions. These were not held up until March.

8 In March, once we had actually a date was given to
9 us, March 29th hearing date, at the request of the Office of
10 Planning, the University gave up its March 29th hearing date to
11 engage in facilitated discussions with community representatives
12 prior to this hearing. I participated personally in those
13 discussions and I must comment from a personal point of view that
14 those discussions were very civil; I felt very useful. While
15 there was not an agreement reached I thought the tone and tenor of
16 those discussions was constructive. I thought and I'm hoping it
17 bodes well for future discussions.

18 What came out of those meetings? And those
19 meetings were attended by Office of Planning. There was a
20 facilitator from the organization known as Resolve. We reached an
21 agreement on certain issues, but not all issues, and while not all
22 issues were agreed upon, certainly, and you'll be hearing about
23 that, all issues I think were fully vetted in this process and we
24 reached agreement where we could.

25 As a result of that process, the University made

1 several changes in its campus plan and these changes are found in
2 the revised Exhibit 13 which we have filed. Let me summarize
3 those and other witnesses will expand on certain of those changes.

4 One was an enhanced transportation management plan
5 which is designed to increase Metro usage by faculty, students and
6 staff. Those are two main thrusts to this plan. Others will
7 comment a little bit more about this, but basically it involves a
8 Metro check program for faculty and staff, the use of pre-tax
9 dollars for Metro cards and providing Smart Cards to students as
10 well as information including design to encourage them to use
11 Metro.

12 The second area of agreement was increased efforts
13 by the University to address off-campus behavior issues. We
14 agreed to set up a hotline. We established a Good Neighbor
15 Program for incoming students, hitting them in orientation while
16 they're fresh to the campus and indoctrinating them, if you will,
17 on what it takes to be a good neighbor and agreeing to working
18 with local management companies and buildings in the Foggy Bottom
19 neighborhood.

20 We proposed an enhanced campus amenities plan. You
21 will hear more about that later in the presentation.

22 We also recognize that the -- in previous campus
23 plans that we -- the Howard University campus plan and similarly
24 in the G.W.-Mount Vernon campus plan a community advisory
25 committee was established. It was actually a University community

1 advisory committee had been established and we agreed to such a
2 committee for on-going quarterly meetings. We've reached a
3 general agreement on the purpose of those, of that committee to
4 monitor the campus plan and that we will be providing regular
5 information to that advisory committee.

6 And significantly we increased the amount of on-
7 campus housing in the campus plan. When we first filed the campus
8 plan, the plan included some additional 310 units, approximately
9 300 unites. Since that time the University has identified two new
10 priority sites which will add another 426 beds. This doubles the
11 number of new beds that we'll provide on campus. The current
12 number is 3,519 on campus. That number will go up to 4,250.

13 Let me speak to the University's commitment to
14 housing and speak to some of the commitments we have and proposals
15 we have made to address housing. Now up to now the University has
16 operated to guarantee all students who come to our University and
17 stay in housing program that they will have a room. So if you
18 come in as a freshman and you stay in the housing program, we will
19 always provide a room for you. We did not require students to
20 live in our housing, but we encouraged it.

21 After extensive discussions with OP and the
22 community, the University has agreed to for the first time to
23 require freshmen and sophomores to live in University-owned and
24 controlled housing. We have resisted this in the past because
25 there quite frankly is a marketing issue. Students like freedom

1 and as we compete for students, we are very mindful of the
2 policies we put in place, but we thought this was an important
3 policy.

4 Freshmen and sophomores with appropriate carve outs
5 for nontraditional students -- we selected them for their relative
6 youth and immaturity. They're the ones most in need of guidance
7 in our University housing and when we look at the statistics that
8 we derive from our student judiciary, those students we have most
9 problems with, they are freshman and sophomores and quite frankly
10 freshman account for, by themselves, 56 percent. So we feel by
11 bringing these students and requiring them to live in
12 University-owned and controlled housing, we will go a long way
13 towards addressing some of these off-campus behavior issues.

14 A second major accommodation that the University is
15 willing to make is to commit to housing at least 60 percent of its
16 entire full-time undergraduate population in University-owned and
17 controlled housing at designated locations and we will maintain
18 this commitment throughout the life of the plan. Now 60 percent
19 is historically a high figure for George Washington University.
20 For most of the life of 1985 plan we provided housing for
21 approximately 50 percent of the full-time students, so 60 percent
22 is higher than that. It is a little bit lower where we are now,
23 65 percent, but this acts as a floor. This acts as a minimum,
24 something that we can guarantee that we will meet at all times.
25 We hope to do better, but this will be the minimum. The

1 designated locations would include all existing housing sites, any
2 commercial zones and the high density residential squares
3 immediately adjacent to the campus which the University owns,
4 already owns a significant number of properties.

5 Now the 60 percent requirement has the added
6 benefit of acting as a kind of soft cap, if you will, of
7 undergraduate students. It doesn't impose a strict hard cap, but
8 we can only increase the number of undergraduates to the extent
9 that we provide housing for them. That's the beauty, if you will,
10 of that 60 percent cap. As Dr. Linebaugh stated, the University
11 has proposed the same cap on total students as in the 1985 plan.
12 A separate hard cap on undergraduate students would unfairly
13 hinder the University's ability to respond to market forces which
14 vary with the relative number of graduate and undergraduate
15 students, but by tying the number of beds to undergraduate
16 students which is being offered for the first time -- the
17 University has never operated like this, we have looked at this
18 informally, but we've never had a requirement to do this. The
19 University would effectively check the growth of its undergraduate
20 population.

21 The University might be able to provide more
22 undergraduate housing and has a goal of providing 80 percent over
23 the life of the plan, but that's not a goal -- it is a goal, it's
24 not something we can guarantee because it depends on our ability
25 to construct housing on sites that are not now -- on sites we

1 don't own fully at this time. The University is, however,
2 prepared to report regularly to the BZA and to the Advisory
3 Committee of our progress towards moving towards this goal.

4 Finally, we would urge the BZA not to impose conditions
5 upon the assumption that all G.W. students, that any G.W. student
6 that the University does not house automatically flow into the
7 community. We don't believe that this assumption is supported by
8 reliable data. While we don't have perfect numbers concerning the
9 addresses of our off-campus students, our best data show that
10 approximately 800 undergraduates live in the District outside of
11 University housing and we realize that this is a number that all
12 parties have an interest in. The community has an interest in
13 this number, the University has an interest in this number. The
14 BZA probably has an interest in this number and we are committed
15 to institute policies to make sure that we collect accurate data
16 on exactly where our students live, particularly as they live with
17 respect to Foggy Bottom and we report those numbers throughout the
18 life of the plan to the Advisory Neighborhood, the Advisory
19 Committee, as well as to the BZA.

20 We have agreed in our discussions with Office of
21 Planning to continue our discussions and to continue to explore
22 housing options and other issues under the plan. The Office of
23 Planning has requested this. We have agreed and so between this
24 hearing and the next hearing we will be continuing to have
25 discussions.

1 In closing, let me say that the University has
2 demonstrated that it can be reasonable. I mean in the G.W.-Mount
3 Vernon University campus case that was heard just last November
4 and December after a lot of effort we came to an agreement, a full
5 agreement on that plan and that plan was submitted finally with
6 the support of the neighborhood groups in that area.

7 We have tried equally hard in this case. We have
8 not yet succeeded in reaching a comprehensive agreement, but we
9 have reached agreement on some issues and we expect to continue
10 the dialogue, so I think that demonstration of reasonableness is
11 what the University wants to leave you with and we hope to
12 continue that dialogue as you move towards the next hearing.

13 Thank you.

14 CHAIRPERSON REED: Thank you, Mr. Barber.

15 MS. DWYER: Thank you. The next witness, actually
16 are two witnesses. They are the architects for the campus plan,
17 Colden Florance has appeared before you many times and has
18 previously been qualified as an expert in architecture. I'm
19 submitting to you the résumé for Charlotte Kosmela, an associate
20 with the Smith Group, and I would ask that she also be accepted as
21 an expert in the field of architecture and I'll ask both of them
22 to proceed with their testimony and to abbreviate it.

23 CHAIRPERSON REED: Do we have their résumés?

24 MS. DWYER: Mr. Florance has previously appeared
25 before you, so he's been previously qualified. Charlotte has not

1 and it's her résumé that I'm distributing to you.

2 CHAIRPERSON REED: Okay.

3 MR. FLORANCE: Are we ready to begin?

4 CHAIRPERSON REED: Just a moment, please. Just one
5 moment.

6 (Pause.)

7 Just one moment. Charlotte Kosmela?

8 MS. KOSMELA: Yes.

9 CHAIRPERSON REED: Under your profile it says Can.
10 Arch. What does that mean?

11 MS. KOSMELA: Yes, I'm educated from Denmark, the
12 World Danish Academy of Fine Arts. It's a seven year degree.
13 It's equivalent to a Master's in Architecture.

14 CHAIRPERSON REED: Thank you. I have no problem
15 with accepting this candidate as an expert witness.

16 Are there any objections from any of the other
17 parties?

18 MS. MILLER: I haven't seen the résumé.

19 CHAIRPERSON REED: Please give Ms. Miller a copy of
20 the résumé.

21 (Pause.)

22 VICE CHAIRMAN SOCKWELL: Ms. Kosmela, you are not
23 currently licensed in the United States?

24 MS. KOSMELA: No, I'm licensed in Europe. I am a
25 member of the Architect Association in Denmark and as such, I'm

1 registered to practice as an architecture in Europe within the EU.

2 VICE CHAIRMAN SOCKWELL: I won't ask any more
3 questions.

4 CHAIRPERSON REED: Ms. Miller, did you have an
5 opportunity to look at the résumé. I'll tell you what, let them
6 go ahead and proceed while you're looking at the résumé and if you
7 have a question, we'll address your question, okay?

8 Go ahead, Ms. Dwyer.

9 MS. DWYER: All right, the architects.

10 MR. FLORANCE: Good afternoon. I'm very pleased to
11 be here. I will set the framework for our campus plan and my
12 colleague, Ms. Kosmela will go into the key details. We will keep
13 it brief and we'll move along quickly. I can attest to the
14 qualifications of Ms. Kosmela. She plays a major role not only
15 locally, but nationally in our organization, the Smith Group, in
16 urban planning and urban design issues.

17 To begin with, we all know that George Washington
18 is an urban campus, a critical urban setting, surrounded by
19 residential neighborhoods, the CBD, the Central Business District,
20 the Monumental Core, strategic indeed.

21 Ownership. It is a 43-acre campus about 85 percent
22 of which is owned by the University. The University has a stated
23 goal to acquire all of the property within its campus boundary.
24 That was true in the 1985 master plan.

25 Next. The zoning, I think you're basically

1 familiar with. The great majority is R-5-D. We are surrounded by
2 C-3-C, other commercial zones,
3 S-P-2, around the campus. Our height is interesting. We tend to
4 be lower than the surrounding communities, the surrounding
5 commercial communities and we have a wide variety of buildings,
6 some 120 buildings. There is, as a consequence, an ability to
7 have a special identity and to introduce open space to create a
8 sense of amenity, the city classroom concept which is important to
9 us. We have limited development. Our 1985 campus plan called for
10 3.5 FAR where as much as 3,203,000 square feet. Since that time
11 our either built or approved square footage is about 804,000.
12 That constitutes at the moment a 2.83 FAR.

13 That development we have made certain is
14 development of considerable quality with character, architectural
15 approaches which are compatible and create a sense of a University
16 that is coherent and effective.

17 Further to that, we have worked very hard to
18 develop street scape community improvements to the benefit of the
19 University, to the benefit of the surrounding community, to the
20 benefit of the city. We're very much interested that people know
21 where this University is and that is is a University with the
22 special qualities that we associate with universities.

23 The University goals are expressed in detail in the
24 submittal, but they're all about making this an absolutely first
25 class world university and that's what this campus plan is

1 directed to.

2 Next. In the process, to support those goals, we
3 have developed a series of principles which are again enumerated
4 in the documents that we have submitted. They deal with academic
5 quality. They deal with the issues of identity and they talk
6 about how we will institute development in connection with those
7 first two goals or principles. The underlying principle, among
8 other things, is that there be no objectionable impacts on the
9 surrounding community. We believe quite firmly that the plan we
10 propose today, in fact, will assure that. And again, the purpose
11 of the master plan is flexibility, a mechanism for the community
12 to dialogue and the balance of our needs, the community's needs
13 and the regulatory agency requirements.

14 Now with that, I'll ask Ms. Kosmela to proceed.

15 MS. KOSMELA: Thank you, Colden. Good afternoon,
16 Members of the Board. As Colden already explained, I'm an
17 architect and planner and also an urban designer with the Smith
18 Group and have been for the past 8 years. I have also for the
19 past year and a half been engaged in developing the campus plan,
20 been part of the core team and I will run through, I'll try to be
21 as brief as Colden and do the quick highlight tour of the campus
22 plan.

23 In summary, and as the following space projections
24 and development plans will show, the campus plan is basically very
25 modest in its scope and a continuation of the approved 1985 campus

1 plan. In summary, the plan does not propose any changes to the
2 approved boundaries and the plan does not propose any increases in
3 approved population caps and it also does not foresee exceeding
4 the allowable and maximum aggregated FAR of 3.5 FAR.

5 In response to community concerns and Charles
6 Barber hit the key points here already, the plan commits to a
7 long-term goal of housing 80 percent of all undergraduate students
8 in University-controlled housing and has agreed to add an
9 additional 425 new beds on campus. In addition to that, the
10 University has offered to house a minimum of 60 percent of
11 undergraduate students in University-controlled housing and to
12 house all freshmen and sophomores in University housing.

13 In other areas, the plan is proposing to increase
14 its current parking range with 240 additional off-street spaces,
15 implement a series of midblock crossings to improve pedestrian
16 safety and sense of community and finally the plan reaffirms its
17 commitment to preserve and beautify the Foggy Bottom community.

18 As I said earlier, the plan does not foresee
19 exceeding the allowable 3.5 aggregated FAR for residential zones.

20 In 1985, the total existing gross floor area for all zones was
21 approximately 4.8 million square feet and again the projected BZA
22 approved FAR was 3.5, a lot less was developed between 1985 and
23 now and today, the current existing gross floor area for all zones
24 is a little over 5 million. The current FAR is 2.83. Just to
25 explain the difference between what we've developed and the actual

1 current total, gross floor area, the University has since 1985
2 taken properties, commercial properties off of their inventory
3 list, properties they do not own such as World Bank, Square 121
4 and the Pepco Building 119, just to explain that there's only
5 about a 200,000 jump in the total gross floor area.

6 The proposed campus plan is projecting 953,000
7 square feet of new gross floor area. The estimate here is
8 anywhere in the range from 5 to 7 buildings, that's the equivalent
9 of the proposed square footage, for a total of a little over 6
10 million square feet. That will take the University up, if all
11 development is built, to a 3.47 FAR which is very close to the
12 allowable 3.5 and I would like to add that when we originally
13 submitted the plan in December of 1999 without the two new
14 dormitory sites and the 425 beds, our aggregated projected FAR was
15 3.3 FAR.

16 In terms of the program expansion, broken down
17 according to the four major University uses, the 953,000 square
18 foot projected gross for error translates roughly into 200,000
19 square feet for residential, campus life and athletic and what's
20 planned here are the two new dormitory buildings, 582,000 square
21 feet for academic and administrative uses. Four to five academic
22 buildings are planned. We have a contingency in for about 900,000
23 square feet for medical health expansion and in particular for
24 research purposes and 79,000 square feet for commercial investment
25 and this is potential redevelopment of some properties, commercial

1 properties along Pennsylvania Avenue.

2 The plan reinforces existing land use patterns and
3 the organizational framework that was established first in the
4 1972 plan and subsequently reinforced and enhanced in the 1985
5 plan. The main land use concepts include to create a focused
6 academic core, to locate support, including residential uses along
7 the perimeter of the campus, to have the commercial edge along
8 Pennsylvania Avenue fronting the central business district and
9 center the medical center around Washington Circle and the Metro
10 where the public can reach its facilities easily.

11 The plan does not propose any major changes to
12 existing land uses and as such is consistent with the 1985 campus
13 plan. Again, the main concepts here in the logical patterns
14 remain, to consolidate academic uses in a central campus core.
15 That is to co-locate academic uses that have adjacency
16 requirement, but it's also to minimize adverse impact on the
17 community such as noise. This is where we have the most active
18 uses, classroom uses and such where students will travel quite
19 frequently between classrooms and between classes throughout the
20 day.

21 Another concept remains, to locate residential and
22 support uses at the perimeter where it relates to adjacent uses.
23 And to continue to center medical uses around the Washington
24 Circle and the Foggy Bottom Metro.

25 Finally, again, consistent with the 1985 land use

1 plan patterns, we continue to have a commercial edge along
2 Pennsylvania Avenue.

3 The plan proposes a number of preferred development
4 sites, again, consistent with development sites in the 1985 campus
5 plan. For residential and campus life and support uses we are
6 proposing two new dormitories on Square 80 and 103 and the two
7 existing buildings in Square 77 and 80, that would be 2109 F
8 Street and the West End Apartment are to be enrolled in to the
9 residential life program on an availability basis. They do not
10 constitute new or growth in square footage. They're already part
11 of the building inventory.

12 For academic and administration, new --

13 MEMBER RENSHAW: Do you have a pointer that you can
14 show where you're talking about, please?

15 MS. KOSMELA: I do. This would be the West End
16 Apartment. This would be 2109 F Street and we have proposed
17 residential on 103 and proposed residential on Square 80.

18 For the academic uses we have proposals for Square
19 56, 79, 101 and 103. Commercial development, the preferred site
20 for that is on Square 79 along Pennsylvania Avenue and as part of
21 the commercial edge as I spoke about. Medical use proposed for 39
22 and then in addition to that there's a series of alternative
23 sites. These are here shown as hatched, indicated with a hatch
24 and not a solid, so that's the difference between preferred and
25 alternative uses here. We have a number of academic, alternative

1 academic sites and Square 54 here is currently its status is being
2 proposed as alternative use for all four categories and that
3 includes residential.

4 I think we can move on. The reason for the
5 alternative sites is that it's difficult to project which lots can
6 be assembled, which lots will be available so there are certain
7 site constraints that the University is working with and just like
8 in the 1985 plan there was some allowance for some flexibility in
9 terms of having the alternative sites also part of the campus
10 plan. I would like to note here in terms of massing high bulk
11 that just like in the past, the University buildings will, of
12 course, comply with zoning and that we'll typically be addressing
13 in further processing.

14 As Charles Barber talked about I would just
15 highlight here, the plan has undergone some changes in response to
16 community issues since we originally filed in 1999, in December of
17 1999. We now expect to increase the number of student beds by 28
18 percent. During discussions with the community, the University
19 has furthermore proposed to house all freshmen and sophomores in
20 University-controlled housing and to provide a minimum of 60
21 percent
22 full-time undergraduate students in University-controlled housing.

23 As a longer term commitment, the plan is committing to housing 80
24 percent of all students in University-owned or controlled housing.

25 We can go on to the next, thanks. Since the 1985

1 plan, the University has built 433 beds on campus and that would
2 be in the Newhall Dorm located here. The plan is proposing to
3 almost triple that amount within the next 10 years with a total of
4 1275 planned new beds of which approximately 725 beds would be
5 located within campus boundaries and they include 302 beds on 2109
6 F Street and West End Apartments and then the two new dormitories
7 that are proposed here that would have a capacity of approximately
8 425 beds.

9 In addition to that, the University is planning to
10 build 550 beds outside campus boundary on Square 43, outside
11 campus boundary, and also as part of the planned unit development
12 on Square 122, the AGC side, with 200 beds.

13 In terms of open space, the plan is proposing to
14 continue the open space plan and open space improvements that was
15 set forth in the 1985 plan. The key concepts here remain to
16 concentrate open spaces in the area generally considered the
17 central campus core. You'll see that on the amenities plan in a
18 moment. One of the reasons that the University is taking on and
19 pursuing that concept is again noise abatement, it's the central
20 campus corridor where the students will congregate in between
21 classes and it will lessen the noise impacts for the community to
22 have it centered.

23 Also, it's a continuing goal for the University to
24 link open spaces and the pedestrian system throughout campus.

25 Also, what the University has been undertaking

1 since 1985 is to increase landscaping throughout campus and that
2 includes sidewalk, trees and secondary plantings and you'll see
3 quite a lot of that throughout campus to soften the building
4 edges.

5 We can move on. Finally, the plan also proposes to
6 continue to create a distinct and identifiable campus community
7 and examples of the current amenities program include
8 implementation of signage programs, special gateway entries in
9 this plan, addresses some of the locations for perimeter markings,
10 key campus gateway entries and also, as I've just mentioned, the
11 key focus spaces and open spaces within the campus core that have
12 recently undergone some significant improvements and particularly
13 the university quad.

14 One of the new features of this campus plan is a
15 series of midblock implementations. I think we can skip through
16 that, is a series of midblock crossings. The proposed midblock
17 crossings are not street closings, but they're rather street
18 common devices. They will not infringe upon public right of way
19 and they will not prevent any type of vehicular access. We're
20 excited about the midblock crosses because they will make for a
21 safer
22 community-pedestrian environment. They will be marked with
23 special pavers and sidewalk designs. The highest priority areas
24 are along H Street and I Street. I don't know if you want to go
25 back. That's okay. We can take questions. We are right now

1 engaged in a dialogue with DPW regarding the midblock crossings
2 and are hopeful that we'll be able to implement on a trial basis
3 one or two of these midblock crossings.

4 That concludes the highlights of the campus plan.
5 I just want to turn it back to Colden for a couple of conclusions.

6 MR. FLORANCE: Just to wrap it up, I think you can
7 see that indeed it is a relatively modest plan. It fully complies
8 with zoning regulations and what we suggest in short is that with
9 further processing it sets the stage for the development of the
10 campus without objectionable impacts and we're quite pleased with
11 the situation that it now leaves us in.

12 So thank you very much.

13 MEMBER RENSHAW: Excuse me, would you tell us what
14 tab the text is on, the text of these slides?

15 MR. FLORANCE: What tab, I don't know.

16 MEMBER RENSHAW: Ms. Prince is shaking her head
17 over there.

18 MS. DWYER: Ms. Dwyer, I'll answer that. We didn't
19 submit the power point presentation. The outline of their
20 testimony and the drawings are all included in the pre-hearing
21 submission.

22 MEMBER RENSHAW: Would you submit the power point
23 presentation?

24 MS. DWYER: Certainly, we'd be happy to.

25 MR. FLORANCE: Absolutely.

1 MS. DWYER: The next witness is the traffic
2 consultant and I would ask Louis Slade to come forward. You have
3 previously qualified Lou Slade as an expert in transportation or
4 an expert in traffic engineer. With him is Nicole White and we're
5 submitting her résumé. She has not appeared before you before.
6 We've given copies to Ms. Miller and others in audience and we'd
7 ask that she be accepted as an expert in this area as well.

8 CHAIRPERSON REED: I was about to ask I thought
9 that I remember your testifying before us before?

10 MS. WHITE: No, I have not testified as of yet.

11 CHAIRPERSON REED: Just been here with Mr. Slade?

12 MS. WHITE: Yes.

13 MS. DWYER: She's been in the audience, but she
14 hasn't spoken.

15 MS. WHITE: Many times.

16 CHAIRPERSON REED: Okay. Ms. Dwyer, are we at the
17 halfway point or where are we?

18 MS. DWYER: Yes, I think -- as soon as we finish
19 this testimony right here that may be a good point to take a break
20 and ask questions.

21 CHAIRPERSON REED: How many more witnesses do you
22 have after the transportation?

23 MS. DWYER: We have four witnesses, but I think we
24 might have two that submit on the record and it's really going to
25 be, probably just another 15 minutes of testimony after this.

1 CHAIRPERSON REED: Okay. Wait a minute, you mean
2 in addition to Mr. Slade?

3 MS. DWYER: Yes, his testimony should be about 7 or
4 8 minutes and then we'll probably have another 15.

5 CHAIRPERSON REED: What I'm asking you, the last,
6 the 15 minutes that you're referring to, does that conclude your
7 presentation?

8 MS. DWYER: Yes. I think we can finish our
9 presentation by 4:30 or less time than that. My watch is faster,
10 but in another 20 to 25 minutes, we will be done.

11 CHAIRPERSON REED: Then that would -- okay.

12 Mr. Thomas, given the time line that we're working
13 with now, we understand the anticipation is to be done by 4:30.
14 Would you rather until they finish completely before you ask
15 questions or do you still want to break, maybe after the
16 transportation report?

17 MR. THOMAS: If it's all right with the Board, I
18 would prefer to ask questions after this presentation, if it's all
19 right.

20 CHAIRPERSON REED: All right, very well. And then
21 we'll conclude with the -- your last 15 minutes or so?

22 MS. DWYER: Yes.

23 MR. THOMAS: Do you want to identify who those last
24 witnesses are?

25 COMMISSIONER MITTEN: Excuse me, Mr. Slade, I just

1 wanted to ask a quick question of Ms. White because it's not
2 indicated in her résumé.

3 How many years of experience do you have?

4 MS. WHITE: Four years of experience.

5 COMMISSIONER MITTEN: And that's been entirely with
6 Grove Slade?

7 MS. WHITE: Grove Slade Associates, yes.

8 COMMISSIONER MITTEN: And what was your initial
9 area of responsibility when you were hired from them? I'm looking
10 for the progression of responsibility in the four years?

11 MS. WHITE: I was hired as an entry level engineer
12 and I'm not project engineer for several campus plan projects. I
13 have worked with the University on specific development projects
14 for the past three years, so I think I really have a very good
15 understanding of traffic and parking on the campus.

16 COMMISSIONER MITTEN: Madam Chair, I guess as
17 someone who also testifies in my area of expertise as an expert
18 witness, four years of experience to me is not sufficient to
19 qualify as an expert and to be able to really -- to have the full
20 range of knowledge that I think goes with that designation.

21 CHAIRPERSON REED: How many years do you feel is
22 adequate?

23 COMMISSIONER MITTEN: I don't know, but four seems
24 light to me. That's just my impression.

25 MS. WHITE: Madam Chair, if I could just take a

1 minute to explain some of my other credentials. Aside from having
2 three years of experience working specifically with George
3 Washington University, I'm also project manager for American
4 University, Georgetown University. I have worked extensively on
5 the Goddard Space Flight Center Campus Plan, the National
6 Institutes of Health Campus Plan. I'm currently a graduate
7 student at the University of Maryland. I am certified as an
8 engineer in training which is an accelerated program to receive a
9 professional engineer certification. Usually, it takes 10 years.
10 I will qualify to receive my certification this fall.

11 CHAIRPERSON REED: Okay. Thank you, Ms. White.

12 (Pause.)

13 MS. WHITE: Madam Chair, I'm sorry to interrupt,
14 but may I just make one last recommendation. Perhaps I can
15 present the data and if you don't feel comfortable with me making
16 conclusions then we can refer back to Lou Slade who can make the
17 conclusions, but because I was out in the field doing a lot of the
18 work, I think I can present the data a little better than Lou can.

19 MS. DWYER: Why don't we do that?

20 CHAIRPERSON REED: Is that okay?

21 COMMISSIONER MITTEN: I don't have any objection to
22 her making the presentation. I just think there's a special sort
23 of weight that goes with being designated an expert.

24 CHAIRPERSON REED: I think also that even though
25 that's why I was asking about the number of years because I was

1 looking for the depth of experience and if she could demonstrate
2 that she had adequate experience with -- in this field that would
3 then make her qualified as an expert witness. I'll be interested
4 in accepting her as such. I would be convinced that she has the
5 depth and extent of experience that would be necessary to do so.

6 If you have someone with 10 years, but maybe they
7 have not had the extensive exhaustive experience that would be
8 required in order to be able to present, so I think Ms. White your
9 suggestion and given the fact that there was some question that
10 you give us your presentation, based on the fact that you were
11 actually there with the hands on experience working on this
12 particular project and Mr. Slade is there for your backup and then
13 can give his conclusions. That will work.

14 MR. SLADE: Madam Chair, my name is Louis Slade and
15 I'm a principal with Grove Slade Associates. I reside at 3500
16 Quesada Street. I'm accompanied today by Nicole White who will
17 participate in the testimony with me.

18 The firm and the two of us have extensive
19 experience at George Washington University and at a number of
20 other campuses here in Washington as well as in other locations.
21 We can go into that if there's any questions. I want to make just
22 an introductory remark and then turn it over to Ms. White. As I'm
23 sure you're very familiar with this campus as well as the other
24 campuses within the city, this campus has some unique
25 characteristics with regard to transportation and I want to

1 highlight those before Ms. White starts.

2 First of all, as you know as Mr. Hart's enumeration
3 of the squares and the lots indicated, this campus is part of the
4 urban street grid and it's divided up by a number of east-west and
5 north-south streets which carry commuter traffic and local
6 traffic. It's unusual from that standpoint. All the other
7 campuses in the city are for the most part, have gates where you
8 enter and then you're on certainly private, internal circulation
9 system, but George Washington shares its circulation with the city
10 street network as well as the sidewalk network.

11 The other key aspect and most importantly is its
12 access to Metro rail service and Metro bus service. It has a
13 station on campus. It's named the Foggy Bottom Station and
14 sometimes we overlook that there's another station just about a
15 block east of the east edge of the campus at Farragut West. This
16 is a real defining factor for this campus and I'm sure if we look
17 before Metro rail came and the way the campus operates now we'd
18 see a vast difference because we know from our data that the
19 employees of the University and the students of the University
20 extensively use Metro rail rather than drive and park. And what
21 you'll see from our data that Ms. White will present is the amount
22 of traffic that the campus generates in the amount of parking that
23 it needs is relatively small for a campus of this size because of
24 Metro rail.

25 When there is a large institution we all look at it

1 and we look at the characteristics of the traffic around it and we
2 tend to think that the institution generates all that traffic.
3 We've done an analysis of the traffic using the streets that are
4 within the campus. Eighty-three percent of the traffic using
5 those streets on an average day is
6 non-campus traffic. Only 17 percent of the traffic on the campus
7 streets is generated by the University.

8 This means that with the relatively modest amount
9 of growth this campus plan forecasts, that the increase in traffic
10 due to the campus plan on the street system is very, very small.
11 Probably in the range of 1 percent. So overall, our
12 responsibility here to look at the adequacy of the parking and the
13 transportation system to serve this campus plan, based on that
14 order of magnitude of impact -- I'll stop there and let Ms. White
15 proceed and then I'll conclude for us.

16 MS. WHITE: For the record, my name is Nicole
17 White. I had a power point presentation prepared but in the
18 interest of time I'll just speed it up. I think it's best to
19 summarize the main points of our study and the four components,
20 that is, traffic, parking, safety and then the transportation
21 management plan.

22 With respect to traffic, we collected extensive
23 amounts of data. We went out to intersections along the perimeter
24 of the campus plan. We also referred to DPW's average daily
25 traffic volumes and then in addition I talked about the general

1 observations that myself and members of th Grove Slade staff made.

2 To just add on to what Mr. Slade has already mentioned, that
3 there is 83 percent of the traffic within the campus plan
4 boundaries that we believe is not directly associated with the
5 University. Aside from my calculations, I cannot count that 83
6 percent continue north or south, but I did witness high amounts of
7 traffic that did not turn into parking facilities or into the core
8 of the campus, but during the morning they kept north of
9 Pennsylvania Avenue and during the evening rush hour period they
10 kept south headed toward Virginia. So I just think it's important
11 that the Board understand that the University does only make up a
12 small percentage of traffic within the boundaries.

13 We looked at two different types of analyses. One
14 was a link capacity analysis and that's just a segment of each
15 roadway. We looked at all of the roadway segments within the
16 campus plan boundaries. We calculated a practical capacity, a
17 textbook capacity for each of these links and then we compared the
18 traffic volumes that we counted to that practical capacity and in
19 each case the traffic volume was less than the practical capacity
20 that we calculated, with the exception of 19th Street and 19th
21 Street is on the edge of the campus boundary. Does not provide
22 any direct access to any of the university parking facilities and
23 again, Mr. Slade talked about the significance of it being a grid
24 system of parallel streets so if 19th Street becomes too
25 congested, then people have the flexibility to divert to other

1 north-south streets.

2 In addition, DPW asked us to perform a level of
3 service intersection analysis at three intersections. DPW doesn't
4 really have standards for central downtown districts such as this.

5 Other suburban areas have a level of service, D or better is the
6 standard and the University was within that level so even though
7 DPW doesn't have levels for the business district the University
8 exceeded suburban level of service which is a D or better for each
9 of those three intersections.

10 I'll move on to our future projections for traffic.

11 Dr. Linebaugh talked about full-time equivalent growth for
12 students and also for faculty and staff. We used those
13 projections and expected that traffic would increase at somewhat
14 of a similar rate, although realistically we expect it to grow at
15 a rate a little less than that. We use 24 percent as an overall
16 rate, but Mal Rivkin and Charles Barber have talked about -- Mal
17 Rivkin will talk about the TMP. Charles Barber has already spoke
18 about it and we expect traffic to grow at a rate less than 24
19 percent because of that. So then when we came up with our future
20 traffic volumes, we used the same analyses that we did to conduct
21 our existing analysis and we found again that all of the
22 intersections operate at a level of service D or better and we
23 found that when we compared again the practical capacity for all
24 of the links to the volume that we counted that in each case the
25 volume was less than the capacity except for at 19th Street which

1 we talked about already and also at G Street, but then again I
2 want to bring to the Board's attention that traffic can divert to
3 other east-west streets if it's too congested, because there's
4 adequate capacity on the other east-west streets.

5 With regard to parking, there's currently parking
6 requirement in place from the existing campus plan that the
7 University should maintain between 2700 and 3000 parking spaces.
8 Currently, the University has 2782 parking spaces on campus and
9 that does include 150 parking spaces that are at the Kennedy
10 Center which the Board has heard about on prior cases brought to
11 your attention.

12 Back in April of 1999 we did a week-long survey for
13 four time periods throughout the day and went in and counted every
14 car that was parked in the University parking spot and we came up
15 with a demand of 2,437 spaces which is about 91 percent of what
16 the parking spaces are in the campus plan boundaries and then when
17 you take the Kennedy Center spaces into the equation, then that's
18 at 90 percent which is really a good rate of occupancy. That's
19 what we try to design for, 90 percent occupancy.

20 We wanted to project what the future parking
21 requirements would be on the campus so we again looked to the
22 population growth factors and we increased the existing demand by
23 these population growth factors. We also took into consideration
24 that you want to have a balance between providing adequate parking
25 to meet the needs of the University, but also you don't want

1 parking to grow at such a rate that you have traffic problems, so
2 had two objectives and that is to meet parking requirements on the
3 off-street parking requirements and also to minimize traffic
4 impacts.

5 So we thought it was best to keep the lower limit
6 of 2700 because like I said, the University is currently able to
7 accommodate its existing off-street demand now and there will not
8 be any big increase in population over the next year when the
9 campus plan is put into place. So we felt we should keep that
10 lower limit and then the upper limit jumps to 3,240 and that takes
11 into consideration the growth components.

12 The community has expressed a concern to the
13 University about the lower limit being at 2700 so the University
14 has agreed to raise that limit to 2800 in the future after the
15 University parking garage expansion project is complete. And it's
16 scheduled for completion in October.

17 With regard to safety, we did not do an extensive
18 analysis of safety. We just wanted to highlight a few areas of
19 concern that the University brought to our attention that we made
20 observations at so those were three different intersections. I do
21 want to take a minute to just talk about the midblock crossings
22 that Charlotte and Colden Florance have already talked about.

23 With respect to traffic, we think this is a good
24 concept here. We counted midblock crossings during the middle of
25 afternoon. There was 1,000 students that crossed in the middle of

1 block which was about three times more activity than the vehicles
2 on H Street, so we definitely think this is a good thing to
3 implement. We think it will help to concentrate midblock
4 crossings in specific locations and also will improve traffic flow
5 on H Street.

6 The transportation management plan is a tool that
7 will really help to make this traffic and parking work well for
8 the University. A lot of universities have TMPs in place, a lot
9 of federal institutions have them in place and the primary purpose
10 of them are to minimize traffic impacts and to maximize your
11 offstreet parking demands. So the University has worked with
12 WMATA and they're doing a good job of enhancing their existing TMP
13 so that's why we believe that this campus plan will work.

14 Mal Rivkin who will testify after me will talk in greater
15 detail about the TMP.

16 And I'll turn the conclusions over the Lou Slade at
17 this time.

18 CHAIRPERSON REED: Thank you.

19 MR. SLADE: Ms. White's other qualifications is she
20 can get it out faster than I can.

21 (Laughter.)

22 We have done extensive studies and we think that
23 the plan itself fully accommodates the transportation and parking
24 requirements that the potential growth over the next 10 years will
25 generate. And does so in a way that it will have no adverse

1 impact on the community or on the city street system and the
2 parking system.

3 Thank you.

4 CHAIRPERSON REED: Thank you, Mr. Slade. All
5 right, Mr. Thomas.

6 MEMBER RENSHAW: Excuse me, Madam Chair, I'd like
7 to ask Ms. White if she would submit her power point presentation
8 that we didn't get to see.

9 MS. WHITE: I sure will.

10 MEMBER RENSHAW: Thanks.

11 CHAIRPERSON REED: Okay, Mr. Thomas, did you want
12 to start with these witnesses in the cross examination?

13 MR. THOMAS: I'd like to start with Dr. Linebaugh.

14 (Pause.)

15 MR. THOMAS: Thank you, Madam Chair. Dr.
16 Linebaugh, I wanted to ask you a few questions about the
17 enrollment numbers. The 1985 plan set an undifferentiated
18 enrollment tab of 20,000. By undifferentiated, I mean it didn't
19 differentiate between full-time, part-time or graduate or
20 undergraduate. Is that your understanding?

21 DR. LINEBAUGH: That's my understanding, yes.

22 MR. THOMAS: And that was for the University, is
23 that right?

24 DR. LINEBAUGH: The University as it existed in
25 1985, I believe, that is correct.

1 MR. THOMAS: Right, and I understand that the
2 University has added facilities in Loudoun County and Mount Vernon
3 and other places since then, is that right?

4 DR. LINEBAUGH: That's correct, I believe in 1985,
5 the University was essentially the Foggy Bottom campus.

6 MR. THOMAS: Essentially, and so when we're saying
7 that there is no change in the enrollment cap, what we really mean
8 is that now the University wants an enrollment cap for the Foggy
9 Bottom campus only of something like 3340 students more than are
10 currently enrolled there?

11 DR. LINEBAUGH: What we are talking about is the
12 Foggy Bottom campus plan and the head count cap that is contained,
13 that is proposed in the plan is for the same 20,000 student cap
14 that was approved in 1985, that is correct.

15 MR. THOMAS: I'm not saying that there was anything
16 underhanded about it, I just want to be clear on the record that
17 we are now talking about a cap for the Foggy Bottom campus only of
18 20,000?

19 DR. LINEBAUGH: That's correct.

20 MR. THOMAS: And that would allow the University,
21 if there were no other caps in place, to add over 3300 students at
22 the Foggy Bottom campus only whatever they did at Mount Vernon and
23 Loudoun County.

24 DR. LINEBAUGH: By head count
24 that's approximately correct, yes.

25 MR. THOMAS: And those could be all

1 full-time students? I'm not asking you to predict that they would
2 be, I'm just saying as the cap is constructed --

3 DR. LINEBAUGH: Hypothetically, they could be.

4 MR. THOMAS: Okay. If you know, how many are
5 enrolled at the Mount Vernon campus?

6 DR. LINEBAUGH: There are approximately 230
7 students.

8 MR. THOMAS: And how is it determined that a
9 student is counted against the Mount Vernon campus as opposed to
10 the downtown campus or the Loudoun County campus?

11 DR. LINEBAUGH: The full-time student count at
12 Mount Vernon campus is based on those students who live on the
13 campus.

14 MR. THOMAS: Wherever they take their courses?

15 DR. LINEBAUGH: Wherever they take their courses.

16 MR. THOMAS: So that they could end up taking the
17 bulk of their courses on the Foggy Bottom campus, if they lived at
18 Mount Vernon and they would be counted against Mount Vernon?

19 DR. LINEBAUGH: You could make that argument,
20 however, the data indicates that the programming we've offered at
21 the Mount Vernon campus. That's not what happens. There are --
22 Mount Vernon campus students who live on Mount Vernon, there are
23 943 course enrollments there by the resident students, so that
24 works out to slightly four courses per student. As I'm sure, you
25 know, the average course load is five courses, so the students are

1 overwhelmingly taking their classes out at Mount Vernon. Here,
2 the key point to remember is that the movement of students back
3 and forth between Mount Vernon is accomplished by a shuttle bus,
4 not by individual transportation.

5 MR. THOMAS: All right, the University is not
6 proposing that there be as a condition of the approval of this
7 campus plan any understanding as to how students will be counted
8 against different campuses?

9 DR. LINEBAUGH: Say that again?

10 MR. THOMAS: Well, you've explained how you came up
11 with some rough numbers as to what's been counted against Mount
12 Vernon?

13 DR. LINEBAUGH: Right.

14 MR. THOMAS: The University is not coming forward
15 with a proposal that conditions approval of the campus plan on
16 some understanding as to how student enrollment will be countered
17 against different campuses?

18 DR. LINEBAUGH: I believe that's correct.

19 MR. THOMAS: There have been proposals and I can't
20 -- my memory is not good enough and I don't have everything in
21 front of me, there have been proposals for adding housing at
22 various places, some of them on campus and some of them off
23 campus. Does the University now know how many people are living
24 in Foggy Bottom that have matriculated at George Washington
25 University?

1 DR. LINEBAUGH: I'll refer to any housing questions
2 to Mr. Barber. I'm the academic planning.

3 MR. THOMAS: Well, let me just ask a general
4 question, the University is planning to move the Eliot School, as
5 I understand it, off campus?

6 DR. LINEBAUGH: It will move to the PUD on E
7 Street, that's correct.

8 MR. THOMAS: So it moves to a point which is not
9 within the campus boundary?

10 DR. LINEBAUGH: That's correct.

11 MR. THOMAS: And it is a core academic building?

12 DR. LINEBAUGH: The Eliot School is an interesting
13 -- I would almost anomaly within the University. The Eliot School
14 is a free standing school at the University. However, it has a
15 very small number of faculty that are unique to the Eliot School.
16 It draws its faculty and its coursework primarily from the
17 Columbia School of Arts and Sciences, the Departments of History,
18 Economics, Political Science, Geography and so forth. So locating
19 that small, relatively small administrative and some research
20 centers slightly outside the boundary, as you know, it's what
21 about 20 yards, should have no real impact.

22 MR. THOMAS: Right, I mean it will operate just
23 like any other academic building within the walking campus, right?

24 DR. LINEBAUGH: Essentially.

25 MR. THOMAS: And so from an academic's point of

1 view, your point of view, the boundary doesn't mean anything?

2 DR. LINEBAUGH: From an academic's point of view,
3 the boundary doesn't mean anything. What means -- what's
4 important to me is having excellent facilities for our students
5 that are readily accessible and that site on E Street will
6 significantly enhance the facilities we have available to our
7 students and it will be readily accessible.

8 I believe you also know there are two University
9 dormitories within the campus plan that are, for all intents and
10 purposes, immediately adjacent to that building.

11 MR. THOMAS: I understand. So the case you just
12 made is that from an academic's point of view, it's better to have
13 this teaching building where it is planned to be, which is outside
14 of the boundary, then at some other place?

15 DR. LINEBAUGH: But you have to remember that what
16 we're talking about -- I suspect you're headed toward the concept
17 of the academic core. And what you have to remember is we're
18 talking about faculty, faculty whose offices, the Eliot School
19 faculty, the faculty who serve the Eliot School, their offices
20 will continue to be located, the primary teaching will continue to
21 occur in the campus core. The offices are mainly in the academic
22 center and Funder Hall. And so that locating elements of the
23 Eliot School, locating the Eliot School on E Street does not
24 significant pull away from the academic core.

25 MR. THOMAS: And so for planning for academics

1 again, where the boundary is doesn't make any difference. It's
2 where things are physically located relative to each other?

3 DR. LINEBAUGH: You could make that statement.

4 MR. THOMAS: Would you make that statement?

5 DR. LINEBAUGH: I'll make that statement. To me,
6 the core locations are the key issue.

7 MR. THOMAS: Some of your testimony was to the
8 effect that the University, unlike some universities with large
9 endowments and/or a lot of government money, is tuition driven or
10 tuition dependent, I think you --

11 DR. LINEBAUGH: That's -- uh-huh.

12 MR. THOMAS: Could you explain for us how an
13 enrollment cap of 17,000 or 17,500, given that you've got fewer
14 than that now and that tuition go up, generally, would be
15 specifically detrimental to George Washington University.

16 DR. LINEBAUGH: An undifferentiated cap?

17 MR. THOMAS: Let's start there.

18 DR. LINEBAUGH: Okay. I'm going to slightly
19 challenge one of the statements you made. I'm not going to
20 directly dispute that tuition generally go up.

21 But what I will say that was an error of fairly
22 large tuition increases by many private institutions through the
23 late 1980s and well into the 1990s are essentially over.
24 Universities are simply no longer able to effect large tuition
25 increases. There have been universities that have actually, this

1 past year, made no increase. I know of some schools that actually
2 decreased their tuition this past year, as remarkable as that may
3 seem. They were able to do that in the face of very large tax
4 surpluses in the States. These were State schools.

5 The difficulty that you run into with any kind of a
6 cap and I'll return to what is my flexibility theme because it's
7 the one that I have been talking about not only in these
8 proceedings, but in Society of College and University Planning
9 meetings as well is that there are so many things going on in the
10 higher education world, be they the need to bring in cutting edge
11 instructional technology to the classrooms, be they the need to
12 make high speed world wide web access available throughout your
13 campus, be it the hiring of top flight scholars in many fields
14 where there are shortages, not all fields are like history or
15 English literature. There are many fields where there are
16 critical shortages. When you are pushing toward research one
17 status which puts you in the elite, right now there are only 89
18 research one universities in the country, when you're pushing for
19 that status you need first rate researchers, scholars, professors
20 to get there. Those individuals require first rate research
21 facilities and technological support so that the need to respond
22 to all of these things that drive you to increase the quality of
23 your campus, the quality of what you're doing, combined with what
24 are very variable demographic trends, factors that either bring
25 students to a campus or don't bring students to a campus make

1 operating I would say almost with any kind of a cap a very dicey
2 proposition for a tuition-dependent university.

3 MR. THOMAS: So your argument is that you need the
4 flexibility of a swing of several thousand student enrollment in
5 order to meet these pressures that as you would argue every
6 significant ambitious university needs to meet?

7 DR. LINEBAUGH: I can respond in a couple of ways.
8 You say a swing of several thousand students. You posed a cap of
9 1700. Well, that's less than 400 above the current Foggy Bottom
10 head count.

11 MR. THOMAS: I'm testing my understanding of your
12 answer. You're saying that because you need to be able to respond
13 to the marketplace, you need to have room amounting to more than
14 3,000 students in order to respond to that market over the next 10
15 years?

16 DR. LINEBAUGH: My personal preference?

17 MR. THOMAS: No --

18 DR. LINEBAUGH: Would be that there would be no
19 cap, okay, because I think it places a constraint. Now you and I
20 both know that there are constraints on universities relative to
21 the types of facilities that we have available. G.W. is not an
22 inexpensive place to attend. We must offer a top of the line
23 education to our students or our students can go somewhere else.
24 To that end, we need to be able to respond to the forces that are
25 driving education qualitatively. That's absolutely critical to

1 us. MR. THOMAS: And I take it that you would say that
2 that is a dilemma that is uniformly faced by universities?

3 DR. LINEBAUGH: I think many universities are faced
4 with exactly the same thing. Princeton which has an immense
5 endowment, it's roughly 10 times greater than G.W.'s is planning
6 to increase their undergraduate enrollment by approximately 11
7 percent over the next five years, so these are issues that all
8 universities are struggling with. Historically, the cost of
9 providing a quality education has increased far in excess of
10 inflation rates and cost of living rates. So it's a reality that
11 we must deal with.

12 MR. THOMAS: Whereas Georgetown University is
13 asking for, as I understand it, 500 more students which they're
14 willing to parcel out 50 a year over the next 10 years, as an
15 increase over their current enrollment, a very different approach,
16 Dr. Linebaugh.

17 DR. LINEBAUGH: And a very different university.

18 MR. THOMAS: My understanding is and correct me if
19 your information is different, that Harvard College has grown by
20 essentially 16 percent over 70 years.

21 DR. LINEBAUGH: Well --

22 MR. THOMAS: I'm testing whether the degree of
23 flexibility that you would like to have as an academic turns out,
24 in fact, to be something that universities have to have from
25 zoning commissions and zoning authorities who are trying to

1 balance the needs against those in the community.

2 DR. LINEBAUGH: I will confess that my knowledge of
3 other universities is somewhat limited. I think the fallacy of
4 using Harvard, Georgetown or Princeton as a comparison are really
5 pretty transparent.

6 VICE CHAIRMAN SOCKWELL: Excuse me, if I might
7 suggest, generally we don't enter discussions that revolve around
8 those universities which are not germane to the specific central
9 core of our theme here and I would want to go on to something more
10 focused.

11 DR. LINEBAUGH: So much for our academic
12 discussion.

13 MEMBER RENSHAW: It's interesting.

14 DR. LINEBAUGH: I enjoy debating these issues, I
15 have to confess.

16 VICE CHAIRMAN SOCKWELL: Mr. Thomas does want to
17 get out on time.

18 MR. THOMAS: Thank you for reminding of that. I
19 will immediately turn to something else.

20 How many full-time undergraduate students are
21 currently at the Foggy Bottom campus, do you know?

22 DR. LINEBAUGH: I can tell you that as of the fall
23 census which was our official reporting date for a variety of
24 agencies, the number 6,846.

25 MR. THOMAS: Do you have a projection for the

1 entering class in fall of 2000?

2 DR. LINEBAUGH: I'd have to verify that. I believe
3 the projection is 1800 or 1900 freshmen.

4 MR. THOMAS: And what does that imply in terms of a
5 totally full-time undergraduate count.

6 DR. LINEBAUGH: I know you're not going to like
7 this answer, but it's probably going to put it around -- may push
8 it to the neighborhood of 7,000. Again, that's somewhat
9 unpredictable. This past year, for fall 1999, the number is as
10 high as it is because I'm happy to say this since I wrote the
11 strategic plan and chaired the committee that developed it, we had
12 the highest freshmen and sophomore retention we've had in the
13 history of the University. I'd like to believe that we can repeat
14 that again next year. I have no guarantee that that will happen.

15 If we drop back toward our more historic levels, the number may
16 actually be less than 7,000, maybe quite close to what it is is
17 now.

18 MR. THOMAS: So I take it that given that approach
19 it's impossible to say what it would be over 10 years?

20 DR. LINEBAUGH: Just about. We do our best using
21 three year rolling averages.

22 MR. THOMAS: Given the proposals that the
23 University is making in this campus plan, it could be say, over
24 9,000?

25 DR. LINEBAUGH: Again, if you --

1 MR. THOMAS: That's full-time undergraduates, I'm
2 sorry.

3 DR. LINEBAUGH: If you simply took the head count,
4 assumed they were all full-time undergraduates and added that to
5 the current number, sure, you can get there.

6 MR. THOMAS: And I know you're not answering
7 housing issues, but there aren't any plans to house all of those
8 students if they show up as far as you know?

9 DR. LINEBAUGH: I don't do housing.

10 MR. THOMAS: All right, thank you.

11 DR. LINEBAUGH: I don't go anywhere near housing.
12 I worry about classrooms. I worry about technology. I don't do
13 housing. Housing is there.

14 MR. THOMAS: Madam Chair, let me move on and ask
15 questions of Mr. Barber if I could. Thank you, Dr. Linebaugh.

16 MR. BARBER: Could I start by clarifying one thing?
17 The question of full-time students possibly going to 20,000, that
18 is true under the current campus plan with a cap, a head count cap
19 of 20,000 and so theoretically you could have a
20 full-time, all those could be full-time students. That is under
21 the proposed campus plan, that is not possible because for the
22 first time we're introducing an FTE cap and so an FTE cap
23 effectively caps the full-time students at a lower number than
24 20,000. And so long as we have a significant part-time number,
25 the full-time students will be significantly lower than even the

1 16,500 or so FTE number. I just wanted to explain that.

2 MR. THOMAS: Mr. Barber, I wanted to ask you -- I'm
3 going to try to limit this pretty much to relating housing sites
4 and numbers to students and to the campus plan boundaries. Those
5 are my topics. First, just a matter of interest, the two on
6 campus sites which the University is now proposing to add as sites
7 for student housing, does the University own all of the properties
8 that would be necessary to build those two facilities?

9 MR. BARBER: No, it owns most of the properties.
10 There are a couple of pieces missing.

11 MR. THOMAS: Is it possible for the University now
12 to commit that it would use those two sites for housing?

13 MR. BARBER: That's the purpose of the plan.
14 That's a preferred housing site, but it is subject to acquisition
15 of, assemblance of the entire site, yes.

16 MR. THOMAS: So to be clear for the BZA, the
17 commitment is if and when you acquire the necessary real estate,
18 you will build the housing?

19 MR. BARBER: That's correct, on those two sites.

20 MR. THOMAS: Is there a commitment to do that by a
21 certain year?

22 MR. BARBER: We would do that as soon as we are
23 able to acquire that. That's not subject to our control.

24 MR. THOMAS: Okay, and as I understand it your firm
25 commitment is to house 60 percent of

1 full-time undergraduates?

2 MR. BARBER: That's correct.

3 MR. THOMAS: And you're now housing 65 percent as
4 full-time undergraduates?

5 MR. BARBER: Yes.

6 MR. THOMAS: Do you know how that compares with
7 Georgetown?

8 MR. BARBER: Not exactly. I know the comparisons
9 to a number of other colleges and universities, but I'm not
10 exactly familiar with Georgetown. Georgetown, of course, is quite
11 a bit different situation. I don't know exactly their numbers,
12 but they're not located on a Metro. They're more self-contained.

13 CHAIRPERSON REED: Mr. Thomas, where are you going
14 with this line of questioning? It's basically, we're -- this
15 particular application is for George Washington.

16 MR. THOMAS: Madam Chair, what I'm doing quite
17 frankly is trying to undercut any argument that it isn't feasible
18 to house 78 percent or more as Georgetown does on campus, if
19 that's what you want to dedicate your real estate development in
20 the core campus to. And I think we'll be able to demonstrate in
21 terms of the maps and the available real estate development
22 possibilities within the boundaries that they could house a lot
23 more students on campus. That's all. But the point -- if there
24 was a point, it's made, so I'll move on.

25 CHAIRPERSON REED: Please.

1 MR. THOMAS: Mr. Barber, is the University, has the
2 University submitted or do you plan to submit information about
3 all of the real estate holdings where the University is now
4 conducting University operations, administration, class or
5 housing?

6 MR. BARBER: No, we had not planned to.

7 MR. THOMAS: If one purpose of this proceeding is
8 to determine the campus boundary, how can the BZA do that without
9 detailed information on what you own and where you're operating?

10 MR. BARBER: Operations outside the campus plan
11 boundary are those conducted as a matter of right. Those issues,
12 we believe, are beyond the jurisdiction of this Board.

13 MR. THOMAS: Your position, I take it is not that
14 the Board doesn't have the power, the authority to set the
15 boundary?

16 MR. BARBER: The Board certainly has some authority
17 in that area.

18 MR. THOMAS: And in fact, they changed the boundary
19 at the end of the proceeding -- for the 1985 to 2000 plan, didn't
20 they?

21 MR. BARBER: They reduced it, yes.

22 MR. THOMAS: Are you saying they couldn't enlarge
23 it?

24 MR. BARBER: I'm not certain that the Board could
25 enlarge it. I'm sure they could reduce it. I just don't know.

1 MR. THOMAS: Is the University's agreement that you
2 described today to require freshmen and sophomores to live in
3 University housing unconditional? Have you determined that you
4 have the legal authority to do that?

5 MR. BARBER: Yes.

6 MR. THOMAS: All right. Because from earlier
7 conversations I wasn't sure that that --

8 CHAIRPERSON REED: That's fine. Pose your
9 questions.

10 MR. BARBER: We looked at it. I think we do.

11 MR. THOMAS: Does Georgetown now own an interest in
12 Columbia Plaza?

13 MR. BARBER: Yes, it has a limited partnership
14 interest.

15 MR. THOMAS: Do you have agreements to also buy
16 further interests?

17 MR. BARBER: I didn't testify about that and
18 frankly it's beyond the scope of my knowledge, that particular
19 investment.

20 CHAIRPERSON REED: Mr. Thomas, basically, as you
21 well know, you have to keep your questioning based upon the
22 testimony given here today.

23 MR. THOMAS: Mr. Barber, have you run through any
24 numbers to determine what your commitment to house freshmen and
25 sophomores or your commitment to house 60 percent of full-time

1 undergraduates would mean depending upon how many full-time
2 undergraduates there were?

3 MR. BARBER: We've looked at various scenarios. Of
4 course, what the 60 percent commitment to house -- the commitment
5 to house 60 percent of undergraduates means is that the population
6 of undergraduates could only go up, depending upon our ability to
7 provide more beds. We have some idea of beds that we might now
8 provide in the near future and we know how, given the 60 percent
9 level, how many students that would support. But none of these
10 are firm estimates as you pointed out. Some of these areas that
11 we would plan to do housing, we are not sure we're going to do
12 housing, so have we run numbers? Yeah, we have plenty of numbers.
13 Nothing really reliable.

14 MR. THOMAS: All right, and I think some of your
15 numbers are that as of fall 1999, there were 6846 full-time
16 undergraduates, is that right?

17 MR. BARBER: That's correct.

18 MR. THOMAS: And you had about 4466 or 4469
19 something like that beds available?

20 MR. BARBER: That's correct.

21 MR. THOMAS: So there were 2380 undergraduate full-
22 time students for which you didn't provide beds?

23 MR. BARBER: That's correct.

24 MR. THOMAS: Let's assume that you had a full-time
25 undergraduate enrollment of 8500, 60 percent of that in University

1 housing properties would be 5100. Check me if you want. And that
2 would be 634 beds more than now, do you follow this?

3 MR. BARBER: I'm following. I'm not checking your
4 math. I'll take your word on it.

5 MR. THOMAS: Now that is a couple of hundred beds
6 less than the University is already planning to build. Most of
7 them of them are off-campus, but you're planning to build them in
8 properties that you own, isn't that right?

9 MS. DWYER: Madam Chair, what Mr. Thomas is doing
10 is testifying and making a statement as opposed to asking a
11 question of Mr. Barber. Mr. Barber says he hasn't run through the
12 math as he's been asking the question, so I don't think he can
13 answer as to a specific number.

14 CHAIRPERSON REED: He can say that. He can say
15 that, Ms. Dwyer.

16 MR. BARBER: I haven't run through those numbers
17 and I'm not quite sure -- I really don't know the answer because I
18 don't know the question.

19 MR. THOMAS: I was sure that you had, as you had
20 earlier testified, run through a number of sets of numbers and
21 scenarios to see where it would end up before you made the
22 commitment to the 60 percent ratio. And so I was just trying to
23 see if we agreed for the purpose of the Board's understanding what
24 that did imply in terms of how many students were being housed on
25 campus and how many were being added to the enrollment and not

1 housed on campus. And given that 8500 number, if you're only
2 adding 600 and some beds to meet your 60 percent ratio, then
3 you're pushing over 1,000 students to some other location for
4 housing.

5 Were your scenarios consistent with what I just
6 described?

7 MR. BARBER: I have not run through the numbers
8 like that. I have -- I can say if you're assuming a certain
9 undergraduate population, then the 60 percent bed count would lead
10 you to a certain number of beds and I haven't done that math, but
11 -- and then the remaining students that we do not house would be
12 required to find housing elsewhere.

13 Now we know from experience that many of our
14 students live in areas beyond Foggy Bottom. We have students who
15 live in Northern Virginia. We have students who live in the
16 Maryland suburbs who commute, many by Metro, to our campus. We
17 have students who live in other parts of the District of Columbia,
18 so as I said in my direct testimony I think it's a fallacy to
19 assume to the extent that we don't house students, they will then
20 flood to Foggy Bottom community, but again I haven't done the math
21 or I don't have the math here. I may have run at some point, but
22 I don't disagree with your calculations.

23 MR. THOMAS: And in fact, the University doesn't
24 have a good handle on where the students live, how many of them
25 live in Foggy Bottom?

1 MR. BARBER: We have a good idea. I think we don't
2 have perfect data and we have committed to get better data, but
3 our best data show that of undergraduates, full-time
4 undergraduates there are about maybe 800 in the Foggy Bottom
5 community. I've heard other numbers. I've looked at their
6 methodology. I've tried to -- and I'm not convinced that they
7 have correctly identified (a) G.W. students, (b) undergraduates,
8 (c) full-time as opposed to
9 part-time or (d) just young people who they assume are students.
10 But that's our best data. We're committed to getting better data.

11 MR. THOMAS: Just one minute, I may be about done
12 with Mr. Barber.

13 (Pause.)

14 Your commitment to house freshmen and sophomores on
15 campus, can you relate that in terms of proportions of full-time
16 undergraduate students to the 60 percent ratio? In other words,
17 is it about the same?

18 MR. BARBER: I'm not sure I understand the
19 question.

20 MR. THOMAS: If you house the freshmen and
21 sophomores, have you housed about 60 percent?

22 MR. BARBER: Oh, I see. No. We would still be
23 able to house a significant number of juniors and seniors and
24 quite frankly, there would be some displacement that is more
25 freshmen and sophomores, less juniors and seniors, but certainly

1 not a one to one ratio by any means. In fact, we think we can
2 absorb all of them, the reason being, there are two reasons. We
3 have a vacancy rate every year of about 3 to 4 percent and so with
4 a requirement, we can fill up that vacancy so that gets us 100,
5 130 beds right there and then we would roll out this requirement,
6 freshmen, year 2001; freshmen and sophomore, year 2002; and by
7 that time on the AGC Square 122 site, we think we have another 200
8 beds. So we think we can absorb that, most of those students
9 without displacing, but certainly we still have room for a
10 significant number of juniors and seniors with the 60 percent
11 commitment.

12 MR. THOMAS: Okay, but you answered a different
13 question. The answer to the question that you answered was do you
14 think that you're going to be able to keep some substantial
15 proportion of the juniors and seniors who historically have wanted
16 to live on campus. My question was if what you've done is you've
17 provided beds for 60 percent of the
18 full-time undergraduate population is that about the same number
19 as the freshmen and sophomores?

20 MR. BARBER: No. And I can get you, I guess, exact
21 numbers based upon 4099 numbers, but I think the question is are
22 freshmen and sophomores 60 percent of the population of the full-
23 time undergraduate population, I think the answer to that is no.

24 MR. THOMAS: Do you know what the answer is as to
25 what the relationship between the numbers is?

1 MR. BARBER: No, but I can provide that.

2 MR. THOMAS: Thank you, Madam Chairman. I am
3 counting on my fellow representatives here to fill in gaps and I'm
4 just going to move on.

5 CHAIRPERSON REED: Okay.

6 MR. THOMAS: I should perhaps ask, as a matter of
7 fact, as a matter of planning for everybody, what other live
8 witnesses the University does intend to put on because I might
9 make a better decision as the best use of time in which to be
10 heard in.

11 CHAIRPERSON REED: Do you have any questions of Mr.
12 Slade or the transportation witnesses?

13 MR. THOMAS: Only a couple and I can do those very
14 quickly.

15 CHAIRPERSON REED: All right, well, why don't you
16 do that and allow them, they say that they need another 15 minutes
17 or so to conclude and perhaps you may be able to get in a question
18 or two or at least be able to give your other questions that you
19 think are pertinent to one of your co-witnesses.

20 MR. THOMAS: All right, fine.

21 CHAIRPERSON REED: Mr. Slade. What about Ms.
22 White, both or one?

23 MR. THOMAS: Mr. Slade. Do I understand that the
24 survey to determine the demand for parking was done within the
25 boundaries of the campus?

1 MR. SLADE: Yes.

2 MR. THOMAS: So that there was no survey done of
3 what, if any, use was made of off-campus parking by University
4 vehicles?

5 MR. SLADE: We did a survey off-campus, a separate
6 survey. Let me answer your question fully. We did a survey of
7 campus, University-controlled parking first or off-street parking
8 within the boundaries of the campus.

9 We did a survey and I'm looking to Ms. White -- go
10 ahead.

11 MS. WHITE: Okay, in addition to doing the survey
12 of parking facilities within the campus plan boundaries, we also
13 refer to the Parking Services Office to give us information about
14 occupancy at the Kennedy Center.

15 MR. THOMAS: All right, but was there a street
16 parking survey, for example, done of the Foggy Bottom area?

17 MS. WHITE: An on-street survey?

18 MR. THOMAS: Right.

19 MS. WHITE: Yes sir.

20 MR. THOMAS: What was the result of that? Did you
21 identify cars that were driven by students, faculty, staff of the
22 University?

23 MS. WHITE: What we specifically did was we went
24 into the neighborhood and we identified whether a vehicle had no
25 sticker at all, a University sticker, a Zone 2 sticker, a

1 University sticker, whether they were illegally parked and then we
2 identified the total number of occupied spaces and the total
3 number of unoccupied spaces.

4 MR. SLADE: I think one more point of
5 clarification. If a vehicle did not have a Ward sticker, a
6 residential sticker indicated that they resided in the Ward and
7 they did not have a specific University sticker, we couldn't
8 discern whether it was a student or someone who worked in an
9 office building nearby or someone who was visiting a resident for
10 that matter.

11 MR. THOMAS: I think as to the on-campus survey,
12 you determined that over 90 percent of the available spaces were
13 occupied at the times you surveyed, correct?

14 MS. WHITE: Yes.

15 MR. THOMAS: Would you agree with me that as an
16 expert in parking matters that that essentially is capacity, given
17 that people are moving around looking for spaces and so forth?

18 MR. SLADE: It is with the exception that given
19 that some of the facilities are parked with attendant assistants,
20 you can go to a much higher level of occupancy there so yes, 90
21 percent we would normally hold as a standard as Ms. White
22 testified earlier, but with the current attendant assistance,
23 going a little bit higher is within the bounds of acceptability.

24 MS. WHITE: And might I just add we were at 91
25 percent and then when you add the Kennedy Center into the equation

1 we were at 90 percent.

2 MR. THOMAS: And again, so that I'm not
3 misunderstanding the testimony, for on-street parking that's
4 essentially capacity?

5 MS. WHITE: On street or off street?

6 MR. THOMAS: On street.

7 MS. WHITE: On street?

8 MR. THOMAS: Yes, I mean curb side parking. If
9 you're counting --

10 MS. WHITE: Oh, we're talking about two different
11 things.

12 MR. THOMAS: All right

13 MS. WHITE: You want to know about on street
14 parking?

15 MR. THOMAS: Yes.

16 MS. WHITE: We don't design on-street parking.

17 MR. THOMAS: So your 90 percent capacity was
18 parking lots?

19 MS. WHITE: Yes sir.

20 MR. THOMAS: And as to parking lots then, 90
21 percent is or is not essentially capacity?

22 MS. WHITE: Between 85 percent and 95 percent, I've
23 read in manuals.

24 MR. THOMAS: All right. A lot of other interesting
25 things on traffic and parking, but I'm going to stop, thank you.

1 MS. WHITE: Thank you.

2 CHAIRPERSON REED: Okay, thank you. You're done
3 for right now, Mr. Thomas?

4 MR. THOMAS: I believe so. Let me just look.
5 There were things that the architects testified to, but I believe
6 I pretty much asked Mr. Barber about them so let's see if we can't
7 get the rest of the testimony.

8 CHAIRPERSON REED: All right, thank you. Ms.
9 Dwyer, call your next witness.

10 MS. DWYER: All right, we have two final witnesses.
11 We actually had listed four, but two of them are going to submit
12 for the record.

13 CHAIRPERSON REED: Okay.

14 MS. DWYER: The testimony of Mal Rivkin who was a
15 land planner who also dealt a lot with the improvements of the
16 University's transportation management program, his testimony is
17 going in the record. Emily Eig, the architectural historian, her
18 testimony is going in the record.

19 CHAIRPERSON REED: Okay.

20 MS. DWYER: So at this point I'd like to call Steve
21 Fuller and an outline of his testimony is at Tab 23.

22 Go ahead.

23 MR. FULLER: I was not sworn in. Should I be sworn
24 in?

25 MS. DWYER: Yes, you should be sworn in.

1 CHAIRPERSON REED: Is there anyone else here who
2 was not sworn who will be testifying today? If so, please come up
3 and be sworn at this time.

4 Are you all going to be sworn? You can just stand
5 wherever you are and just hold up your right hand and be sworn.

6 (The witnesses were sworn.)

7 MR. FULLER: I haven't testified yet. Can I do
8 that before you ask questions?

9 MS. SPILLINGER: I have a question of the chair.

10 Madam Chair, we have an expert witness that we
11 would like to have the opportunity to cross examine Mr. Fuller,
12 but he is unable to be here today. He will be here on the 24th.
13 Would it be possible from the transcript for him to do some cross
14 examination on the 24th in connection with Mr. Fuller's report?

15 CHAIRPERSON REED: Wait a minute, you have an
16 expert witness?

17 MS. SPILLINGER: I say witness, I say expert that
18 we would like to be able to cross examine Mr. Fuller and to make a
19 presentation on the 24th, but he could not be here today. Is that
20 possible that he could -- from the transcript --

21 CHAIRPERSON REED: Well, let me try to understand
22 what you're asking. You have someone who will be a part of your
23 presentation?

24 MS. SPILLINGER: Yes.

25 CHAIRPERSON REED: And that person for him to cross

1 examine Mr. Fuller would have to have party status, wouldn't he?

2 MS. SPILLINGER: Frankly, I don't know.

3 CHAIRPERSON REED: I think so.

4 MS. SPILLINGER: Because this is --

5 CHAIRPERSON REED: I think so. Board Members, is
6 that correct?

7 COMMISSIONER MITTEN: I think what Ms. Spillinger,
8 the core of what she's asking is she needs her expert's assistance
9 in guiding the questions, whether they articulate them personally
10 or whether they tell into Ms. Spillinger's ear what the questions
11 should be.

12 CHAIRPERSON REED: Okay.

13 COMMISSIONER MITTEN: Because only an outline has
14 been presented.

15 CHAIRPERSON REED: Right.

16 COMMISSIONER MITTEN: So far.

17 CHAIRPERSON REED: The witness that you're
18 referring to is not a party would not be able to cross examine Mr.
19 Fuller, however, what you are asking for, in essence, is an
20 opportunity for Mr. Fuller to be cross examined next week because
21 of the fact --

22 MS. SPILLINGER: Next month.

23 CHAIRPERSON REED: I mean next month because of the
24 fact that someone who is a part of your team is not here?

25 MS. SPILLINGER: Right.

1 CHAIRPERSON REED: And that person would have to
2 pose their questions through you or someone else, someone else who
3 is a party in this case. I have no problem with that. If that's
4 what you're asking.

5 MS. SPILLINGER: Thank you.

6 CHAIRPERSON REED: Are there any objections from
7 any other Board Member?

8 MEMBER RENSHAW: I am not clear whether Dr. Fuller
9 is going to be back with us next month.

10 Yes, he will?

11 DR. FULLER: This is so much fun how could I not
12 want to be here.

13 MEMBER RENSHAW: Thank you for your enthusiasm.

14 MS. DWYER: Ms. Renshaw, I think all of the
15 witnesses are going to have to be back because we're not going to
16 complete cross examination today.

17 CHAIRPERSON REED: Right. The only person who is
18 crossing today is, questioning today is Mr. Thomas.

19 MS. DWYER: We'll be back.

20 DR. FULLER: Good afternoon. I was going to say
21 good morning, but good afternoon. My name is Stephen Fuller. I'm
22 Professor of Public Policy at the other George, George Mason
23 University. I have recently undertaken and completed an economic
24 impact study for George Washington University, its impact on the
25 District of Columbia and the metropolitan region and I just want

1 to summarize the key points from that to save time. The full
2 report has been made available to you.

3 As you know, George Washington University is the
4 largest private employer in the District of Columbia. It
5 contributes \$423 million annually to the city economy. George
6 Washington University, along with the other universities in the
7 District are very important core drivers of the District economy
8 and are important to its health. The spending of the University,
9 the spending opportunities the University represents for local
10 businesses, the magnitude of its students' and visitors' spending
11 and the capital construction all have a very important impact on
12 the health of the University. University spending also generates
13 significant local tax revenues for the District.

14 Very quickly in summation or in summary of these
15 impacts, G.W. University presently has or when I did my study,
16 6,210 full-time and part-time employees. Eighty-two percent of
17 these lived in the Washington area, in the metro area. Twenty-two
18 percent lived in the District of Columbia, that's 1,360 employees
19 of the University. It also has almost 4200 student jobs of which
20 51 percent of these students working at the University live in the
21 District of Columbia.

22 The University payroll totaled \$285 million last
23 year. \$59 million of that was received by District residents.
24 G.W. procurement outlays totaled \$431 million last year. 6,266
25 District vendors received payments totally \$84 million from the

1 University.

2 Student spending has an enormous impact on the
3 District and the region. Last year, G.W. students spent \$115
4 million on food, retail goods, entertainment and other services,
5 not utilities, not telephones, not rent, just daily expenses. The
6 District of Columbia captured 75 percent of these sales. So as a
7 footnote, in effect, the more students that live in the District,
8 the more the District benefits economically from this spending.

9 I did the same study back in 1993 and the District
10 actually capturing a larger share of benefits now than it did six
11 years ago.

12 Students not residing in G.W. dorms, G.W. students
13 not residing in G.W. dorms are an important source of income to
14 the city's real estate investors. Last year, real estate
15 community in the District received almost \$17 million in student
16 paid rents.

17 The total impact of G.W. spending, that is the
18 spending of the University, its students, visitors and retirees,
19 alumni, anybody that comes back to the University, but excluding
20 the hospital, just the University, totalled \$1 billion in 1999.
21 \$330 million of that was captured by the District, District
22 businesses, District employees. This spending generates
23 additional jobs. In the District, this added spending supported
24 1542 other full-time equivalent workers in the District with a
25 payroll of \$47 million.

1 District residents working for the University
2 District business generated by the University, student spending
3 and spending by visitors generates taxes. In 1999, retail sales
4 taxes, restaurant taxes and personal income taxes paid to the
5 District totalled just under \$22 million.

6 Capital spending by the University for
7 construction, there's \$200 million worth of construction either
8 underway, finished last year or proposed over the next five years.

9 This will support 942 jobs, not just construction jobs, but jobs
10 in the District benefitting from and relating to this work, with a
11 payroll of \$31 million, also some tax implications there.

12 So in summary, the city receives either directly or
13 indirectly \$423 million every year from the University's presence.

14 It's a major factor in the health of the city. It's presence
15 attracts and supports unmeasured economic activity in the
16 surrounding area, supports higher, a higher tax base within the
17 surrounding area and in effect is one of the District's principal
18 sources of its competitive advantage within this region for
19 business development.

20 I'll stop at that point. Thank you.

21 CHAIRPERSON REED: Thank you, Mr. Fuller. Mr.
22 Fuller will return on the 24th, Ms. Tyler.

23 MS. DWYER: Are we going to be allowed to complete
24 our presentation or are you taking cross examination now by --

25 CHAIRPERSON REED: Well, Mr. Thomas wanted to ask a

1 few questions before he left, so I was going to allow him to do
2 that and then Mr. -- oh gee, Mr. Sher will be the last witness,
3 right? Okay.

4 MR. THOMAS: Thank you, Madam Chair. Dr. Fuller,
5 my understanding is what you look for were the positive impacts,
6 the positive economic impacts of the University, is that correct?

7 DR. FULLER: I tracked the contributions of
8 monetary flows from the University and its related activities into
9 the community, yes.

10 MR. THOMAS: So that there was no effort to gather
11 information about any negative impacts or any opportunity costs
12 that the operations of the University represented?

13 DR. FULLER: I only counted real money.

14 MR. THOMAS: Lost money, wouldn't you agree, is
15 also real money, Doctor?

16 DR. FULLER: You can't measure it because we don't
17 know where it is.

18 MR. THOMAS: All right. Did you gather any
19 information about the values of properties owned by the
20 University, but removed from the tax base?

21 DR. FULLER: No, I was looking at economic impact
22 and not fiscal impact.

23 MR. THOMAS: So that's a useful distinction to
24 make. So if there are negative impacts on the District of
25 Columbia in terms of tax revenues, that is excluded because that

1 has to do with a fiscal analysis and not the kind of analysis you
2 were doing, is that right?

3 DR. FULLER: I was looking at the contribution of
4 the University to the gross city product of the District of
5 Columbia and the region, since the value of the economic activity
6 and not the taxes generated. I did suggest that there were some
7 tax revenues that could be easily identified, but I didn't attempt
8 to be exhaustive about that.

9 MR. THOMAS: All right, so for example, you're
10 aware that there was a Howard Johnson Hotel on Virginia Avenue
11 across from the Watergate?

12 DR. FULLER: Yes, but I didn't testify about it.

13 MR. THOMAS: No, I understand, but I'm testing what
14 it is that you looked at and did not look at.

15 You did not look at any economic impacts or fiscal
16 impacts that related to moving that from private hotel status to
17 educational institution dormitory?

18 DR. FULLER: No, I looked at what was spent and
19 where that money went, whether it was in the District or leaked
20 out to the suburbs or somewhere else beyond the District.

21 MR. THOMAS: You did include an economic impact
22 estimate for student spending?

23 DR. FULLER: I did, right.

24 MR. THOMAS: You did not look at, I take it, the
25 impact on spending by business, visitors and tourist visitors who

1 would have stayed at the Howard Johnson Hotel, for example, and
2 then could not because it was a dormitory?

3 DR. FULLER: I did not, but we have a 73 percent
4 occupancy rate in our hotels in the District so any persons not
5 able to stay in the Howard Johnson's could find housing somewhere
6 else in the District, so I would argue we didn't lose that
7 spending.

8 MR. THOMAS: I see, and so do you have a factual
9 basis for asserting that those hotel guests would go to the Four
10 Seasons as opposed to going to a hotel or motel in Roslyn?

11 DR. FULLER: No, but you don't have any factual
12 basis either for suggesting that they didn't go to some other
13 hotel within the Washington area. I mean if they would have
14 stayed in that hotel originally, they were in the District for a
15 reason, I presume. The reason didn't change and so there's
16 alternative hotel space.

17 MR. THOMAS: And so any losses as far as you're
18 concerned are unmeasurable and didn't take any part of your
19 analysis?

20 DR. FULLER: I wasn't asked to evaluate that
21 building. I do look at the fiscal and economic impacts of hotels.
22 I may be here tomorrow night testifying on a similar, on another
23 project like that. We could that if -- you could have it done.

24 MR. THOMAS: All right. Did you give any
25 consideration to the cost of services borne by District taxpayers

1 for public services rendered to the University, fire, police,
2 streets?

3 DR. FULLER: If I had been doing a fiscal impact
4 study which I do for facilities like universities, I would have
5 looked at all of the expenses that the university generates on the
6 city and all of the benefits the city receives from the presence
7 of the university, but that was not what I was testifying on.

8 MR. THOMAS: All right. When you look at the
9 various economic impacts that you did measure and we could look at
10 individual ones, but they tend to be in the range of 20 or a
11 little more percent impact in the District and the remainder in
12 other jurisdictions, am I reading your report correctly?

13 DR. FULLER: Well, students spending 75 percent of
14 the \$115 million in student spending was captured by District
15 businesses, so you missed that one.

16 MR. THOMAS: Okay, I missed that one.

17 DR. FULLER: In terms of payroll, the range is
18 generally from 20 to 30 percent of the benefits, yes.

19 MR. THOMAS: And so the economic impacts which you
20 have measured flow in majority measure to Northern Virginia and to
21 Maryland, is that correct?

22 DR. FULLER: With the exception of procurement
23 which actually flows to Ohio and New York and Pennsylvania. Yes,
24 there's 4.7 million living in the Washington metropolitan area and
25 550,000 live in the District, so the percentages, the percentage

1 distribution between the District and the suburbs is actually more
2 favorable with respect to G.W.'s economic benefits than it is for
3 other measures of the regional economy.

4 MR. THOMAS: Well, for example, if you have a
5 professional working for George Washington and he lives in the
6 suburbs, George Washington, I mean obviously the fiscal impact on
7 the District in part is that you don't tax his income, but if that
8 were a law firm, you would tax his business in the District, isn't
9 that right?

10 DR. FULLER: There would be some aspects of his
11 business that would be taxable.

12 MR. THOMAS: So if you're displacing professional
13 offices --

14 DR. FULLER: I didn't testify that we were
15 displacing any professional offices, so if you're testifying, I
16 think you should wait for that.

17 MR. THOMAS: Is it fair to say that the majority of
18 the positive economic impacts flow to other jurisdictions and a
19 majority of the fiscal impacts are in the District of Columbia?

20 DR. FULLER: I didn't do a fiscal impact study so I
21 can't respond to that. In terms of economic activities, this is a
22 free market economy. The benefits flow wherever they can flow and
23 want to. You can't sit here and the Board can't specify that
24 these economic benefits flow to the District. In fact, the
25 District share of these benefits has increased since 1993, since

1 the study I did then and particularly in terms of student spending
2 and in terms of payroll benefits.

3 MR. THOMAS: But again, you're not looking at any
4 case except the one presented. So if -- in other words, the facts
5 on the ground is the actual flows and so you cannot opine on
6 whether, for example, the Foggy Bottom area is either economically
7 or fiscally better off for having undergraduate students living
8 there to the extent they do as opposed to people who are employed
9 and pay taxes in the District?

10 DR. FULLER: Well, I was an employee at G.W. for 25
11 years and I remember when I couldn't find a place to buy a
12 sandwich in Foggy Bottom and the retail sector there has
13 benefitted dramatically. It's changed dramatically over the last
14 33 years. If you've been around that long you would have to
15 agree.

16 MR. THOMAS: I move to strike that as
17 nonresponsive, Doctor. But I don't think I'm going to get a
18 better answer with another question, so I will stop.

19 CHAIRPERSON REED: Thank you. Thank you, Dr.
20 Fuller.

21 Ms. Tyler, you have a question or something?

22 MS. TYLER: I have a question.

23 CHAIRPERSON REED: No, Mr. Thomas is -- Ms. Tyler,
24 Ms. Tyler, not today, but you will have an opportunity to question
25 him, but not today.

1 MS. TYLER: On the 24th.

2 CHAIRPERSON REED: Exactly.

3 MS. TYLER: Thank you very much.

4 CHAIRPERSON REED: Remember?

5 MS. TYLER: Thank you, Madam Chair.

6 CHAIRPERSON REED: I understand, thank you very
7 much.

8 Ms. Dwyer, your last witness.

9 MS. DWYER: Our last witness is Mr. Sher and then
10 as I indicated at the very end there are some students here who
11 will not be back on the 24th.

12 CHAIRPERSON REED: Right, right, sure.

13 MR. SHER: Madam Chair, Members of the Board, for
14 the record, my name is Stephen E. Sher. I'm the Director of
15 Zoning Services with the law firm of Wilkes, Artis, Chartered.
16 You have, I believe, been given a copy of the outline of what I
17 would have said if I had 20 minutes or so to say it. I'm not
18 going to go through it in its entirety as is my usual custom. I
19 think you know about where the campus is. You know what the
20 surrounding neighborhood is. You know what the zoning of the
21 campus is. It's R-5-D,
22 R-5-E, SP-2 and C-3-C. You know that in the zoning regulations
23 there are some special provisions that relate to colleges and
24 universities. The two of most particular import are that the
25 overall FAR for R-5-D and R-5-E zones is limited to 3.5 FAR,

1 rather than 6 as permitted in R-5-E and that off-street parking is
2 to be provided in accordance with the campus plan, if there is a
3 plan approved by the BZA. So that's the regulatory framework of
4 what is applicable to this campus plan.

5 On pages 4 and 5, basically, I have described the
6 standards of the regulations as to the special exception for
7 college or university use. Because this campus is split between
8 residential zones and special purpose zones, you've got two
9 different special exceptions, but the standards are essentially
10 the same. The University has to present a campus plan to the
11 Board and the Board has to find that that use is located so that
12 it's not likely to ever become objectionable because of noise,
13 traffic, number of students or other conditions. That's 210.2 and
14 507.7. So the standard is essentially the same for both the S-P
15 and R-5 Districts.

16 Those special exception provisions, of course, are
17 not applicable to uses that are otherwise permitted as a matter of
18 right outside the campus boundary and I'm not going to go into
19 that at all because we've done that before in other cases.

20 As the Board has been made aware, there have been
21 previously approved campus plans for the University, a 1970 plan
22 approved by Board Order No. 10403; the 1985 plan, approved by
23 Order No. 14455; the major features of that approved plan of the
24 1985 plan and I'm now on the top of page 7, that was pretty quick
25 actually, the maximum of 20,000 students, range of parking spaces

1 between 2700 and 3000 and new construction of approximately 1.4
2 million square feet of gross floor area in educational,
3 residential support and medical categories.

4 On pages 7 and 8 I have looked at the numbers and
5 statistics from the 1985 plan and compared that in terms of
6 students, faculty, staff to the proposed plan. I'd like to draw
7 your attention for a moment to the density analysis on page 8,
8 number 5, in terms of floor area ratio and again you can read the
9 numbers. I don't need to read them out loud, but in terms of what
10 is permitted under the regulations, again, the 3.5 FAR applicable
11 to the residential zones, if the Board approves everything that is
12 proposed here and that, of course, entails further processing for
13 each individual case, we would wind up with a total of about 4.7
14 million square feet or 3.47 FAR. So we are not exceeding the 3.5
15 FAR. If you took all the properties and all the zones, not just
16 the residential zones, then you are at about 6 million square
17 feet. That's an overall FAR of 3.82. It's higher, of course,
18 because the commercial zone permits 6.5 FAR and so when you
19 average the whole thing out, you're at 3.82 FAR. That is a --
20 call it a medium to medium high density zone. It steps down from
21 the FARs permitted in the central business district to the north
22 and east where you're at 8.5 or 10 FAR, down to the R-5-E and R-5-
23 B districts which permit respectfully 6 and 1.8 FAR, so you've got
24 to kind of got that density transition going from north and east
25 to south and west.

1 In terms of consistency with the comprehensive
2 plan, Exhibit 26 of the pre-hearing statement is an excerpt from
3 the generalized land use map and it shows that the campus is
4 predominantly designated for institutional use and of course
5 institutional use as defined in the comp. plan includes plan of
6 facilities occupied by colleges and universities.

7 On pages 9, 10 and 11, I have quoted for you
8 excerpts from the Ward 2 plan element in terms of kind of anything
9 that remotely mentions G.W. or seems to have some bearing on the
10 campus plan.

11 A lot of what the Ward 2 element has to say about
12 the campus plan, and particularly, if you look at the land use
13 section on pages 10 and 11, talk about housing and the loss of
14 housing stock and the impact that the campus plan should have or
15 could have or has had on housing in the area. And in order to
16 demonstrate some sensitivity on the part of the University on page
17 11 and the top of page 12, I've described and attempted to
18 summarize some of what you've heard from other witnesses before,
19 some of what you would have heard from Mr. Rivkin if he heard from
20 him in terms of what University housing initiatives have occurred
21 on the campus in terms of the number of beds that have been added
22 and the summary of that is that the University has already added
23 1400 beds over that number which was provided for at the time of
24 the 1985 plan and is proposing to add a little bit less than 1300
25 additional beds in the future and you heard a description in their

1 outline there as well. That number of beds increases by almost 30
2 percent over the existing number whereas the amount of other than
3 residential square footage which is proposed in the plan, i.e.,
4 academic and support and medical and so forth, increases by less
5 than 20 percent. So I think what it shows in my mind is that the
6 University has made, I don't want to call it a disproportionate, I
7 just want to say a larger percentage -- let me try and state that
8 a little differently. Plans to make a larger percentage devotion
9 of its future resources to increasing the number of beds or
10 devoting it to residential, than it is to the other square footage
11 that is proposed to be built on the campus.

12 I will just add a footnote to that, that excluded
13 the development in the commercial zones which is under the
14 investment frontage which is a different calculation in its
15 entirety.

16 My conclusions are that the plan meets the
17 requirements of the underlying zones in the zoning regulations,
18 that it's not a substantial deviation from the context of the
19 currently approved plan and that the plan as proposed before you
20 is not inconsistent with the comprehensive plan.

21 In a few minutes that sort of summarizes where I
22 went.

23 CHAIRPERSON REED: Thank you very much. that then
24 --

25 MS. DWYER: That concludes our direct case and by

1 your clock, we've done it in an hour and about 15 minutes.

2 CHAIRPERSON REED: That's great.

3 MS. DWYER: For whatever it's worth.

4 CHAIRPERSON REED: Yes.

5 MR. MANDELBAUM: I have a procedural question. I
6 know that the University has asked for students to testify and
7 they will not be back on the 24th, is that correct?

8 MS. DWYER: That's correct because school will not
9 be in session, so they wanted to testify.

10 MR. MANDELBAUM: Will we have an opportunity to
11 cross examine? Will there be time today to do that?

12 MS. DWYER: You may cross examine them today.

13 CHAIRPERSON REED: They have three minutes apiece.
14 How many students do you have?

15 MS. DWYER: I believe there are four students.

16 CHAIRPERSON REED: So we can quickly have them
17 testify and if you think you may have questions I think we'll have
18 the time because we're going to try to wrap it by 6 o'clock.

19 Mr. Hart, do you want to call them up?

20 MR. MANDELBAUM: I have one other quick question.
21 The University continues to give us additional revised exhibits.
22 Are there any other exhibits that they have? Because that's been
23 going on throughout, I guess, the last couple of hours. So are
24 there any exhibits that the Board has that the parties do not have
25 copies of?

1 MS. DWYER: No. We've given copies to you and when
2 we file the additional materials that the Board requested, the
3 power points, we will give you copies as well.

4 MR. MANDELBAUM: Okay, so you're holding nothing
5 now that we don't have?

6 MS. DWYER: Nothing now.

7 MR. MANDELBAUM: Okay, thank you.

8 (Pause.)

9 CHAIRPERSON REED: Please come up. Everyone has
10 been sworn now, correct? All right, each of you give your name.
11 Hello? Come up and give your name and your address and each
12 person has approximately 3 minutes to testify and please do not be
13 repetitive or redundant.

14 Who wants to start? Please turn your mikes off
15 while the other person is speaking and then -- okay, thank you.

16 MR. STONE: Good afternoon, Madam Chair, Members of
17 the Board, my name is Andrew Stone. I am a freshman at the George
18 Washington University and I live in Thurston Hall which is located
19 on the eastern edge of campus.

20 As a G.W. student I can understand the University's
21 need to expand and grow in order to become a world-class
22 institution of higher learning. Furthermore, in an economic
23 market that could easily turn bottoms up. G.W. must take every
24 step possible to maintain financial stability.

25 Preserving the adequacy of facilities already in

1 place, and in fact, increasing in available space is necessary for
2 the continued viability of the school. Yet, as someone who has
3 spent a significant amount of time with the community, I can
4 sympathize with its concerns that the University is growing too
5 quickly. It is worried that G.W. will expand to the point where
6 none of the charm and appeal that define Foggy Bottom will remain.

7
8 However, the loss of the distinct and special
9 enclave in which the University is located would not only be
10 detrimental to its residents, but also to the school. After all,
11 part of G.W.'s appeal is its residential, yet urban setting.
12 Thus, the reason that I am here testifying today is because I
13 believe that the proposed George Washington University campus plan
14 for the Years 2000 to 2010 strikes a balance between two equally,
15 yet important groups. I support the campus plan, BZA Order No.
16 16553, because it is practical, realistic and sensitive to
17 concerns on both sides. I urge you Members of the Board to echo
18 my sentiments in offering your support of the G.W. campus plan.
19 Thank you.

20 CHAIRPERSON REED: Thank you very much.

21 (Pause.)

22 MR. BLACKFORD: My name is Joseph Blackford. I am
23 a doctoral student in the School of Engineering and Applied
24 Science at G.W. I've actually been a student at G.W. since 1991,
25 having received my bachelor's and master's degrees also from the

1 University and have grown up in the District of Columbia.

2 I think coming from a grad student perspective on
3 the campus plan, I think the campus plan really states a lot of
4 the issues I think are important to the graduate student
5 community. I am serving on the Dean Search Committee for our
6 School of Engineering and one of the big issues that the
7 candidates, as well as the students in the school have raised is
8 the need for more space and more facilities on campus. I think
9 the campus plan provides a framework for providing that extra
10 space, as well as the resident space and as a graduate student on
11 campus it's hard to find a place to live in the Foggy Bottom area
12 and I think G.W. is solving some of that constraint by providing
13 extra resident halls and is really making the campus feel more
14 like a campus than just a place in the city.

15 Over the past decade I certainly have seen a lot of
16 changes and improvements. I think this campus plan that is being
17 proposed is really expanding and continuing those changes and
18 improvements in the campus and really is going to allow G.W. to
19 become the first class institution that I think as a student and
20 an alumni of the University that I want to see it grow into, as
21 well as I think members and people in the Foggy Bottom and the
22 District of Columbia would like to see G.W. become more of a first
23 class institution in the District so that it could only bring more
24 pride and more mention to the District of Columbia having a first
25 rate educational institution.

1 I also really support the campus plan because the
2 University has made a concerted effort to outreach to all of the
3 stakeholders in the campus plan. They have outreached to the
4 community, to the students and the different student
5 organizations. I am Chairman, pro tempore of our Student
6 Government Senate and we did pass a resolution in support of the
7 campus plan with a number, with some conditions that I'm assuming
8 you have received from the University.

9 That, we really reached out to the members of the
10 neighborhood. We had members who are the Advisory Neighborhood
11 Commission, we had Ellie Becker, President of Foggy Bottom
12 Association, other members of the neighborhood at our meeting
13 where we discussed that and I think we have made a concerted
14 effort as the Student Senate and I know the University has made
15 really a large effort to reach out to make sure that everyone's
16 opinions have been involved there, presented to the campus plan,
17 to the students, the staff and the faculty of the University and
18 have really made an effort to make sure that everybody is in
19 agreement with the campus plan.

20 I think the campus plan really does lay the
21 groundwork to expand the University within the confines of the
22 community. I don't think anybody at G.W. wants to take over Foggy
23 Bottom. I know G.W. has the reputation of being the monster that
24 ate Foggy Bottom, but I don't think that is the case, that this
25 campus plan balances both growth and protection of the University

1 community and I would urge you, the Members of the BZA to support
2 this campus plan.

3 Thank you very much.

4 CHAIRPERSON REED: Thank you.

5 (Pause.)

6 MR. ELIAS: Good evening. Is my mike okay, volume-
7 wise?

8 CHAIRPERSON REED: Speak directly into your mike,
9 please.

10 MR. ELIAS: Is that a little bit better? Good
11 afternoon. My name is Alan Scott Elias and I'm the President of
12 the Residents Hall Association of the George Washington
13 University.

14 The Residents Hall Association represents the
15 students who live on the George Washington University campuses.
16 In total, that is 23 buildings and about 5,000 students. Our
17 general body consists of about 70 residents and our weekly
18 meetings serve as a forum for issues to be discussed and plans of
19 action to be taken.

20 I am here today to announce that the Residents Hall
21 Association supports the campus plan put forward by the
22 University. The Residents Hall Association represents a major
23 portion of the Foggy Bottom community. Annually, we raise a total
24 of \$40,000 through programming for housing scholarships. We work
25 diligently with Administrators to improve campus life and the

1 students' living environment. Our role is one of dual advocacy.
2 We communicate what the students want in their community and how
3 they feel it can be changed for the better. We also communicate
4 to the students the Administration's philosophies about where they
5 want the University to be five and ten years from now and how
6 students can take an active role in that development.

7 We believe that a student's home is as important as
8 the classes they take and the friends and organizations they
9 become involved with. The Residents Hall Association also takes
10 an active role in the Foggy Bottom community with our weekly
11 grocery service. Every Saturday, members of our organization get
12 groceries for the residents of St. Mary's Court who are not
13 capable of carrying heavy packages. We are also responsible for
14 helping to facilitate the yearly housing lottery and helping
15 students adjust to their first year in college.

16 Each year we attend a regional conference and soon
17 a national conference that discusses the state of university
18 housing and communities around the nation. These conferences are
19 designed to help build leadership skills, share ideas and link the
20 nation's collegiate population together.

21 I believe that in creating this plan, the
22 University has combined what is in the best interests of the
23 students, faculty, administrators and the Foggy Bottom community.

24 The University is dedicated to educating its students as well as
25 the surrounding community. It is a haven for the arts, for

1 culture, intellectuals, athletes and activists. The University
2 represents the hard work of many dedicated people who learn from
3 the past and build for the future.

4 The current student body represents the heart and
5 soul of my generation. We are a group of individuals who are
6 dedicated to the ideals and the honor that can be cherished in the
7 life of public service. Our students are preparing themselves as
8 doctors, teachers, engineerings, scientists, nurses, lawyers,
9 public health officials, lobbyists, businessmen and foreign
10 service officers that contribute part of their talents and the
11 benefits of their education to society as a whole.

12 I come here today because I have pride in the
13 George Washington University and I have faith int eh community
14 that we are trying to create. I believe that the University's
15 focus is not on extending its boundaries. We are making an
16 attempt rather, to bring people back to the worth of community,
17 the worth of individual effort and responsibility and of
18 individuals working together as a community to better their lives
19 and their futures.

20 Thank you very much and I hope you support the
21 plan.

22 CHAIRPERSON REED: Thank you.

23 MR. ROTHSTEIN: Good evening and thank you for
24 hearing my testimony. My name is Josh Rothstein. I live at 2601
25 Virginia Avenue which is now the Hall on Virginia Avenue. I am

1 currently a freshman at the George Washington University and a
2 freshman Senator in the Student Association.

3 I am active student within the University and I
4 currently reside in the Hall on Virginia Avenue, formerly known as
5 the Howard Johnson's Hotel. I believe that along with my fellow
6 classmates, have been made valiant efforts to be productive
7 citizens of the District and good neighbors within Foggy Bottom.
8 I consider myself to be a resident of Foggy Bottom and I believe
9 that the G.W. campus plan benefits me as a student and a resident.

10 There were a handful of community members who
11 oppose the Hall on Virginia Avenue being built. In reality, my
12 fellow students do more for the community than any transient hotel
13 guest could. We participate in the Foggy Bottom Campus Cleanup.
14 We do countless hours at Martha's Kitchen. And even in February,
15 Bob Dole came to G.W. and I had a chance to speak to him after his
16 speech. He told me that we're the best neighbors he's ever had.

17 I strongly support Historic Foggy Bottom and I
18 believe that the University does as well. I was drawn to G.W. in
19 part because of the richness of our community. I appreciate the
20 opportunity to speak to you in support of G.W.'s campus plan
21 proposal. It is sensible, reasonable and will benefit all of us.

22 Thank you.

23 CHAIRPERSON REED: Thank you very much. All right.

24 (Pause.)

25 Was there any cross examination of these witnesses?

1 Okay.

2 MR. MANDELBAUM: I'll start with Mr. Rothstein on
3 the end. You said you considered yourself to be a resident of the
4 Foggy Bottom community, is that correct?

5 MR. ROTHSTEIN: Yes.

6 MR. MANDELBAUM: Are you a registered voter in the
7 District of Columbia?

8 MR. ROTHSTEIN: No.

9 MR. MANDELBAUM: Okay. You also mentioned that you
10 considered the plan to be sensible and reasonable. What do you
11 consider -- what aspects of the plan do you consider to be
12 sensible and reasonable to the community?

13 MR. ROTHSTEIN: I think the University, I sat at --
14 as you were there, at the SA Senate Meeting where we discussed
15 this with you and other members of the community and we discussed
16 how the plan builds academic buildings, builds housing and
17 addresses the concerns of the community. We're not taking over
18 Columbia Plaza as I heard somebody say when I was in the audience.

19 The students are productive and we're giving back
20 to the community and as far as specifics of the campus plan, I
21 really can't answer.

22 MR. MANDELBAUM: Okay, so you can't relate to any
23 specifics of the plan. What's what you said, correct?

24 MR. ROTHSTEIN: Yes.

25 MR. MANDELBAUM: For Mr. Elias, you mentioned you

1 are President of the Residence Hall Association. Is that correct?

2 MR. ELIAS: That is correct.

3 MR. MANDELBAUM: You mentioned that there were 23
4 buildings that the Residence Hall Association represents. How
5 many of those are on the Foggy Bottom campus?

6 MR. ELIAS: That would be 18 buildings.

7 MR. MANDELBAUM: And you mentioned that there were
8 about 5,000 students that you represent, but how many of those are
9 on the Foggy Bottom campus?

10 MR. ELIAS: I would say -- I do not have an exact
11 number off the top of my head, but I believe there are over 4,000
12 on the Foggy Bottom campus.

13 MR. MANDELBAUM: Over 4,000. And what percentage
14 of the undergraduate students would you say that makes up?

15 MR. ELIAS: Approximately a little bit over two
16 thirds.

17 MR. MANDELBAUM: Over two thirds?

18 MR. ELIAS: Yes.

19 MR. MANDELBAUM: Are you aware that there are 6800
20 full-time undergraduates?

21 MR. ELIAS: I do not have direct numbers off the
22 top of my head, so I wouldn't be able to answer that.

23 MR. MANDELBAUM: Now you mentioned the Residence
24 Hall Association supported the campus plan, is that correct?

25 MR. ELIAS: Yes.

1 MR. MANDELBAUM: Were there any conditions that
2 they imposed on it?

3 MR. ELIAS: There were conditions. I assume that
4 the Board has gotten those conditions that were presented. I do
5 not have them with me.

6 MR. MANDELBAUM: Was that submitted? Have you
7 submitted that to the Board?

8 MR. ELIAS: Yes, it was submitted. It was
9 submitted through the proper channels.

10 MR. MANDELBAUM: The parties haven't received a
11 copy of that.

12 CHAIRPERSON REED: A copy of -- what are you
13 asking?

14 MR. MANDELBAUM: Apparently, the Residence Hall
15 Association supported the campus plan but imposed, had some
16 specific conditions on it and we don't have a copy of that.

17 MR. ELIAS: I can get that to you later.

18 CHAIRPERSON REED: I don't think that it has come
19 to us yet.

20 MR. MANDELBAUM: Can you tell us what some of those
21 conditions were?

22 MR. ELIAS: I don't have the exact numbers, but the
23 conditions dealt with making sure that when the University added
24 new buildings that they provided adequate residence halls on the
25 campus or within one block of the University campus boundaries set

1 forth by the BZA.

2 MR. MANDELBAUM: Do you remember if there was a
3 requirement to add additional beds or asking them to add
4 additional beds to the campus boundaries and how many that may
5 have been?

6 MR. ELIAS: I don't remember the exact number, but
7 there was a stipulation that the University specifically build
8 more beds within the campus boundary set forth by the BZA, that is
9 within the boundaries.

10 MR. MANDELBAUM: Can you give an approximate number
11 of what it may have been?

12 MR. ELIAS: I believe it was a thousand beds.

13 MR. MANDELBAUM: Are you aware of how many
14 additional beds the University plans to place within the campus
15 boundaries?

16 MR. ELIAS: No, I'm not, I have not seen any
17 updated materials.

18 MR. MANDELBAUM: Are you aware that it's much lower
19 than that 1,000, 425?

20 MR. ELIAS: I am not aware of this. I've not seen
21 this information.

22 MR. MANDELBAUM: For Mr. Blackford, you mentioned
23 that the Student Association and -- the Student Association
24 meeting that community representatives were there and that those
25 were placed, I guess, in your support of the plan, correct?

1 MR. BLACKFORD: I'm not sure what you're trying to
2 ask with that question.

3 MR. MANDELBAUM: Let me change that. Did the
4 Student Government take a position on the campus plan?

5 MR. BLACKFORD: Yes, they passed a resolution in
6 support of the campus plan.

7 MR. MANDELBAUM: Were there any conditions on that?

8 MR. BLACKFORD: There were conditions. I don't
9 know if the Board has received them yet, but if you have not
10 received them yet, I will ensure that the Board receives a copy of
11 the resolution with the conditions and I don't remember the exact
12 wording of the conditions. I know you were present at the
13 meeting, so you probably might have a better idea than I do, but I
14 know two of the main ones were that the growth in student
15 involvement is commensurate with the increase in number of
16 facilities so that obviously the University would not increase the
17 freshmen enrollment or the enrollment overall without having the
18 additional facilities in place to handle that enrollment and also
19 to put in place a process for dialogue with the community and
20 other stakeholders for future acquisitions with the University's
21 planning.

22 I believe there was a third condition which I don't
23 recall offhand, but I will get that to the Board.

24 MR. MANDELBAUM: Okay, great, thank you. And for
25 Mr. Stone, do I have that right, your last name, Stone?

1 MR. STONE: Yes.

2 MR. MANDELBAUM: You mentioned that you're looking
3 for the University to become a first class institution, correct?

4 MR. STONE: I mentioned it as well. It's a common
5 thing.

6 MR. MANDELBAUM: I guess this question, would you
7 consider the University's increase in enrollment and an increase
8 in space necessarily a direct resultant would be the addition of a
9 first class institution or make the institution better?

10 MR. STONE: I think the increase in facilities and
11 increase in number of students can certainly contribute to making
12 the University a world class institution of higher learning.

13 MR. MANDELBAUM: My question is why would an
14 increase in enrollments or an increase in facility space make it
15 better?

16 MR. STONE: Certainly an increase in facility space
17 and an update of the facilities on campus that exist although
18 would certainly directly contribute to a better reputation for the
19 University.

20 MR. MANDELBAUM: And how would that directly
21 benefit the students?

22 MR. STONE: How would adding additional facilities
23 on campus directly benefit the students?

24 MR. MANDELBAUM: Yes. You don't have enough
25 already or if the classes are overcrowded, how would that directly

1 --

2 MR. STONE: Because absolutely an update of the
3 facilities that exist on campus, for example, the building of the
4 new School of Media and Public Affairs that's in progress right
5 now will direct benefit, SMP majors like myself.

6 MR. MANDELBAUM: Why would that space benefit you
7 than another space on campus?

8 MR. STONE: I'm sorry, I don't understand the
9 question.

10 MR. MANDELBAUM: Why would that particular building
11 benefit you than say another building on another site on campus
12 that has the same academic space?

13 MR. STONE: Are you asking me why the new SMP
14 building would benefit me more than another --

15 MR. MANDELBAUM: Than another academic building?

16 MR. STONE: Because that's my major, that's the
17 building I would use most often.

18 (Laughter.)

19 I'm sorry, I don't understand your question. I
20 think that an increase in facilities contributes to a better
21 reputation for the University overall.

22 MR. MANDELBAUM: Okay. I have no further
23 questions.

24 Oh, one other quick thing, the University asked for
25 Ms. Miller to give written response or written authorization to

1 speak on behalf of the Columbia Plaza Tenants Association. I
2 would ask for written authorization for these students for the
3 organizations they represent.

4 CHAIRPERSON REED: These gentlemen did not proffer
5 to us that they were here to represent organizations. My
6 understanding was they were representing themselves.

7 MR. MANDELBAUM: Okay, so they're not representing
8 the organization that they said they were, just as individuals?

9 CHAIRPERSON REED: Not that I know of. Were you
10 representing your organizations or yourselves?

11 MR. BLACKFORD: Ourselves, I was stating a position
12 of the --

13 CHAIRPERSON REED: They did not state that they
14 were representing any organization. Thank you very much.

15 All right. Excuse me one second. Come up. Did
16 you wish to ask --

17 MS. MADDUX: Quick question.

18 CHAIRPERSON REED: All right, does anyone else have
19 any questions of these witnesses?

20 Okay.

21 MS. MADDUX: Mr. Stone, is that the -- okay, I
22 wrote down the wrong thing. You testified that G.W. needs to grow
23 in this economic market. What is the basis of your analysis for
24 that, personally?

25 MR. STONE: I'm sorry, could you clarify your

1 question.

2 MS. MADDUX: Your statement was that G.W. needs to
3 grow in this economic market.

4 MR. STONE: In an economic upturn it makes sense to
5 grow, yes.

6 MS. MADDUX: And what is your personal basis for
7 that analysis?

8 MR. STONE: Analyzing the campus plan and other
9 documents that I've seen.

10 MS. MADDUX: And it's based on your academic course
11 in?

12 MR. STONE: I don't know that it's based on
13 academic courses. It's based on general knowledge. It's based on
14 the information that I've seen. It's based on the campus plan.
15 It's also based on the --

16 MS. MADDUX: Well, I was looking for your framework
17 for you to come to an analysis rather than just a reading.

18 What is your personal involvement with people who
19 live in the community outside of people who are ANC
20 representatives?

21 MR. STONE: Well, some of the people in the
22 audience may or may not -- some of the people in the audience may
23 know I work for the Office of Government Relations on campus and I
24 was privileged throughout the month of March to attend several
25 coffee klatches with a number of Foggy Bottom residents where we

1 discussed the campus plan concerns, questions, criticisms.

2 MS. MADDUX: How many were residents within Foggy
3 Bottom you would say, the number of people there at a meeting?

4 MR. STONE: The sizes of the meetings varied, but I
5 don't know, I would say not only with the meetings I've attended,
6 but also people that I've spoken to, at ANC meetings, over the
7 phone. I don't know --

8 MS. MADDUX: I'm talking about just the people who
9 live in the neighborhood, not people --

10 MR. STONE: These were all people who lived in the
11 neighborhood.

12 MS. MADDUX: Outside of the ANC meetings. So the
13 meetings were in March. Thank you.

14 Mr. Blackford, is that right name?

15 MR. BLACKFORD: Blackford, yes.

16 MS. MADDUX: I apologize. You testified that you
17 were a D.C. resident?

18 MR. BLACKFORD: That is correct.

19 MS. MADDUX: And where did you grow up and where
20 have you lived during the times that you have been a D.C. resident
21 beginning with your earliest time?

22 MR. BLACKFORD: My parents have lived in D.C. in
23 the northeast area near Union Station and I started attending G.W.
24 in 1991 and have lived in the Foggy Bottom community since that
25 time.

1 MS. MADDUX: Can you please provide the addresses,
2 because that's the normal thing.

3 CHAIRPERSON REED: Wait a minute, let me understand
4 what you're asking.

5 VICE CHAIRMAN SOCKWELL: The only address that he's
6 required to provide is his current address.

7 MS. MADDUX: And your current address is?

8 MR. BLACKFORD: My current address is 2020 F
9 Street, N.W. That is the Statesman Apartment Building.

10 MS. MADDUX: Statesman Apartment Building, okay.

11 MR. BLACKFORD: I've lived there for the past three
12 years, approximately.

13 MS. MADDUX: And what -- since you're a graduate
14 student doing lots of research, when do you participate in
15 neighborhood activities because you were talking about outreach to
16 stakeholders. Which part of the people do you consider
17 stakeholders in the neighborhood and what was your process for
18 outreach?

19 MR. BLACKFORD: I never said that I personally
20 participated in the outreach to the community. I said the
21 University had a number of meetings that I was aware of where they
22 outreached to the stakeholders and by stakeholders I was meaning
23 residents of the Foggy Bottom community, the ANC, Foggy Bottom
24 Association and other residents of the Foggy Bottom neighborhood.
25 I know the Office of Government Affairs people preparing the

1 campus plan --

2 MS. MADDUX: You personally, because you're
3 testifying as a person here, did not do the outreach to the
4 stakeholders?

5 MR. BLACKFORD: The outreach to the stakeholders
6 was when the stakeholders were at the student association meeting
7 where we discussed some of the conditions that were put on the
8 plan.

9 MS. MADDUX: Thank you. Mr. Elias?

10 MR. ELIAS: Yes ma'am.

11 MS. MADDUX: You gave us some interesting numbers.
12 When the school was consulting with you all about the operation
13 of the residence halls, one of things they have testified to
14 earlier today was a process of communicating with and handling,
15 for lack of a better word at this moment, its discipline problems
16 and have a system of instituting some living discipline processes
17 in residential housing. Did you participate in that process of
18 applying discipline to people who live in University housing?

19 MR. ELIAS: I'm sorry, the process of applying
20 discipline in meaning that I was involved in the judicial hearings
21 or I was involved in the -- what was the process for determining
22 how the students --

23 COMMISSIONER MITTEN: Ms. Maddux, you're outside
24 the scope of his testimony.

25 MS. MADDUX: The reason I ask that, Madam, is

1 because he mentioned that he was involved in the Residential Hall
2 Association.

3 COMMISSIONER MITTEN: I understand, but you're --

4 MS. MADDUX: And their operations of the housing,
5 that's why I raised the question.

6 COMMISSIONER MITTEN: But he didn't testify as to
7 anything related to this judiciary, student judiciary. So maybe
8 you can just go to the next question.

9 MS. MADDUX: So they probably didn't. Okay, and
10 Josh?

11 MR. ROTHSTEIN: Yes.

12 MS. MADDUX: You testified or you told us that
13 you're a registered voter?

14 MR. ROTHSTEIN: No, I never said I was a registered
15 voter.

16 MS. MADDUX: You're not a registered voter.

17 CHAIRPERSON REED: Remember that question was
18 asked.

19 MS. MADDUX: I apologize. Madam Chair was speaking
20 to me and I didn't hear your answer. I apologize.

21 CHAIRPERSON REED: Say it again.

22 MR. ROTHSTEIN: I'm not a registered voter. I just
23 turned 18 not too long ago.

24 MS. MADDUX: Congratulations.

25 CHAIRPERSON REED: That was a caveat that we had in

1 the beginning, that we would not be redundant. That question has
2 already been asked and answered.

3 MS. MADDUX: I apologize. I apologize. I
4 apologize. Therefore, under those circumstances, since you
5 consider yourself a resident of Foggy Bottom and the District of
6 Columbia, do you pay taxes in the District of Columbia?

7 MR. ROTHSTEIN: Since I don't hold a job, I don't
8 pay taxes. I pay sales tax. Every time I go across the street to
9 the Watergate and buy stuff, I pay sales tax and I would say G.W.
10 -- where I live, in HOVA, patronize all the businesses of
11 Watergate, especially.

12 MS. MADDUX: I'm glad you can afford it. I can't.

13 CHAIRPERSON REED: You cannot testify. Thank you
14 very much, are you done?

15 Thank you very much. All right, thank you.

16 Ms. Dwyer, does that conclude?

17 MS. DWYER: Yes. I think that we're at just about
18 6 o'clock. That concludes are direct presentation. We'll have
19 all of the witnesses available on the 24th for cross examination
20 from the Board and then those parties that have not already had
21 the chance to cross examine.

22 CHAIRPERSON REED: Okay. Excuse me, come up, Ms.
23 Miller. In regard to the issue of the Registrar and the questions
24 that were asked of Mr. Barber, earlier on we had said that we'd
25 try to extract from Mr. Barber the answers that you needed.

1 MS. MILLER: You notice he was not very
2 informative. You didn't get any figures.

3 CHAIRPERSON REED: And we also were told that the
4 formulas for the full-time equivalent calculations would also be
5 provided to us. Now in addition to that I don't know what
6 questions that were put to Mr. Barber that were not answered.

7 MS. MILLER: Well, the ones they have supplied us
8 were not somewhat the same ones they said today and the other --

9 CHAIRPERSON REED: They were not the same?

10 MS. MILLER: And some of the things they have
11 supplied us simply do not -- they do not measure up with the facts
12 as we know them. And what we want to know, they couldn't tell us,
13 how many students they had, how many undergraduates or where they
14 were living or things of that nature. When we asked them to break
15 it down, they could not do it. And I figured the only person in
16 the whole University that would have it would be the person taking
17 the money, the Registrar. You have to, when you register, pay
18 somebody, give them an address, so they can get back with you and
19 you can get your things mailed to you.

20 CHAIRPERSON REED: I think that one of the
21 questions that was not answered specifically was in regard to the
22 -- I think that someone asked was what was the number of full-time
23 students who lived off campus.

24 MS. MILLER: They can't answer that either because
25 I know almost that many live in my building.

1 CHAIRPERSON REED: The response, I think, was that
2 they weren't sure and they would provide that answer to us.
3 That's what I think --

4 MS. MILLER: I wish you luck, because we've been
5 unable to get it and I would like to have at one point some
6 functional information because they have control of 405 apartments
7 in my building.

8 CHAIRPERSON REED: Ms. Miller, Ms. Miller, what
9 they said was they were not sure of that particular -- the answer
10 to that question, but they would make that information available
11 to this Board.

12 MS. MILLER: Well, they've been promising us for a
13 year and we haven't gotten it and it's not in the campus plan. It
14 didn't come up in the facilitating process and we've been unable
15 to really pin it down at any given time, which even Office of
16 Planning got with them, they couldn't pin it down.

17 COMMISSIONER MITTEN: Madam Chair, I actually think
18 it's a little premature for us to be deciding whether or not we
19 need the Registrar or to forward questions to the Registrar
20 because it's our questions and lack of answer to our questions
21 that are going to precipitate calling on the Registrar for
22 additional information.

23 Unfortunately, it's not your questions being
24 unanswered, it's our questions being unanswered. So given that we
25 haven't asked the questions yet, I think it's premature to be

1 pressing this point.

2 CHAIRPERSON REED: Or in the alternative, if there
3 are questions that you want specific answers to, there's an
4 opportunity for you to write those questions down, frame those
5 questions and submit those to Ms. Dwyer and for the Registrar or
6 whoever to answer those questions and then those questions, those
7 answers can be submitted to this Board by the next hearing.
8 That's fair enough. That doesn't mean that we have to necessarily
9 ask the Registrar to come down here. All you want is answers to
10 the questions, correct?

11 MS. MILLER: Not exactly because they can't give
12 them. I'm telling you they can't give them. They haven't been
13 able to give them yet and this has been going on for years.

14 CHAIRPERSON REED: Ms. Miller, Ms. Miller --

15 MS. MILLER: Let me add one thing, let me add one
16 thing. I just wanted to say when we didn't have a traffic person
17 here, they couldn't cross examine the traffic person. They
18 couldn't ask him any questions.

19 VICE CHAIRMAN SOCKWELL: Ms. Miller, may I ask you
20 one question? Very quickly, you said four out of -- you said that
21 four out of five apartments in your building --

22 MS. MILLER: 405. And they bought 28.55 percent
23 and our understanding is they want the rest of it.

24 VICE CHAIRMAN SOCKWELL: I just wanted a
25 clarification.

1 CHAIRPERSON REED: Order, order. What we need to
2 do is get the questions to them and they will respond to them by
3 the next hearing date. That's the best we can do.

4 MS. MILLER: They just put ten drug addicts and we
5 think we have them in our building.

6 CHAIRPERSON REED: Thank you very much. That then
7 concludes today's hearing unless there is some other question.

8 (Whereupon, at 6:00 p.m., the hearing was recessed
9 to reconvene May 24, 2000.)

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