

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING
CONTINUATION RE APPLICATION NO. 16553
BY THE GEORGE WASHINGTON UNIVERSITY

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TUESDAY

SEPTEMBER 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
10:09 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:

ANTHONY J. HOOD	Commissioner
CAROL J. MITTEN	Commissioner

OFFICE OF ZONING STAFF PRESENT:

Jerrily R. Kress	Director
Sheri Pruitt	Secretary, BZA
Beverly Bailey	Zoning Specialist
Paul Hart	Zoning Specialist
John Nyarku	Zoning Specialist

OTHER AGENCY STAFF PRESENT:

Andrew Altman	Director, Office of Planning
Steven Cochran	Office of Planning
David King	Office of Planning
Kenneth Laden	Department of Public Works
Ellen McCarthy	Office of Planning
Julie Wagner	Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Mary Nagelhout, Esq.

APPEARANCES:

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(10:09 a.m.)

CHAIRPERSON REID: Okay. Good morning. The hearing will please come to order.

Ladies and gentlemen, this is the September 26th public hearing of the Board of Zoning Adjustment of the District of Columbia.

My name is Sheila Cross Reid, Chairperson. Joining me today is Robert N. Sockwell, Ann Renshaw, and Carol Mitten as representative of the Zoning Commission.

Excuse me one second.

Rodney Moulden joins us representing the National Capital Planning Commission, and we don't know when he'll be joining us, but hopefully he will be here shortly. We have not heard anything to the contrary.

Copies of today's hearing agenda are available to you. They are located to my left near the door. All persons planning to testify either in favor or in opposition will fill out two witness cards. These cards are located at each end of the table in front of us. When coming forward to speak to the Board, please give both cards to the reporter sitting to my right.

The order of procedure for a special session of variance cases is -- and today, because this is a continuation we're going to be picking up with the parties in opposition and then people in support and the Office of Planning planning report

1 and then closing remarks.

2 Now, we are taking things out of sequence by
3 request at the last hearing, and if we have to make any
4 adjustments we will do so.

5 Cross examination of witnesses is permitted by the
6 Applicant or parties. The ANC within which the party is located
7 is automatically a party in the case.

8 The record will be closed at the conclusion of each
9 case, except for any materials specifically requested by the
10 Board, and the staff will specify at the end of the hearing
11 exactly what is expected.

12 The decision of the Board in these contested cases
13 must be based exclusively on the public record. To avoid any
14 appearance to the contrary, the Board requests that parties
15 present not engage the Board in conversation.

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

18 The Board will now consider any preliminary
19 matters. Preliminary matters are those which relate to whether a
20 case will or should be heard today, such as requests for
21 postponement, continuance or withdrawal, or whether proper or
22 adequate notice of the hearing has been given.

23 If you are not prepared to go forward with the case
24 today or if you believe that the Board should not proceed, now is
25 the time to raise such a matter.

1 I think staff has a preliminary matter.

2 MS. BAILEY: Madame Chair, yes. Good morning to
3 the members of the Board and members of the audience.

4 My name is Beverly Bailey.

5 The first preliminary matter is Application No.
6 16607 of Greg Meripoll, Gizelle Sinclair, and Tim Swann. That
7 application was withdrawn.

8 So if anyone is in the audience on Application No.
9 16607, that application was withdrawn.

10 There are several preliminary matters, Madame
11 Chair. Would you like for me to read the case and then go to the
12 preliminary matters first?

13 CHAIRPERSON REID: Yes.

14 MS. BAILEY: Okay. This is the Application No.
15 16553 of George Washington University, pursuant to 11 DCMR 3104.2,
16 for a special exception for the review and approval of the
17 University Foggy Bottom Campus Plan, years 2000 to 2010, under
18 Sections 210 and 507. The boundaries are as follows:
19 Pennsylvania Avenue on the north; 19th Street, H Street, 20th and
20 G Streets on the east; F on the south; and 23rd, G, and 24th
21 Streets on the west, and it also includes a portion of Square 122
22 extending south of F Street along 19th Street, N.W.

23 Within the campus plan boundaries, the property
24 owned by the university is devoted to a variety of university
25 uses, including, but not limited to, classroom, dormitory,

1 library, research, office, support, assembly, athletic, and
2 hospital purposes.

3 These uses would be continued under the Campus Plan
4 in a variety of existing and new buildings in the R-5-D, R-5-E, C-
5 3-C, AND SP-2 districts.

6 And the lots and squares of the campus plan
7 boundaries have been advertised, Madame Chairman. So the Board --
8 in several places -- so there's no need at this point to review
9 all of those unless you would specifically like for me to.

10 CHAIRPERSON REID: No.

11 MS. BAILEY: Is there anyone in the audience who
12 wishes to testify today who has not been sworn in? Okay. Will
13 you please stand to take the oath?

14 Please raise your right hand.

15 (Whereupon, the witnesses were duly sworn.)

16 MS. BAILEY: You may be seated.

17 Madame Chair, members of the Board, briefly to go
18 over the parties of this case, let me backtrack and say that this
19 hearing is continued from March 15th, April 26th, and September
20 13th public hearing sessions.

21 The parties of the case are George Washington
22 University, ANC-2A, Barbara Spillinger, Dorothy Miller, Maria
23 Tyler, Barbie Bottom (phonetic) for the Association; Steven J.
24 Mendelbaum, Sara Maddox, and James McLeod.

25 At the December 13th public hearing, the Board

1 requested several items, and I'll briefly mention those. In an
2 effort to provide an up-to-date list of what is located within the
3 campus plan boundary, the Applicant has provided definite numbers
4 used for determining their full-time equivalent students and
5 identify how the numbers have changed over the last several years.

6 The Applicant is provide written language
7 discussing the intermediate period. That is a five-year period
8 for the Board's consideration of its campus plan and the
9 mechanisms for such a proposal to work.

10 The Applicant was to identify how many students
11 reside in the Aspen apartment building.

12 The Applicant's traffic consultant was to provide
13 background information on the survey that was conducted in
14 preparation for the university's traffic study.

15 Ms. Dorothy Miller was to provide information on
16 EIA scanning and parking space count.

17 Richard Sheeney was to provide speakers discussed
18 in his presentation.

19 And lastly, Mr. Steven Mendelbaum was to provide a
20 copy of his Power Point presentation.

21 Members of the Board, all of those submissions were
22 received and received in a timely manner.

23 The last matter is the continuation of the public
24 hearing today. There is a request, Madame Chairman, from ANC-2E
25 to call two witnesses. As you may recall, the ANC completed its

1 presentation at the last hearing. However, they are requesting
2 that three persons be able to speak today on behalf of the ANC,
3 and those persons are Maria Tyler -- just to mention briefly that
4 Ms. Tyler is a party -- Dr. Marc Weiss, and Sol Shalit.

5 The next -- once that matter has been decided, the
6 next order of business is the presentation by the opposition.

7 Now going to the time lines in just one moment, the
8 Applicant is to present five witnesses in support. That was
9 decided at the last hearing, presentation by the Office of
10 Planning, rebuttal and closing remarks.

11 And then the last matter is just the matter of
12 timing. Parties are allowed -- these are parties in opposition --
13 one hour and a half to present its case. The Office of Planning
14 has a reasonable time to present. There's no time limit.
15 Organizations have five minutes, and individuals three minutes.

16 Madame Chair, the case is now ready for you to move
17 forward.

18 CHAIRPERSON REID: Thank you very much, Ms. Bailey.

19 As to the matter of -- now, you said the ANC is
20 requesting that other persons be allowed to speak today. Now,
21 where I'm a little confused is that these are persons in
22 opposition?

23 MS. BAILEY: These parties are here, and it's
24 preferable I would imagine for them to discuss it, but my sense
25 is, yes, they are in opposition.

1 CHAIRPERSON REID: All right. Now, Ms. Tyler is a
2 part.

3 MS. BAILEY: Yes, she is.

4 CHAIRPERSON REID: So she would be automatically
5 given the opportunity to speak as a party, and now Mr. Weiss --

6 PARTICIPANT: Dr. Weiss.

7 CHAIRPERSON REID: Dr. Weiss and what was the
8 other?

9 MS. BAILEY: Sol Shalit.

10 CHAIRPERSON REID: And Sol Shalit. Now, all right.
11 Ms. Tyler is automatically a part, but Mr. Weiss and -- I mean
12 Dr. Weiss and Sol Shalit, it would be my thinking that they would
13 be automatically given an opportunity to speak. So --

14 SECRETARY PRUITT: Madame Chair.

15 CHAIRPERSON REID: Yes.

16 SECRETARY PRUITT: In your package, Exhibit 199 is
17 the letter directly from the ANC, and they're asking that they be
18 part of the ANC presentation. That I think needs to be --

19 CHAIRPERSON REID: Okay. I understand that. I
20 understand that, and what I'm saying is while the request is
21 coming from the ANC, typically once a segment has gone by, then we
22 open it to allow additional people to be added to that particular
23 segment after we had completed that segment.

24 Nonetheless, I have no problem with them being all
25 allowed to speak. Ms. Tyler is a party and Dr. Weiss and Sol

1 Shalit can speak as individuals.

2 DIRECTOR KRESS: Or as for organizations,
3 depending.

4 CHAIRPERSON REID: Or for organizations. I have no
5 problem with that, and I guess the thing to do would be to put a
6 motion on the floor.

7 SECRETARY PRUITT: I'm not sure. You may want to
8 check with the applicant if there's any opposition to --

9 DIRECTOR KRESS: Not the Applicant. You mean the
10 ANC.

11 SECRETARY PRUITT: Well, the ANC is putting it
12 forward. I believe the Applicant had some comments on it.

13 DIRECTOR KRESS: Well, perhaps the ANC should.

14 MS. SPILLINGER: If I may, please.

15 CHAIRPERSON REID: Sure.

16 MS. SPILLINGER: At the hearing --

17 CHAIRPERSON REID: Give your name and your --

18 MS. SPILLINGER: Barbara Spillinger, Chair of ANC-
19 2A.

20 At the hearing on the 13th, I indicated that we had
21 witnesses who were not able to be here on the 13th, who would be
22 here on the 26th. I said that as part of my presentation, and I
23 had in mind these particular three people, and I wrote the letter
24 confirming it after the hearing, but none of the three were able
25 to be here on the 13th, and they are here prepared to testify

1 today.

2 Well, as you say, Maria Tyler is party to the case,
3 but we would like to have this testimony in support of the ANC
4 position taken at the beginning of the meeting today, and then
5 also we never got to Michael Thomas' presentation last time. He
6 is, of course, a party to the case, and is President of the Foggy
7 Bottom Association and was the lead spokesman on the negotiations
8 with the university, and his testimony, as well, is in support of
9 the ANC position.

10 CHAIRPERSON REID: I don't think that we have had
11 parties in opposition yet.

12 MS. SPILLINGER: No, you have not. There are other
13 parties, as well.

14 CHAIRPERSON REID: Yeah. They will be recognized
15 today. So he will have an opportunity to do so.

16 MS. SPILLINGER: But we would like to go in that
17 order if we could, with Commissioner Tyler, Dr. Weiss, Professor
18 Shalit, and Michael Thomas.

19 MS. DWYER: Madame Chair, the Applicant filed a
20 letter indicating that it objects to including Dr. Weiss and
21 Professor Shalit as part of the ANC's presentation. The ANC
22 completed its presentation. There was no request at the end of
23 that for additional time today to call additional witnesses.

24 We feel at this point in time the ANC is finished.
25 If Dr. Weiss and Professor Shalit want to speak individually as a

1 person in opposition, they can come in that order, but we would
2 object to them being considered part of the ANC's case. We're
3 ready today to move forward with the Foggy Bottom Association,
4 which is a party in opposition, and we have no objection to Maria
5 Tyler because she is an individual party in opposition, and that
6 her testimony be taken today as an individual party in opposition.

7 But we do object to including Dr. Weiss and
8 Professor Shalit as part of the ANC since that was concluded at
9 the last hearing. We had no notice at that time that they would
10 be called today. We've had no advanced information about what
11 they're testifying to, and we feel that at this point in time it
12 would be inappropriate to amend the rules to allow the ANC to
13 continue when it clearly finished at the last hearing.

14 We all conducted cross examination, and that
15 portion of the case was concluded on that date. So, again, we
16 have no objection if they want to stay and come up and speak in
17 the time that other individuals would have, but we do object to
18 them being included as part of the ANC.

19 CHAIRPERSON REID: Thank you, Ms. Dwyer.

20 Let me hear from the other Board members. Ms.
21 Mitten.

22 COMMISSIONER MITTEN: I do have some recollection
23 of Ms. Spillinger mentioning that there were people that could not
24 attend, but they weren't named, and I don't know. I believe
25 someone is looking for the transcript so we can get a specific, so

1 we can know specifically what was said.

2 And I did get the sense of closure on the ANC
3 presentation. So, I mean, I think that in light of the fact that
4 the individuals weren't named and that the nature of their
5 testimony wasn't provided in advance and that they will be given
6 an opportunity to testify, I think it's fair if we let them
7 testify as either persons or organizations in opposition, if
8 that's the position they take.

9 CHAIRPERSON REID: Thank you.

10 Mr. Sockwell, did you have anything? Ms. Renshaw?

11 MEMBER RENSHAW: I don't have any trouble having
12 them part of the ANC presentation. I really don't. I think that
13 that was rather left up in the air while their names were not
14 identified. I believe it is within the parameters of the Chair's
15 obligation to the community to advance to us the names. She has
16 at this point, and I don't think that there is anything wrong with
17 having them included as part of the ANC's presentation.

18 So that's my cut.

19 CHAIRPERSON REID: What I'd like to do is to move
20 forward and to try to wrap this case up today as soon as possible.

21 So I think that what we may want or may try to do is could we
22 have them to testify as individuals and to write -- could they do
23 that?

24 DIRECTOR KRESS: You could put them -- I think the
25 request is that they testify in the order, as well as being part

1 of the ANC.

2 CHAIRPERSON REID: No, no. My question is could
3 they write a letter in support of the ANC position and testify as
4 an individual?

5 DIRECTOR KRESS: Sure. In fact they could do that
6 today.

7 CHAIRPERSON REID: Yeah. And then that way --

8 DIRECTOR KRESS: They can testify in support of the
9 ANC position.

10 CHAIRPERSON REID: I think that that -- oh, yeah,
11 they can do both.

12 DIRECTOR KRESS: Sure.

13 CHAIRPERSON REID: What we wanted to do is to not
14 prolong the hearing, and as such, they can testify individually in
15 support of the ANC position. Would that be suitable?

16 MS. SPILLINGER: We would prefer that it be
17 included as part of the ANC position obviously because it is given
18 greater weight.

19 CHAIRPERSON REID: They can -- can that not be
20 concluded -- I'm sorry -- can that not be included?

21 DIRECTOR KRESS: The issue is greater weight, and
22 if they aren't part of the ANC testimony, then that part of it
23 does not get --

24 CHAIRPERSON REID: No, no. My question was if they
25 testified as individuals they could not be also put into the ANC

1 category, but they could be given great weight if requested by the
2 ANC?

3 DIRECTOR KRESS: You have to make the decision
4 whether this is a continuation of the ANC testimony which is to be
5 given great weight or whether you decide that it's too late and
6 this is not the appropriate time, and that then they just testify
7 as parties and individuals. That's, I think, the key of the
8 decision that's in front of you.

9 CHAIRPERSON REID: Well, my concern mostly was to
10 try to facilitate getting things, you know, wrapped up today and
11 to try to be as expeditious as possible, and that was my main
12 concern.

13 VICE CHAIRPERSON SOCKWELL: Madame Chair, it would
14 seem to me that even if the witnesses were not identified at the
15 previous hearing, if the testimony that they were intending to
16 give had been defined, it would be easier to accept them as
17 witnesses for the ANC.

18 However, I don't believe in my notes I have
19 anything that states that their testimony was defined, and
20 therefore, it might be considered new information provided as
21 opposed to a continuation of positions established by the Advisory
22 Neighborhood Commission.

23 CHAIRPERSON REID: And then we'd have to have cross
24 examination. We'd have to allow cross examination.

25 VICE CHAIRPERSON SOCKWELL: Right.

1 MS. SPILLINGER: Madame Chair, if I may add, these
2 will not be long presentations. I mean these will be brief
3 presentations by Commissioner Tyler and Dr. Weiss and --

4 CHAIRPERSON REID: No, Ms. Tyler -- Ms. Tyler is a
5 given. Ms. Tyler is a given. Ms. Tyler is -- well, we know about
6 Ms. Tyler, and she's automatically a party. So she would
7 definitely be allowed to testify. It's the two other individuals.

8 When you say they'll be brief, how long? Oh, I
9 would say three to five minutes at the most, and then they'll
10 submit written testimony.

11 MS. DWYER: Madame Chair, again, we object to them
12 being part of the ANC. There's nothing in any of the filings.
13 The ANC has filed at least five different letters on this and
14 resolutions. There's nothing indicating the names of these
15 individuals, the testimony that they're going to present, that the
16 ANC has, in fact, retained them as witnesses. It's a very last
17 moment effort to change the hearing process, and we believe that
18 it's inappropriate.

19 We think the ANC has concluded its presentation.
20 We should move forward with Foggy Bottom Association and the other
21 parties, and these individuals can present their testimony along
22 with the others that are in the audience as individuals, and they
23 can say whether they agree with the Applicant or the ANC or the
24 Foggy Bottom Association.

25 But it should be given that weight and taken at

1 that time in the proceeding.

2 CHAIRPERSON REID: Okay. I think, Ms. Spillinger,
3 that the objection primarily that I'm hearing is not just from
4 Ms. Dwyer, but also from the Board members. Had you at the
5 conclusion of the last hearing specified that you had these two
6 individuals and given us the names and asked that they be able to
7 be included in your presentation today, it would be a different
8 story.

9 However, with valid procedures and trying to be
10 fair, I don't think that it's going to be appropriate to do that.

11 So I would move that while Ms. Tyler certainly will be able to
12 testify, that Dr. Marc Weiss and Sol Shalit would be not allowed
13 to testify as a part of the ANC. However, they would be given the
14 opportunity to testify as individuals.

15 Is there a second?

16 COMMISSIONER MITTEN: Second.

17 CHAIRPERSON REID: Okay. All in --

18 COMMISSIONER MITTEN: May I just interject
19 something? Which is I don't think that there's going to be any
20 problem with capturing -- if there's something about what these
21 folks say that you want to capture as part of the ANC's position
22 and want it to be given great weight, there are still additional
23 submissions like findings of fact and conclusions of law, and
24 you'll be able to capture it that way.

25 So I think, again, no one is going to be

1 disadvantaged by the course that I think we're going to take.

2 CHAIRPERSON REID: Right.

3 MS. SPILLINGER: Thank you very much. I appreciate
4 that, and I just would like if we could proceed in this order, it
5 will make more sense.

6 CHAIRPERSON REID: Well, let's vote first, please.

7 Okay. All in favor?

8 (Chorus of ayes.)

9 CHAIRPERSON REID: Opposed?

10 MEMBER RENSHAW: Opposed.

11 CHAIRPERSON REID: Okay.

12 MS. BAILEY: Staff would record the vote as three
13 to one, motion made by Ms. Reid, seconded by Ms. Mitten, approved
14 by --

15 CHAIRPERSON REID: No, no, no. Oh, did she second
16 it?

17 COMMISSIONER MITTEN: Yes.

18 CHAIRPERSON REID: Oh, Ms. Mitten. I'm sorry. I
19 was thinking Ms. Renshaw. I'm sorry.

20 MS. BAILEY: Mr. Sockwell to approve. Ms. Renshaw
21 is opposed to the motion for the additional witnesses to be
22 presented by the ANC. Ms. Tyler will testify as a party. Dr.
23 Weiss, Dr. Marc Weiss, and Sol Shalit will testify in the normal
24 order of procedure.

25 CHAIRPERSON REID: Okay. Now, I just need someone

1 to clarify for me what the rationale was for changing the sequence
2 from letting the persons in opposition go before the persons in
3 support, persons and parties in support.

4 There was a request from you, Ms. Dwyer, was it?

5 MS. DWYER: No. It was a request by the ANC and
6 the parties in opposition that their testimony follow each other
7 and be combined.

8 CHAIRPERSON REID: Oh, is that what it was? Okay.

9 MS. DWYER: And so we agreed that following the ANC
10 we would go to the parties in opposition.

11 CHAIRPERSON REID: Okay.

12 MS. DWYER: But then my understanding was we're
13 going to the support and then the persons in opposition.

14 PARTICIPANT: No.

15 MS. DWYER: My understand was not that the persons
16 would be taken out of order as well. It was just that the parties
17 wanted to combine their time.

18 CHAIRPERSON REID: Yeah, let's make sure we're all
19 on the same page. The understanding that I have, and this is what
20 my notes say, is that the order -- the sequence was changed and
21 the ANC had its report, and then they asked that somehow we got
22 the persons and parties in opposition, and then the persons and
23 parties in support. We just basically reversed the sequence, and
24 then the Office of Planning would come after that.

25 It's all changed, but that is the sequence.

1 MS. DWYER: That's fine with us at this point.

2 CHAIRPERSON REID: Okay, all right, fine. Thank
3 you. All right.

4 MS. SPILLINGER: We may proceed then with our --
5 with Ms. Tyler?

6 CHAIRPERSON REID: Yeah, Ms. Tyler first, and then
7 the persons and parties in opposition. And the ANC has concluded
8 its segment.

9 (The Board conferred.)

10 CHAIRPERSON REID: Ms. Pruitt, I think we should
11 explain that on the record so that --

12 (The Board conferred.)

13 CHAIRPERSON REID: Okay. Ms. Pruitt, explain that
14 again about the time and how it's divvied up.

15 SECRETARY PRUITT: Okay. As Ms. Bailey indicated,
16 the parties in opposition, just to recap, the Applicant had an
17 hour and a half. The new regs. require we allow for parity. So
18 the parties in opposition also have an hour and half.

19 How you divide that hour and a half among the
20 stated parties will be up to you all, but of the nine parties
21 listed, you have a total of an hour and a half to present your
22 case.

23 (The Board conferred.)

24 SECRETARY PRUITT: Right, and then just to
25 reiterate, individuals have three minutes, and organizations two -

1 - I mean, excuse me, five.

2 CHAIRPERSON REID: Okay. Mrs. Tyler.

3 COMMISSIONER TYLER: Good morning, Madame Chair and
4 members of the Board. My name is Maria Tyler. I'm an Advisory
5 Neighborhood Commissioner of ANC-2A.

6 And I submitted in writing my testimony on
7 September the 18th, which I understand from the staff was
8 distributed to all members of the BZA, and I trust that you have
9 that copy with the attachments, which included eight pages of
10 photographs and a total of four attachments.

11 Therefore, I will just for emphasis summarize some
12 of the main points that I would like to state.

13 First, my testimony is in line with the ANC-2A's
14 position and resolution of April 17th, 2000. My testimony has to
15 be, written testimony, in that respect corrected from April 16th
16 to April 17th. That is when our resolution was passed.

17 First, I wish to applaud the excellent analytical
18 report of the Office of Planning. As noted in my submission,
19 there is only one, but important point on which I would place a
20 difference in emphasis.

21 The Office of Planning report states that in future
22 years the number of full-time undergraduates in the, quote, Foggy
23 Bottom area, unquote, should be at or below the new baseline
24 number. I submit that the number of full-time undergraduate
25 students in the Foggy Bottom area should be underscored below the

1 baseline number.

2 It is clear that the tipping point to which the
3 Office of Planning infers, that the tipping point in many parts of
4 our community have been reached with the 1999 enrollment and prior
5 to that if the baseline would be calculated from spring 2001,
6 there is a real possibility, if not certainty, that the number of
7 full-time undergraduate students in the Foggy Bottom area would be
8 larger than in 1999/2000 enrollment, with which we were faced
9 during the facilitation meetings.

10 Second, the BZA has the authority to establish the
11 ceilings on student enrollment, and thus control the university's
12 expansion through this very important tool.

13 G.W.'s takeover of land beyond the approved campus
14 boundaries triggered by excessive enrollment violated BZA's order,
15 the zoning regulations at Section 210, and the comprehensive plan
16 which specifically identifies Foggy Bottom as an endangered
17 neighborhood solely because of G.W.'s clutches.

18 G.W.'s aggression should no longer be rewarded by,
19 quote, give-aways, unquote. The new acquisition should be used to
20 reduce and eventually eliminated, as stated on page 9 of the
21 Office of Planning report, and eventually eliminate the enrollment
22 of the Foggy -- of the full-time undergraduate students in the
23 Foggy Bottom area.

24 It is a most reasonable request. It is in line
25 with the D.C. laws and regulations. The objectives of preserving

1 and enhancing residential neighborhoods, which the city is now so
2 anxious to do and the interest of the city as a whole, and
3 moreover, there is more than adequate space within the existing
4 campus boundaries and the university-owned properties outside the
5 boundaries to achieve this.

6 We do not need an increase in enrollment. If you
7 increase the enrollment in these particular properties that are
8 the boundaries and the university owned properties, then you will
9 be of necessity overwhelming the remaining community. The
10 students will be on the streets. The rest of the community will
11 be turned de facto into a real dormitory.

12 I'm therefore, pleading with you that the number
13 should be reduced. It should not be a status quo.

14 The crux of this hearing is whether G.W. should be
15 allowed to maintain its present intrusion of -- excuse me? At
16 what point did I do this?

17 PARTICIPANT: The crux, when you said the crux.

18 COMMISSIONER TYLER: Yeah, thank you kindly. Thank
19 you kindly.

20 The crux of this hearing is whether G.W. should be
21 allowed to maintain its present intrusion of full-time
22 undergraduate students in the Foggy Bottom residential
23 neighborhood. I submit that there is no basis in the zoning
24 regulations, nor the comprehensive plan for the BZA to condone
25 this.

1 It is not a large number that we are asking for,
2 but we are asking for protection of our residential neighborhood.

3 Thank you very kindly.

4 CHAIRPERSON REID: Cross examination, Ms. Dwyer?

5 MS. DWYER: Ms. Tyler, I just had a couple of
6 questions. You made the statement or included the testimony in
7 the statement that G.W. must substantially increase its on campus
8 accommodations, and as a result of meetings with the community the
9 university now proposes to increase that housing by 2,200 beds.

10 Do you view this as substantial?

11 COMMISSIONER TYLER: Well, this is not the way to
12 ask the question, in the first place.

13 (Laughter.)

14 MS. DWYER: It's a simple yes or no question.
15 Excuse me.

16 COMMISSIONER TYLER: It is not substantial in terms
17 of whether you are using these beds for new students or whether
18 you are going to use these beds to siphon off the students which
19 are now in our off campus Foggy Bottom residential neighborhood.
20 That is the question, and that is the crux of my testimony. That
21 is what I testified to, not what you are saying.

22 MS. DWYER: Then let me understand. In answer to
23 my question as to whether 2,200 beds is substantial your answer is
24 no?

25 COMMISSIONER TYLER: Absolutely not --

1 MS. DWYER: Okay.

2 COMMISSIONER TYLER: -- if it is going to mean an
3 increase in -- further increase in students. The student body --
4 the Foggy Bottom neighborhood can no longer absorb such a mass of
5 students in our neighborhood, whether they are on campus or --
6 well, certainly if they're off campus. As a minimum, the off
7 campus students should be taken off that area and put onto the on
8 campus area, and given, as I've stated in my written submission,
9 given the generosity that has been -- that has been offered to
10 G.W. to allow them to use all of these takeovers like --

11 MS. DWYER: Madame Chair --

12 COMMISSIONER TYLER: -- the -- the-- quota --
13 excuse me.

14 MS. DWYER: -- my question has been answered.

15 COMMISSIONER TYLER: You asked me a question, and I
16 would like to answer it in full. I do not want you to interrupt
17 me, please.

18 The -- excuse me. Already they are given a gift --

19 MS. DWYER: Madame Chair, I would object again.
20 The question has been asked and answered.

21 COMMISSIONER TYLER: -- of the entire Square 43.
22 All of these properties that they have taken away from the city
23 and from our neighborhood.

24 CHAIRPERSON REID: But, Ms. Tyler, the purpose of
25 the cross examination is for you to answer the question, not to

1 testify. So if the question has been answered, thank you.

2 COMMISSIONER TYLER: Yes, Madame Chair. I
3 understand. These questions are very skewed.

4 CHAIRPERSON REID: Okay.

5 MS. DWYER: I have a couple of more questions.

6 You state in your testimony that the university did
7 not observe the BZA's decision back in 1985, and I just wanted to
8 understand that. In the 1985 campus plan, didn't the Board
9 require the university to designate and build one on campus
10 housing site?

11 COMMISSIONER TYLER: Well, yes, they did, but that
12 --

13 MS. DWYER: Thank you.

14 COMMISSIONER TYLER: -- was not the only thing that
15 the BZA --

16 MS. DWYER: Thank you.

17 COMMISSIONER TYLER: -- the BZA or the Board was --

18 MS. DWYER: In the --

19 COMMISSIONER TYLER: Number one, it excluded Square
20 43.

21 Number two, it specifically stated that buildings -
22 -

23 MS. DWYER: Madame Chair, I would object again.
24 This is going --

25 COMMISSIONER TYLER: I mean these two questions --

1 MS. DWYER: I'm trying to have simple questions --

2 COMMISSIONER TYLER: -- are totally irrelevant.

3 MS. DWYER: -- with yes or no answers, and the
4 witness should be directed to answer yes or no and not testify.

5 CHAIRPERSON REID: Well, that's a yes and no
6 answer. I think that she doesn't have to -- she's not limited to
7 say yes or no, and I think that what she was trying to do is to
8 defend the answer, and I have no problem with that.

9 MS. DWYER: All right. I have one final question -
10 -

11 CHAIRPERSON REID: But --

12 MS. DWYER: -- for this time.

13 Do you support the university's plans for Square 54
14 and Square 80 in order to provide additional on campus housing?

15 COMMISSIONER TYLER: I think that any kind of
16 square that is used now for housing or students should be -- those
17 students should be siphoned off from what the Office of Planning
18 states as Foggy Bottom area. They should not be counted towards
19 an addition in enrollment. They should not be allowed to add
20 enrollment because our city will be overwhelmed, and certainly our
21 community.

22 VICE CHAIRPERSON SOCKWELL: Ms. Tyler.

23 COMMISSIONER TYLER: Thank you.

24 VICE CHAIRPERSON SOCKWELL: Let me ask one
25 question. In regard to the direct question raised by Ms. Dwyer,

1 do you know enough about that plan to respond in a more concise
2 fashion?

3 COMMISSIONER TYLER: Mr. Sockwell.

4 VICE CHAIRPERSON SOCKWELL: Guilty.

5 COMMISSIONER TYLER: About which -- which
6 particular plan are you speaking about?

7 VICE CHAIRPERSON SOCKWELL: The question, Square
8 54, 10A Court.

9 COMMISSIONER TYLER: Just one second, please, if I
10 may.

11 VICE CHAIRPERSON SOCKWELL: Okay. Ms. Dwyer did
12 ask --

13 COMMISSIONER TYLER: Just one second, please, if I
14 may.

15 MS. DWYER: Ms. Tyler, if I could clarify --

16 COMMISSIONER TYLER: Just one second.

17 MS. DWYER: -- 54 is the old hospital site.

18 COMMISSIONER TYLER: Now, Square 54 is the old
19 hospital site. That's correct.

20 MS. DWYER: Yeah, and the question was whether you
21 supported the university's plans for that site, which would
22 include the provision of on campus housing.

23 COMMISSIONER TYLER: Not adequate on campus
24 housing, and the on campus housing should be counted towards
25 siphoning off students from off campus.

1 VICE CHAIRPERSON SOCKWELL: Right. We understand
2 that.

3 COMMISSIONER TYLER: That's my answer.

4 VICE CHAIRPERSON SOCKWELL: We understand that.
5 You've made that point perfectly clear, but you're not answering
6 her questions correctly. You keep referring back to the point,
7 which I think I understand in the context of your statement. It
8 is very, very specifically clear.

9 MS. DWYER: Thank you. I have no further
10 questions.

11 CHAIRPERSON REID: All right. Thank you very much.

12 All right. I think that probably the parties in
13 opposition should come first. How many parties are here in
14 opposition? Are there any other parties in opposition?

15 I'm sorry. This is a part of the hour and a half
16 presentation of the opposition. So I suppose you all have already
17 determined what sequence.

18 MS. SPILLINGER: Yes.

19 CHAIRPERSON REID: Well, whoever is next. All
20 right. Persons who are going to be testifying as a part of this
21 hour and a half, can you just all come up? Is it just four or
22 five people?

23 MS. SPILLINGER: I would like to ask. What you are
24 saying, Madame Chair, is that you would like the parties to
25 testify first --

1 CHAIRPERSON REID: The persons -- all right. The
2 presentations you're making within this hour and a half block of
3 time come up. Just come up, and then you can just continue. Once
4 one finishes, the other one can pick that up for whatever, however
5 you want to do it.

6 SECRETARY PRUITT: Would you like for us to read
7 over the list of people who are granted party status so you'll
8 know who's eligible to testify during this time period?

9 (The Board conferred.)

10 CHAIRPERSON REID: Ms. Spillinger, are you
11 orchestrating this segment?

12 MS. SPILLINGER: I guess I will. I guess the
13 confusion comes with which people are parties to the case and
14 which are speaking in opposition.

15 CHAIRPERSON REID: All right. Well, do you want us
16 to --

17 MS. SPILLINGER: I know who is party to the case,
18 but do we have to take them seriatim or can we intersperse?

19 SECRETARY PRUITT: Madame Chair, why don't I read
20 off again the parties? Of these nine people I'm going to read,
21 you can put them in any type of order you'd like, of the nine
22 people. Then we do parties in -- I mean, people in opposition.
23 So we're only doing the parties.

24 So of the nine organizations or people I call out,
25 these are people who would be able to testify now.

1 MS. SPILLINGER: The problem comes there in that
2 Dr. Weiss cannot stay.

3 CHAIRPERSON REID: Oh, well, then that's no
4 problem. We can take him out of order. We have that prerogative.

5 MS. SPILLINGER: Thank you very much.

6 DR. WEISS: Thank you very much.

7 CHAIRPERSON REID: Not to worry. Go right ahead.

8 How many people are here to speak in opposition?
9 Okay. These are persons in opposition, right? Okay. Thank you.

10 DR. WEISS: Thank you very much, Madame Chair and
11 distinguished members of this very important panel.

12 I am Dr. Marc Weiss. I have been asked by the ANC
13 2A to testify pro bono today as an expert witness on this very
14 important matter that you're addressing, drawing on the expertise
15 that I have and experience in economic development, urban
16 planning, real estate development, campus planning, and university
17 administration.

18 The issue before you I know is a tough one because
19 you have to balance competing interests, and your job is to
20 consider what is the best public interest for the city as a whole,
21 the District of Columbia as a whole.

22 You've already heard a great deal of testimony in
23 opposition that calls attention to the very considerable negative
24 impacts on the surrounding Foggy Bottom neighborhood in terms of
25 traffic congestion, air and noise pollution, negative impacts on

1 property values, on housing quality, on historic preservation, on
2 community services and amenities, problems with student behavior,
3 and much more.

4 If you were just considering that alone, probably
5 the decision would be pretty clear that this type of expansion is
6 not a good plan. However, there's another interest to be
7 considered, which is the role of universities, in general, and
8 George Washington University, in particular, in contributing to
9 the quality of the economic and cultural life of our city, which
10 is an important and considerable benefit.

11 Oh, I do? I didn't know there was a time limit.

12 And George Washington has made a case in that
13 regard.

14 Let me say, first of all, that -- and that's why I
15 passed out not only my bio as I was requested, but the economic
16 plan for Washington, D.C., which I served as the coordinator and
17 author, because, number one, I am not anti-development. I am, you
18 know, very pro development not only for this city, but for, you
19 know, just in the last year did economic development plans for
20 Baltimore and the U.S. Virgin Islands.

21 I'm also not anti-university. I was a university
22 professor and administrator, and in fact, one of the important
23 pieces of the economic plan was the recognition of what we called
24 the universities, educational and research institutions industry
25 network, of which I worked with Dr. Charlene Drew Jarvis to create

1 that network and am still an active member. Steven Trachtenberg,
2 the President of George Washington, is an active member, and in
3 fact, I'm going to be addressing that group tomorrow.

4 But with that in mind, I think what I want to
5 really highlight very briefly is that while there are some
6 benefits to having university expansion, the question is what is
7 the cost, and also there are various ways to expand. It doesn't
8 all happen to be just one way, and there may be more win-win ways
9 for George Washington to fulfill its mission, and for the Foggy
10 Bottom neighborhood to be protected, and that's what I want to ask
11 you to seriously consider.

12 So very briefly, yes, I know George Washington
13 likes to talk about the jobs that it provides, but actually two
14 thirds of those jobs, as we know by their own documentation, are
15 held by residents of Maryland and Virginia, not of the District of
16 Columbia, which means that we get no income and very little sale
17 tax from those people.

18 The university, of course, pays no property tax.
19 It talks about the development that it's engaged in, but that --
20 it's operating in a high value, high demand, over developed
21 neighborhood, and that development --

22 MS. DWYER: Madame Chair, I'd just like to note for
23 the record, that he's over his time limit. It was three minutes.

24 It has been passed, and I just wanted to make that point for the
25 record in the event there are other witnesses that are going to

1 request the same --

2 DR. WEISS: Actually I was told five minutes when I
3 prepared my remarks.

4 CHAIRPERSON REID: Two things, Ms. Dwyer. We're
5 very conscious of the time, and we are watching it, one.

6 Two, Mr. -- Dr. Weiss has been afforded five
7 minutes.

8 MS. DWYER: Okay, but --

9 CHAIRPERSON REID: And additionally, basically
10 while we do try to adhere to very stringent time lines,
11 occasionally if someone is making a point and we feel we want to
12 hear it, we will allow them some latitude as far as time is
13 concerned.

14 MS. DWYER: Okay. I understand, but --

15 CHAIRPERSON REID: But we have time left.

16 MS. DWYER: It's just that the clock started three
17 minutes. So I understand he was to get three minutes.

18 CHAIRPERSON REID: We're watching the time.

19 DR. WEISS: I apologize. I was told to prepare for
20 five.

21 CHAIRPERSON REID: Sure. Sure, and you do have
22 five.

23 DR. WEISS: Thank you very much, Madame Chair.

24 Let me say, again, that in the situation in which
25 George Washington is involved, the development that it engages in

1 really is displacing other commercial development and other jobs
2 that would take place in that area anyway that would be paying
3 taxes.

4 And most importantly, I think, for today is the
5 issue of the residential neighborhood. You know, in our economic
6 plan for the city, which Mayor Williams has strongly endorsed and
7 is carrying out very vigorously, we put attracting and retaining
8 residents on an equal footing with attracting and retaining
9 businesses and jobs because the quality of life for the city
10 depends on it.

11 And also, quite frankly, since we are not able to
12 tax all of the two-thirds of the people who work in this city who
13 do not live in this city, from a fiscal point of view it's vital
14 that we have more people living here who are working here or even
15 living here who work in the suburbs.

16 And Dr. Alice Rivlin, the Chair of the Control
17 Board, gave a speech just last week at the Woodrow Wilson Center
18 at a conference that I organized making that point. Attracting
19 and retaining residents is critical, and it would be a major loss
20 to drive away the existing population that's there in Foggy Bottom
21 neighborhood, and that's my concern.

22 So what would be a win-win solution that I think
23 you can play a big role by being a lot tougher with George
24 Washington in terms of how they proceed with the campus plan, and
25 that win-win solution interestingly enough comes from another

1 client of Maureen Dwyer's, Georgetown University, which showed the
2 way when it built the Georgetown University Law Center and related
3 housing not in Georgetown, which is over developed and was
4 threatening the surrounding neighborhood, but in what we now call
5 the NOMA area at Massachusetts Avenue and New Jersey Avenue.

6 That was an undeveloped area, which did not
7 displace anyone, which welcomed that activity and actually helped
8 act as a catalyst.

9 Now, Georgetown did it not just for the reason of
10 the difficulty of building in Georgetown. They did it for a
11 positive reason. They did it because the law school draws on many
12 people who are federal workers and work in the downtown area and
13 go in the evening, and it was a more convenient location to have
14 the law school at Massachusetts and New Jersey Avenue.

15 Why is that relevant? Because George Washington
16 University could easily come up with an alternative campus
17 expansion plan which would have a Capitol Hill campus that could
18 involve the law school, the school of business and public
19 management, the Elliot School of International Affairs, the school
20 of media and public affairs, graduate student housing, and various
21 related facilities to a new location completely removed from the
22 Foggy Bottom neighborhood.

23 This would enable George Washington to fully
24 accommodate the rising undergraduate student enrollment without
25 encroaching on the Foggy Bottom residential community.

1 CHAIRPERSON REID: Okay, Dr. Weiss. Are you
2 wrapping up because you have exceeded --

3 DR. WEISS: Yes. I'm on my last sentence.

4 CHAIRPERSON REID: Okay.

5 DR. WEISS: Sine the suggested locations of the new
6 Capitol Hill campus would promote economic development areas where
7 it is needed and welcomed -- and I can show them major sites in
8 NOMA and also near the Navy yard where they could build facilities
9 that the city would be delighted to have, that the neighborhood
10 would be delighted to have, that would be a net benefit for the
11 university and for the community, both communities, Foggy Bottom
12 and where the university would build, and for the city as a whole.

13 Now, I understand that George Washington doesn't
14 want to do this. They prefer to do it all at Foggy Bottom, but
15 for you to consider the public interest of the city as a whole, I
16 think you can assert that it would be far better for George
17 Washington to do a Capitol Hill campus, and clearly the university
18 would benefit from it if they would open their minds to this
19 possibility.

20 Thank you very much.

21 CHAIRPERSON REID: Thank you.

22 Dr. Weiss, before you leave, before you leave,
23 there are two things. We have questions.

24 DR. WEISS: Oh, yes.

25 CHAIRPERSON REID: And also, Ms. Dwyer does have

1 time for cross examination afforded her.

2 I have a question in regards to the theory that you
3 just floated with regards to locating some of the various campus
4 activities for George Washington in other places that in the Foggy
5 Bottom community, did you say that you had discussed that with
6 George Washington?

7 I heard you say that they don't want to. Is this
8 an assumption or is this something that you've explored with them?

9 DR. WEISS: Actually I have had conversations, you
10 know. I have been -- every since I was charged, you know, by the
11 city to do the economic plan, I have had conversations with
12 various officials at George Washington University, as well as
13 other universities through the university network and the
14 consortium on this point.

15 I believe in it strongly. I think people, you
16 know, acknowledge that it could be good, but they're -- my feeling
17 is that they're not going to do it if they don't have to do it.

18 CHAIRPERSON REID: Okay, but my question was --

19 DR. WEISS: Yeah.

20 CHAIRPERSON REID: -- did you have -- did you
21 engage in any type of meaningful dialogue with the officials at
22 George Washington in regard to these suggestions that you made
23 here today.

24 DR. WEISS: Yes, I have.

25 CHAIRPERSON REID: And what was the response?

1 DR. WEISS: People said there was an interesting
2 suggestion.

3 CHAIRPERSON REID: All right. Well, to take it a
4 little further, I was looking over some of your credentials, and
5 obviously you're very much involved in some of the economic
6 development policies that pertains to the District. Would that be
7 a suggestion that would carry over to all of the universities that
8 may be having similar problems?

9 DR. WEISS: Yes. In fact, I've talked about it not
10 just with George Washington University senior officials, but with
11 the consortium of the universities. I believe that Catholic
12 University, Georgetown University and other universities that are
13 in similar situations could build campuses or campus facilities at
14 other locations that would be a win-win both for the university
15 and their surrounding main neighborhood, and for the city as a
16 whole in the new areas that they'd be building.

17 CHAIRPERSON REID: Were there any pros and cons
18 that you explored when you had gone into discussions about this?
19 If Georgetown has put their law school over on Capitol Hill, have
20 you talked to them to find out whether or not that has been
21 something that has been successful?

22 DR. WEISS: To the best of my knowledge, it's the
23 most successful law school that's located in this city, and, no,
24 I've never heard anything from any Georgetown official that said
25 they had any problem with the fact that they put the law school

1 where they put it.

2 CHAIRPERSON REID: What comes to my mind is that it
3 certainly is not anything that you would consider to be a
4 monumental suggestion. Certainly it's been explored because we
5 see what's happened with Georgetown, but nonetheless there seems
6 to be some hesitancy in regard to doing this on the part of the
7 universities because if it were just that simple, I would think
8 that we would see a proliferation of that all over the city.

9 DR. WEISS: Well --

10 CHAIRPERSON REID: I would think wouldn't that just
11 be a logical progression of that thought?

12 DR. WEISS: Well, I think that in the case of
13 George Washington I'll be very candid. They have a central enough
14 location that probably if you look at it in their big picture,
15 it's really more convenient to have everything right there.

16 However, it's a lot less convenient in terms of the
17 negative impacts on the surrounding neighborhood, and it's not of
18 great benefit to the city.

19 So what you're saying, which makes imminent good
20 sense is that if they move some facilities, you know, to another
21 central location, it would be convenient for the students. It
22 would be better for the city, and while it would be slightly more
23 inconvenient for them --

24 CHAIRPERSON REID: Excuse me. Excuse me.

25 DR. WEISS: Yeah.

1 CHAIRPERSON REID: Who said that?

2 DR. WEISS: Pardon?

3 CHAIRPERSON REID: You said that that's what I
4 said. I didn't say that. I did not say that. So please don't
5 misquote me.

6 DR. WEISS: Oh, okay.

7 CHAIRPERSON REID: I was just exploring the
8 possibility because I would look at it --

9 DR. WEISS: Okay. Well, in --

10 CHAIRPERSON REID: The way I would look at it --

11 DR. WEISS: In the spirit of the question you
12 asked.

13 CHAIRPERSON REID: The way I would look at it is
14 how has that impacted upon the overall operation of Georgetown
15 University, as well as other urban settings that have to contend
16 with the same problems across the country in regards to having the
17 university right in the middle of the city with all of the other
18 types of problems that come about as a result of that. That's all
19 I'm saying.

20 DR. WEISS: Well, all right. Let me give you
21 another example. I just did the economic plan for Baltimore, and
22 one of the assets was the University of Maryland, of course, main
23 campus is at College Park, but have the University of Maryland
24 medical system and other facilities in downtown Baltimore is a big
25 asset, and Johns Hopkins, which has its campus in the city, is

1 looking more and more to build more facilities closer to downtown
2 at a separate location because that's turned out to be good for
3 their needs, as well as it's very good for the city economic
4 development and, again, gets around the problem of displacing an
5 existing residential neighborhood where their main campus is
6 located.

7 CHAIRPERSON REID: Okay. Thank you.

8 Any other questions from members?

9 VICE CHAIRPERSON SOCKWELL: Yes. Dr. Weiss, you --
10 and just following up on the Georgetown Law School, since it was
11 brought into the picture -- in the context of your discussion, you
12 seem to be leaning in the direction that the law school's presence
13 in the neighborhood east of Third Street has been an economic
14 development boost for that area, and far be it from me to see any
15 relevant changes to that neighborhood, and I drive through it
16 every day.

17 DR. WEISS: Well, let me just say that, you know,
18 it takes a while to build critical mass. It takes a while for the
19 market conditions to be ripe, but I can tell you that as we speak
20 there's a brand new office building being built, a 250,000 square
21 foot office building being built right across the street from
22 Georgetown Law Center.

23 The Union Labor Life Insurance Building, which is
24 also across the street on Massachusetts' side has just been
25 purchased for a major value increase and is going to get a lot of

1 new investment.

2 The Republic Square property, which is where we
3 almost put the world headquarters of MCI, is now being marketed
4 and I believe will be built.

5 The Department of Transportation is looking at the
6 Gonzaga site, which is just about two blocks away. I think that
7 area is really going to flower now, and the presence of the
8 Georgetown facilities help provide an institutional anchor for
9 that development.

10 VICE CHAIRPERSON SOCKWELL: The law school has been
11 there for quite some time now, and these developments, I believe,
12 are more the progression eastward of the development of the
13 downtown section of the District, including new projects that are
14 being proposed for 5th and Mass. Avenue, for 6th between H and I,
15 and any number of things, but it wasn't, to my belief as an
16 architect, as a native, as one who knows the neighborhood pretty
17 much like the back of my hand, but who's never been in the liquor
18 store --

19 (Laughter.)

20 VICE CHAIRPERSON SOCKWELL: -- that the law school
21 didn't do anything for the community. It didn't provide any
22 catalyst, that the catalyst is one of land values, of the natural
23 progression of businesses to areas where the under developed land
24 is more reasonable to buy and certainly ultimately developable,
25 and of course, if they put that baseball stadium in the middle of

1 the thing, it would have done something else, but I just didn't
2 see the law school as a catalyst nor anything more than an oasis,
3 and as an oasis and having been in the law school building there,
4 it's just another structure in that case.

5 Now, had the university attempted to develop a full
6 campus environment in that neighborhood, there might have been an
7 even greater boost or a really acceptable boost. I just don't
8 think that that is a catalyst.

9 I think there are other economic factors and other
10 development oriented factors that were much more important to what
11 is happening there now.

12 DR. WEISS: Mr. Sockwell, let me respectfully say I
13 think we are debating entirely the wrong issue here because the
14 issue is first do no harm, and there's no question that Georgetown
15 would have done a lot of harm if they tried to put all of that in
16 Georgetown.

17 They did no harm putting it where they did, and
18 they did some good, and in every possible sense it was a win-win,
19 and while I did not say that that was the major catalyst, it
20 certainly helped ultimately in that area being developed just as
21 if George Washington University went into the Southeast Federal
22 Center or near the Navy Yard or went into the NOMA area, they
23 would help contribute to the overall development in a positive
24 sense of that area without having the negative impacts they will
25 certainly have in Foggy Bottom.

1 CHAIRPERSON REID: Let me jump in because we need
2 to move on.

3 DR. WEISS: Yes.

4 CHAIRPERSON REID: Ms. Dwyer, did you have
5 questions?

6 And did you give us your address?

7 DR. WEISS: Yes, I did, ma'am.

8 CHAIRPERSON REID: Tell me what it is.

9 DR. WEISS: Oh, did I state it for the record?

10 CHAIRPERSON REID: Yes.

11 DR. WEISS: I apologize. I did not. I put it on
12 the card. It's 426 O Street, S.W.

13 CHAIRPERSON REID: You don't live in Foggy Bottom?

14 DR. WEISS: No, I'm here as a pro bono expert
15 witness. I'm a resident of the District of Columbia. I'm not a
16 resident of the neighborhood.

17 VICE CHAIRPERSON SOCKWELL: He's one of my
18 neighbors.

19 DR. WEISS: That's right. I'm Bob Sockwell's
20 neighbor. Southwest.

21 (The Board conferred.)

22 CHAIRPERSON REID: Thank you. I just wanted to
23 clarify that.

24 DR. WEISS: Thank you.

25 CHAIRPERSON REID: Okay.

1 MS. DWYER: Just a couple of questions. One, since
2 my understanding is that Dr. Weiss is representing an
3 organization, and the organization he's representing is which
4 organization?

5 DR. WEISS: I'm here on behalf of ANC-2A. I was
6 requested by them to testify as an expert witness on this matter.

7 MS. DWYER: So the only organization you're
8 representing is the ANC as a pro bono consultant to them.

9 DR. WEISS: That's correct. Now I have
10 affiliations. I'm a public policy scholar at the Woodrow Wilson
11 International Center for Scholars and a senior fellow in community
12 studies at the Center for National Policy. However, I'm not here
13 today speaking on behalf of either of those organizations.

14 MS. DWYER: And are you aware that this university
15 spent millions of dollars to expand into Virginia -- and maybe I
16 should wait until the Board finishes.

17 (The Board conferred.)

18 CHAIRPERSON REID: Okay. I think that there was
19 some misunderstanding, Ms. Dwyer. I do apologize to you because
20 it was brought to my attention that Dr. Weiss was going to testify
21 as part of an organization. However, on clarification, I'm
22 finding out now that he is really, in effect, testifying as an
23 individual.

24 MS. DWYER: That is correct. Thank you for --

25 CHAIRPERSON REID: Unfortunately we can't roll back

1 the time.

2 MS. DWYER: I know.

3 CHAIRPERSON REID: Excuse me. Excuse me one
4 second.

5 But what we can do in parity is perhaps give your
6 persons in support maybe another minute or two if that would --

7 DR. WEISS: Madame Chair, Madame Chair, if it would
8 help clarify the matter, I am the treasurer of the District of
9 Columbia Federation of Citizens Associations, which absolutely
10 totally agrees with the position of the opposition in this case,
11 and I'll be happy to speak on their behalf, and I know that I am
12 authorized to do so.

13 So if that resolves the matter for you, go ahead
14 and enter it that way.

15 CHAIRPERSON REID: And what organization? What
16 organization?

17 DR. WEISS: D.C. Federation of Citizens
18 Associations.

19 MS. DWYER: Which has not filed anything in the
20 record to indicate a position or that Dr. Weiss is speaking on
21 their behalf. So I think at this point --

22 DR. WEISS: I can get that documentation for you.

23 MS. DWYER: I think at this point we'd rather just
24 leave the record as it is and --

25 CHAIRPERSON REID: This is a little too murky,

1 right? Thanks.

2 DR. WEISS: Okay.

3 CHAIRPERSON REID: We have your testimony.

4 DR. WEISS: Okay. Thank you.

5 CHAIRPERSON REID: Okay, Mr. Weiss.

6 MS. DWYER: Are you aware that this university has
7 spent millions of dollars to expand in Maryland and with its Mount
8 Vernon campus in order to relieve some of the pressure on its
9 Foggy Bottom campus?

10 DR. WEISS: I am ware that the university has spent
11 the money expanding to other locations. I have no direct
12 knowledge that they're doing it in order to relieve pressure on
13 the Foggy Bottom campus.

14 MS. DWYER: Then can you just state for the record
15 who was it at the university that you spoke with that said that
16 the university was not interested in other locations?

17 DR. WEISS: I did not say that. I did not say that
18 anybody said they weren't interested in other locations. What I
19 said was that when I have proposed to various people that they
20 should consider this idea, people have said that's interesting.
21 No one has said, no, they won't do it, but if you look at actions
22 speaking louder than words, you wouldn't be here today if the
23 university was doing it.

24 So I assume that they are not going to do it unless
25 they don't have any other choice.

1 MS. DWYER: Let me just understand. I wouldn't be
2 here because if the university developed in the NOMA area it would
3 abandon its Foggy Bottom campus and no longer have that?

4 DR. WEISS: No, I didn't say that either. What I'm
5 saying is that if the university had taken seriously on a
6 significant scale developing a new alternative campus in another
7 neighborhood of Washington, we wouldn't be having this hearing now
8 because the campus plan you're proposing would be far different.

9 MS. DWYER: And you don't think that the
10 establishment of the Mount Vernon campus was a significant
11 initiative by the university?

12 DR. WEISS: Well, the Mount Vernon campus,
13 unfortunately is yet another residential area which has its own
14 problems. So I don't think that's the solution either.

15 Also, to the best of my understanding, the issue
16 there is that has to do with undergraduate housing and
17 instruction, which I know the university wants to keep in high end
18 areas close to Foggy Bottom. What I'm talking about is graduate
19 and professional instruction, which I think would do well in other
20 areas near the downtown as the Georgetown Law School has done.

21 MS. DWYER: Then to go back to my earlier question,
22 who was it at the university that you spoke with about this
23 proposal that you have?

24 DR. WEISS: I have spoken with the President, Dr.
25 Tractenberg, and I've spoken with Bernard Dempshaw, who's the Vice

1 President, I think, for Governmental Affairs.

2 MS. DWYER: All right, and do you recall when you
3 had those conversations?

4 DR. WEISS: Probably more than a year ago.

5 MS. DWYER: Have you had any conversations in the
6 last year with them then on this issue?

7 DR. WEISS: I think I talked with Bernard Dempshaw
8 maybe about six months ago about this. That was the last time.

9 MS. DWYER: All right. Thank you

10 VICE CHAIRPERSON SOCKWELL: If I might just add, I
11 think in Dr. Weiss' discussions of things he may not have intended
12 to state that his dealings with the university had been
13 formalized, and I don't want it to appear that he was making a
14 statement of a formal relationship with the university.

15 DR. WEISS: Thank you for that clarification.
16 That's absolutely correct.

17 CHAIRPERSON REID: Okay. Thank you.

18 All right. So let's continue.

19 MS. MILLER: Don't we have a right as parties to
20 rebut the cross examination?

21 CHAIRPERSON REID: No, no, no.

22 MS. MILLER: I'm sure that that is part of --

23 CHAIRPERSON REID: Ms. Miller, if you have
24 something to say, come up and say it into the mic, but I don't
25 think there's a -- there is not a cross examination and rebuttal

1 to cross examination that I am aware of.

2 MS. MILLER: I'm Dorothy Miller. I'm a party to
3 the case, and I'd like to rebut the cross examination by the
4 lawyer for G.W.

5 CHAIRPERSON REID: Wait, wait, wait one second.
6 One second.

7 Ms. Sansoon, can you speak on this matter, please?

8 MS. NAGELHOUT: The BZA rules allow for examination
9 of witnesses, questions by the board, and cross examination.

10 CHAIRPERSON REID: No, Ms. Miller.

11 MS. MILLER: I understood that that changed and we
12 now can rebut.

13 CHAIRPERSON REID: Has not.

14 MS. MILLER: Okay. I'll check it out and get back
15 to you. Thank you.

16 (Laughter.)

17 MS. NAGELHOUT: Appreciate it.

18 (Pause in proceedings.)

19 CHAIRPERSON REID: Sir, can you move it back some
20 and then I think we can all be able to see it?

21 Ms. Nagelhout, you know, when I looked down I
22 thought that Marie Sansoon was sitting down there. I must -- I
23 wanted to correct that for the record, who was speaking.

24 MR. THOMAS: Thank you, Chairperson Reid and
25 members of this Board.

1 I'm Michael Thomas. I reside at 2501 M Street,
2 N.W., Washington 20037.

3 I'm here today as President of the Foggy Bottom
4 Association, which is a neighborhood association in and for the
5 neighborhood that is variously called both Foggy Bottom and West
6 End for the last 40 years. That is, the Association has been
7 there active for the last 40 years.

8 I want to first state briefly for the record this:
9 that FBA is not any student, and its members are generally not
10 any student, although there is a wide variety of opinions, but the
11 association is certainly not.

12 Students are welcome as members of our association.
13 They are, in fact, given discounts on the membership. We partner
14 with the G.W. Student Association on community projects.

15 Our concerns are rather with the institutional
16 policies at G.W. that have become very damaging to Foggy Bottom
17 West End over the term of this expiring plan. We cannot survive
18 as a residential community if anything like the same policies are
19 allowed over the next several years.

20 The core problem has two main causes and two
21 principal manifestations. First, G.W. has had no meaningful
22 constraint on enrollment in Foggy Bottom. There are over 20,000
23 students now, but of course, now they want the enrollment cap to
24 apply only to Foggy Bottom, and there is no meaningful constraint
25 on enrollment, and enrollment has grown in great spurts since

1 1993, the date of the final approval order on the expiring plan.

2 There has been no requirement to house added
3 students on campus, and largely G.W. has not done so.

4 Because enrollment especially in full-time
5 undergraduate enrollment has greatly exceeded on campus housing,
6 two phenomena have been resulted. First, student renters have
7 flooded the private market, turning apartment houses into
8 dormitories essentially and row houses into informal frat houses
9 at least in some cases.

10 Second, G.W. bought about three dozen properties
11 outside the authorized campus, but within Foggy Bottom West End
12 mostly to house students. The result has been the displacement of
13 large numbers of long term taxpaying residents who are, after all,
14 the stakeholders on our community. They're the people we rely on
15 to hold the community together over time.

16 The loss of large amounts of tax revenues has also
17 resulted in the evisceration of an old established residential
18 neighborhood.

19 I've set out here, as I've set out in my earlier,
20 more extensive written submission, the history of the enrollment
21 and how it spurted after 1993. I won't reiterate that. What has
22 resulted is that about a little less than 2,400 full-time
23 undergraduate students had not been offered housing as of fall
24 '99, which was the last set of official numbers that we have been
25 provided in the course of the facilitator discussions.

1 Of the housing that was offered, which was about
2 4,466, nearly 1,000 of those spaces were in apartment houses G.W.
3 had recently bought off campus. In addition to the 2,380 full-
4 time undergraduates, about 5,000 or about 4,600 and some actually
5 full-time graduate students were also in the rental market.

6 So what did this surge of renters and acquisitions
7 mean to Foggy Bottom West End? And that's why I have the map
8 here.

9 First, I want to point out what Foggy Bottom West
10 End is. There are some varying definitions, and as you know from
11 reading the comprehensive plan, there is a division there in
12 definitions between Foggy Bottom and West End.

13 It is all served by one ANC. Our neighborhood
14 association covers essentially the same ground as does the West
15 End Citizens Association. So as a practical matter talking about
16 a residential area, we are talking about 19th on the east to the
17 river and Rock Creek on the West and E Street on the south to N
18 Street on the north, which is essentially where the paper ends.

19 This was a map, by the way, generated by the Office
20 of Planning mapping people.

21 The authorized campus, which I have covered simply
22 because that is not what I'm going to basically talk about, but
23 also to give you an idea of how large a part of Foggy Bottom West
24 End it already is, as an official matter is the area covered by
25 the tan paper. That is the campus that has resulted from the

1 orders of this board over time, and of course, the southwest
2 corner used to be part of the campus until it was excluded. That
3 is the infamous Square 43 that was taken out for the express
4 purpose, as the Board found it essential to remove that from the
5 plan in order to protect and preserve the adjoining residential
6 community.

7 The properties that are colored red on the map are
8 those that George Washington University, to the best of your
9 ability to gather this information, in a cross-check what they've
10 given us against OP and their computer, these are properties that
11 G.W. owns.

12 As you can see, in the southern tier of what is
13 left of non-official campus G.W., there is a large amount of
14 ownership. Again, Square 43, what used to be the Howard
15 Johnson's, now called the Hall on Virginia Avenue; the Aston, well
16 up north of New Hampshire Avenue -- of campus on New Hampshire
17 Avenue.

18 The buildings in blue are those that were
19 identified in a survey done by Commissioner Tyler in the first
20 three months of this year, and that was the best information she
21 was able to get. It's hard to get information to indicate which
22 buildings were those where the units were 50 percent or more
23 occupied by students as of that time.

24 Of course, that changes. I can't certify that this
25 is even 100 percent accurate as of, you know, April 8th, which is

1 the last time she added to her information, but these are
2 buildings -- the blue buildings are buildings including a lot of
3 townhouses in the historic district, including Snow's Court, for
4 example, including a number of townhouses along 25th which are
5 substantially occupied by students.

6 This southwest of Square 43 is, of course, Columbia
7 Plaza. Three of the buildings are marked in blue because they are
8 substantially occupied by students. The cross-hatching in red, of
9 course, indicates that the university already owns something a
10 little less than 30 percent. It also has agreements that could
11 lead to 50 percent ownership, and that apparently would put them
12 into a general partnership status there.

13 The orange buildings are those which by observation
14 have a significant student occupancy, but we don't have any
15 quantification of that. Now, I will tell you that I walked
16 around, and particularly the week before campus when you have a
17 lot of cars escorting students, and their materials and so forth
18 and so on. It's fairly obvious and also from informal
19 conversations.

20 So that is just to give you some idea of where
21 there are a number of other students. We just can't quantify
22 them, and we haven't been able to get good information from the
23 university. They don't know where their students are at least
24 with any confidence.

25 The pink, which may not be all that easily picked

1 out, there are two buildings that are pink, here, which is the
2 Alan Lee on F Street; here, which is One Washington Circle. North
3 of the campus are buildings where the university, to our knowledge
4 has made substantial efforts to buy those properties and may still
5 be in the hunt for those properties.

6 So relatively little is left of the southern tier
7 of Foggy Bottom West End. G.W. took the removal of Square 43 as a
8 green light to buy and raise the residences that they were able to
9 buy. What they're now asking for you to do is to expressly
10 condone turning almost all of the rest of the southern tier, which
11 includes not just 43, but 58, 81, and 122 into de facto campus,
12 into unregulated campus under this Board's current regulations.

13 And also that you implicitly approve their
14 continued acquisition of properties elsewhere in Foggy Bottom West
15 End with the right to subject them to university uses in 2005 or
16 later. Remember they have this -- it's very important that you
17 very carefully read their proposals as to their so-called
18 voluntary self-restraint as to acquisitions because it doesn't
19 apply in very many places that we're critically interested in in
20 some ways, and secondly, it runs out by its own terms if, in fact,
21 they were able to meet their so-called housing commitment about
22 which I'll talk in a minute.

23 They also want your blessing for continuing to turn
24 Columbia Plaza into a dormitory. That's what they mean by the
25 exception for properties where they already own an interest in

1 their already highly conditioned and time limited offer to curtail
2 off campus acquisitions.

3 These proposals taken as a whole would give them an
4 argument against regulatory reform of overwrite uses, which the
5 Zoning Commission is now going to be taking a look at. Their
6 argument would be: look. We've already reformed in a way that
7 the BZA has approved in a ten-year plan.

8 It as well gives them an argument that new regs.,
9 if they are adopted, when they are adopted, won't apply to them
10 during the term of this new plan. Their argument would be we've
11 got vested rights under all of the tradeoffs that we agreed to in
12 a BZA approved plan. For those reasons, we urge you to reject
13 those proposals.

14 To the west they've made very substantial inroads,
15 a couple of times by purchase, many more times by the flow of
16 students. The old, established residential neighborhood is now
17 Swiss cheese if you were looking for stakeholders, permanent
18 taxpaying citizens.

19 They now want to go north. That is why they define
20 Foggy Bottom to stop at Pennsylvania Avenue, and Foggy Bottom
21 being a defined term then limits where there's any restriction on
22 them at all so that the northern third of our community becomes a
23 free fire zone for G.W.

24 It may be that the Board cannot stop, and I think
25 that the Board is determined that it cannot stop, off campus

1 acquisitions, but it should not enter an order that says that they
2 are to be encouraged or implicitly encourage them. They should be
3 discouraged.

4 Now, I've laid out in this oral testimony in
5 written form and earlier the reasons that we believe or we agree
6 with OP that this violates the current law and so does the
7 proposed plan, and it also violates public policy as set out
8 repeatedly in the last several iterations of the comprehensive
9 plan. I won't repeat that here, but I do invite your attention
10 again to the quote from the 1994 plan, which made very clear even
11 at a time when there were 1,600 fewer full time undergraduate
12 students that the university should be building dormitories not
13 just for prospective enrollment increases, but also to bring back
14 into the campus the increases for which they had not made
15 provision historically.

16 G.W.'s proposals on housing are completely
17 inadequate. First, that enrollment projections have been
18 uniformly low historically. They bought the Howard Johnson Hotel
19 as an investment property, but then they converted it to a dorm
20 when they were surprised by 400 more freshmen than they had
21 projected.

22 Dr. Limebaugh, who is here before you today, had
23 testified before you in April that they would have about 7,000
24 full-time undergraduates in September. They apparently have
25 something like 7,200 or a little less, and no place to put any of

1 them.

2 They're asking for an undifferentiated 20,000
3 student cap with no guarantee against more students living in
4 Foggy Bottom West End. Given recent experience we have to proceed
5 on the assumption that G.W. will do what is allowed and not what
6 is projected. Their official projection is 8,000 full-time
7 undergraduates by fall 2005, but at recent rates of growth, which
8 are five percent a year with freshmen up 20 percent in two years,
9 they will be at 9,189 full-time undergraduates by 2005, and they
10 would still have a lot of room under their proposed cap.

11 Dr. Limebaugh conceded it was possible they would
12 have 9,000 full-time undergraduates by 2010, although that wasn't
13 just projection. At a five percent annual growth, there will be
14 over 11,700 full-time undergraduates. Even at three percent
15 growth, they would have over 9,500.

16 There is no unconditional commitment to build any
17 on-campus dormitories. Their conditions may never be met on
18 Square 54, the old hospital, or Square 80, the school without
19 walls. They may never acquire the property that they need on
20 Square 103 to build there. If any of these projects fail the way
21 they have constructed their proposal, even if it is through no
22 fault of anyone, there is no commitment to house 70 percent of
23 full-time undergraduates anywhere, much less on campus.

24 If the 70 percent commitment ever becomes
25 operative, it still pushes more students into the rental market

1 than in fall '99. That is, in fall '99 there were 2,380 unhoused,
2 full-time undergraduates. If they housed 70 percent of 1,000,
3 there would be 20 more students pushed into the neighborhood.

4 At 9,000, however, it's 320 more students, and if
5 they get over 11,000, you're over 1,000 more students pushed into
6 the rental market. But in the best case, even though it is the
7 least likely case, there is no housing commitment beyond 60
8 percent until 2005. Before then, increases in enrollment are to
9 be absorbed by the community.

10 For all of these reasons, OP is correct. This plan
11 is flawed as a matter of law and as a matter of very important
12 policies repeatedly set forth by the D.C. Council. So the
13 application must be denied.

14 Please help us save our neighborhood or what's left
15 of it by requiring a plan that by its terms guarantees that the
16 incursions are rolled back. Such a plan is outlined in our
17 written presentation and also in OP's report which we commend
18 highly.

19 G.W. recently submitted a draft of the condition on
20 the plan to provide for a five-year review of its progress on
21 housing, and I've added this to my statement only having gotten
22 this this weekend. Let me just briefly say that we've argued that
23 the plan shouldn't be approved for longer than five years because
24 of all the uncertainties as to how to deal with, in a positive
25 way, the likelihood of further incursions of students as

1 enrollment growth.

2 Nevertheless, let me mention that there are other
3 inadequacies of this G.W. proposal. It provides only for a status
4 report at five years by G.W. and only then if requested by the ANC
5 -- of course, it would be -- and then comments by other parties.
6 No sworn testimony is provided for. It prohibits testing the
7 status report by cross examination. There is no provision for
8 what happens if G.W. has not met housing commitment. There is no
9 provision for amending the housing, student conduct, or
10 enforcement provisions to respond to any defects in the plan that
11 are identified during the review.

12 If the Board does not provide for meaningful,
13 unconditional commitments as to housing students and for
14 meaningful enforcement in its order approving a plan, it will be
15 hamstrung later when the plan proves inadequate. I am unaware of
16 anything in the current regulations that would allow the Board to
17 amend a plan substantially in mid-term even if it considered that
18 such amendments and changes were essential.

19 Thank you very much for the opportunity to present
20 the views of our neighborhood and its association.

21 CHAIRPERSON REID: Thank you.

22 Board members, questions?

23 (No response.)

24 CHAIRPERSON REID: Ms. Dwyer.

25 MS. DWYER: I have a few questions, and some of

1 them relate to your written testimony which we did read and is
2 part of the record, and I just wanted to go back to something in
3 your testimony.

4 Your written testimony you mentioned that there
5 were numerous advantages to living next to the university, and I
6 was wondering if you could describe those for the record.

7 MR. THOMAS: Living next to a university that is
8 compactly located and carries out its activities within its
9 authorized campus and provides a number of important advantages,
10 particularly to people like myself who are perennial students.
11 I've taken courses at G.W. in the '60s and '80s and in the '90s,
12 and I appreciate those opportunities.

13 I didn't always live in Foggy Bottom when I did
14 those, took those courses.

15 The Foggy Bottom Association is permitted on
16 presentation of its card to go into the Gilman Library. I
17 appreciate that particularly because the National Security Archive
18 in on the top floor and that happens to be my area of interest.

19 There are social events. There are sporting
20 events. Universities can be very good neighbors.

21 MS. DWYER: All right. Thank you.

22 Going back to something you filed in the record,
23 you also filed in the record a pleading from the George Washington
24 University Mount Vernon College case, and in that pleading there
25 was a request for environmental review of the campus plan, and I

1 was just wondering if you were aware that the Board denied that
2 request in that case finding it had no jurisdiction.

3 I am generally aware of the procedural history of
4 that case, including the fact that not only, as you say, the Board
5 denied the request, but that the court denied the show cause
6 order.

7 MS. DWYER: And I'm just wondering by your filing
8 in this case are you asking this Board to rule on that as an issue
9 here or what would have been the reason to file it in the record
10 of this case? I'm just --

11 MR. THOMAS: We believe that the pleading states
12 what the law should be. If -- yes. I mean we would ask that
13 there be such an environmental assessment on such a multi-faceted
14 series of impacts as are proposed under this plan, and if that is
15 not done, we certainly want to marker in the record that the issue
16 has been fully raised.

17 MS. DWYER: I'm just wondering if in terms of where
18 the Board is on that, whether that was a formal request that we
19 need to respond to or if that's something in the record that is
20 just for information, but it was filed by the Foggy Bottom, and it
21 was something from another case suggesting environmental review,
22 which, again, this Board has already ruled on in the other case.

23 So I would just like the Board at some point to
24 know for the record perhaps to reaffirm its earlier decision that
25 that is not something that's within its jurisdiction.

1 In your testimony today, you stated that if the
2 university were to grow to 9,000 students, undergraduates, that
3 that would mean 20 more students in the rental market, and then --

4 MR. THOMAS: Let me correct you before you go
5 further. I said if there were 8,000 students and 2,000 --

6 MS. DWYER: Oh, I'm sorry. Eight thousand. Then
7 it would be 20 more students. And when you say 20 more students,
8 these would be 20 more students living off campus. Is that what
9 you --

10 MR. THOMAS: Twenty more students who are not
11 offered university housing. That's right.

12 MS. DWYER: And you're not suggesting that this 20
13 would all be living in Foggy Bottom as opposed to other areas of
14 the city or Maryland or Virginia?

15 MR. THOMAS: I haven't any idea where they would
16 live. We don't have any idea of where the current unhoused
17 students live in any great detail. They could all live at Foggy
18 Bottom.

19 MS. DWYER: But you don't have any way of knowing
20 whether they would or whether they would be taking the Metro to
21 other areas?

22 MR. THOMAS: That's right.

23 MS. DWYER: All right. In your written testimony
24 you also stated that the university has proceeded in full
25 accordance with the approvals given by the Board in 1985, and do

1 you still stand by that statement in your written material?

2 MR. THOMAS: Let me look at what it is, if you
3 could give me the reference.

4 MS. DWYER: Okay. All right. You state on page 7
5 that it is clear that G.W. has proceeded under the sanction of its
6 plan as to enrollment and student housing, and that it has
7 acquired off campus properties and subjected them to university
8 uses without regulatory review as expressly permitted by this
9 Board.

10 And I just wanted to confirm that you still agree
11 with that statement.

12 MR. THOMAS: With that statement, yes.

13 MS. DWYER: All right, and let me just go further
14 then. Isn't it true that in 1985, when the Board approved the
15 campus plan, it did not restrict any off campus purchases, feeling
16 at that time that it couldn't?

17 MR. THOMAS: Well, it wasn't in 1985, but I think
18 that is a correct statement of what the Board's believe about its
19 authority was.

20 MS. DWYER: All right. Going back to that earlier
21 order, you also state in a footnote in your written testimony that
22 the BZA at that time set an enrollment cap for the entire
23 university, not just the Foggy Bottom campus, and can you tell me
24 where in the order for the 1985 plan the Board stated that the
25 enrollment cap was for the entire university and not just Foggy

1 Bottom?

2 MR. THOMAS: I can't give you a page reference. I
3 read the plan looking for any contrary indication.

4 MS. DWYER: All right. In your written testimony
5 you also refer to Section 1325.3 of the comprehensive plan, and I
6 have that with me just in case you don't have it handy, and I
7 wanted to refer you to that section and just ask you whether that
8 section lists other causes that contributed to the depletion of
9 the housing stock in this community.

10 The suggestion seems to be by referencing that that
11 you're suggesting that it was simply the university that caused
12 the depletion of the housing stock, and I was just wondering if
13 you could read the other references in that section where there
14 were non-university impacts on the housing stock in your
15 community.

16 MR. THOMAS: Which section are you talking about?

17 MS. DWYER: Thirteen, twenty-five, point, three of
18 the comprehensive plan.

19 MR. THOMAS: Well, counsel, why don't I just
20 stipulate that as I indicated by showing ellipses in the quote,
21 that I was only lifting that part of the language which was
22 directly relevant to the issues that I was addressing, and that,
23 yes, there are other causes of loss of housing stocks?

24 MS. DWYER: All right. You mentioned in your
25 testimony as well that one of the site, Square 80, requires the

1 District and the community to work together in order for the
2 project to go forward, and is your association committed to
3 working with the university so that student housing can be built
4 on that site?

5 MR. THOMAS: I'm sorry. Now, you're talking about
6 Square?

7 MS. DWYER: I'm talking about Square 80, which is
8 the school property, and you mentioned that it requires the
9 District and the community to work with the university. I'm
10 asking whether your association is committed to working with the
11 university and the city on that.

12 MR. THOMAS: We are committed to dialogue on all
13 issues that have the potential for either impact or to ameliorate
14 impact, including that one, and we will continue to be very
15 forthcoming about going to meetings and participating in those.

16 MS. DWYER: And do you feel the same way about the
17 development of Square 54, the old hospital site?

18 MR. THOMAS: We will certainly want to participate
19 vigorously in the consideration of what should be done on the old
20 hospital site, yes.

21 MS. DWYER: Okay. Thank you.

22 One final question. You state in your written
23 testimony that most students are responsible and respond to
24 encouragement to treat the community as their home, and that you
25 appreciate the university's efforts to educate students as to

1 standards of conduct and to provide the hot lines and other
2 emergency services. And do you still agree with that statement?

3 MR. THOMAS: Yes. We applaud all affirmative
4 efforts by the universities to educate its students not only in
5 academics, but also in what's appropriate and where, and all of
6 those efforts can be improved, but we do applaud them.

7 MS. DWYER: All right. Thank you. No further
8 questions.

9 CHAIRPERSON REID: Thank you.

10 All right. What are we doing on time?

11 SECRETARY PRUITT: We're stopping during cross
12 examination and returning --

13 CHAIRPERSON REID: All right. So --

14 SECRETARY PRUITT: There's 30 more minutes. This
15 clock only does 60 at one time. So after this there will be
16 another 30 minute period added.

17 CHAIRPERSON REID: We've only had an hour -- half
18 an hour?

19 SECRETARY PRUITT: Yes.

20 CHAIRPERSON REID: No.

21 SECRETARY PRUITT: On testimony. There's no limit
22 on cross examination.

23 CHAIRPERSON REID: I know, but we've had more than
24 a half an hour testimony.

25 SECRETARY PRUITT: On parties.

1 CHAIRPERSON REID: Okay.

2 MR. McLEOD: Good morning, Chairman Reid and
3 members of the Board.

4 I don't plan to be long, but do I have a specific
5 time limit I guess is my question.

6 CHAIRPERSON REID: No. Your time is contained
7 within the time frame for the opposition.

8 MR. McLEOD: Okay.

9 CHAIRPERSON REID: And each person was supposed to,
10 I guess, check with whoever is coordinating it to determine about
11 how long you have.

12 So, Ms. Spillinger, how many other persons other
13 than this gentlemen?

14 MS. SPILLINGER: I think there are just three more.

15 CHAIRPERSON REID: Oh, okay. So then --

16 MS. SPILLINGER: No, four.

17 CHAIRPERSON REID: -- given the fact that you have
18 four people to testify, however you feel it would be --

19 MR. McLEOD: I'll be quick.

20 CHAIRPERSON REID: Okay.

21 MR. McLEOD: I'm James McLeod. I live at 2424
22 Pennsylvania Avenue, N.W., Number 407, here in the District.

23 I submitted a statement on September 7th, which is
24 in the record, and I'm going to summarize that, and today I also
25 submitted some documentation to help supplement that statement I

1 submitted on the 7th.

2 I do support the ANC's position in April that G.W.
3 should build on campus housing equaling the number of full-time
4 undergraduate students and attending the Foggy Bottom campus.

5 I've cited to land use regulations which talk about
6 conserving and enhancing existing neighborhoods, and that's my
7 concern. In my statement I included a couple of items, one, a
8 photograph of the front of the building where I live, which used
9 to be -- and I reference my supplements today, Item 1 and Item 2 -
10 - that used to be a G.W. dorm or at least part of the building
11 was.

12 When that happened, there were 27 units. I said 27
13 to 33, there's 27 based on being able to verify that number. The
14 building, in effect, converted from an apartment building where
15 you had a lot of long term residents to one where now we have very
16 transient community. About a quarter of the residents still live
17 there long term, and I mean long term. Some have been there for
18 over 30 years.

19 And that is part of a larger community which I
20 referenced originally becoming a party as the horseshoe of
21 neighborhood around the central business district, and I just
22 wanted to refer to this map for the Commission, and I'll just
23 point out the neighborhoods.

24 We're in Foggy Bottom, and the essential business
25 district has basically got north of the White House would be the

1 central part. The Foggy Bottom, the West End, Dupont Circle,
2 Logan Circle, Thomas Circle, and Shaw, Chinatown, and Pennsylvania
3 Quarter, and now efforts to fill in the horseshoe. So maybe it
4 will become a dock at some point, but you have neighborhoods
5 surrounding the entire area, and part of what I'm going to focus
6 on is just my building, where it is and my concerns about the
7 university.

8 We're in an area where if G.W. -- and I think from
9 their statements -- I am right on Pennsylvania Avenue, and that
10 seems to be an area, a C-2-C zone where G.W. is interested in.
11 What will happen if they divide that area between K and Penn. is
12 they are going to separate historic Foggy Bottom from the West
13 End, this part of West End.

14 You begin to sever off the communities from each
15 other not with -- what you're severing is long-term residents,
16 people who have lived there for quite a while. If they're
17 occupied by students, the university begins to fill the community,
18 in this case sever links between long-term residents in what I
19 call the horseshoe of neighborhoods around the area.

20 Now, Mr. Barber during cross examination, I tried
21 to get him to explain what I've attached as Item 4 on my
22 supplement, which is their unpaginated item they submitted on the
23 last time we were here, and I looked at it, and I was somewhat
24 relieved. I said, well, my building is included in this grid,
25 which says Foggy Bottom area, they're committed not to purchase.

1 And on the first page I've kind of summarized that
2 statement or I quoted the statement, and I asked Mr. Barber, and
3 of course, the Board is going to include how specific his answer
4 was, but I took it to mean no, that when I asked him do you claim
5 to purchase my building, instead of him saying, "No, we don't," he
6 kept referring to they don't plan to purchase residential
7 properties.

8 Well, my area is in a C-2-C, which according to the
9 DCMR, I believe, is a commercial district. So I believe that
10 would qualify for the first part of the statement, but even if it
11 didn't, the second part of the statement is, well, even if they're
12 not going to buy it specifically to make it a dorm, which they
13 already have done once, and the Aston is now one with less than
14 ten percent of the residents being long term residents there based
15 on their September 20th submission.

16 The creation of the university of residential
17 halls, they're not going to do that, but they still reserve the
18 right for investment purposes. Well, you can buy the building for
19 an investment purpose, and then after five years they decide to
20 convert it to a dorm or if they've met their 70 percent goal,
21 apparently they can use it toward a dorm.

22 So they're leaving a lot open there. I testified
23 at a number of BZA hearings during the last three years, and I've
24 seen a little bit, and I attend most of the ANC meetings as well
25 and the Foggy Bottom Association meetings, and I've seen what G.W.

1 representatives say when they come to the four wards such as this
2 and ANC commissioners, and you have to be very careful about
3 statements they make.

4 In my supplement I've added the story on the saga
5 of Square 43, and I included a quote in there. I was looking
6 through the transcripts of that hearing back in October '97.
7 There was some in December which the copy was not available, but
8 the quote I got was from counsel for G.W. at that time trying to
9 get approval for the Health and Wellness Center saying, "We are
10 pleased that the University has earned the support of all property
11 owners within Square 42," where the Wellness Center is, "as well
12 as many of those owners in nearby squares."

13 If you read, Square 43 is directly across the
14 street south of that, and if you read the article, G.W. is the
15 owner of most of those properties, which they ended up raising
16 those townhouses. This is the type of behavior I think you're
17 going to see when they're beginning to talk here about their five
18 years or 70 percent goal.

19 Virtually everything they're promised seems to be
20 on a time schedule that gives them a fair amount of time. Come
21 back in five years, and there seems to be a lot of zoning problems
22 with their proposed on campus building, which suggests there will
23 be some problems which you'll have some excused to make to this
24 Board when they come back again.

25 But look at what they did with the Health and

1 Wellness Center. That was not the first time in '97 that they
2 applied for that center. They came back again, and during that
3 time, what they did was they purchased the housing across the
4 street from it. So as the article points out they could say, "No
5 residents directly across the street might be bothered by the new
6 construction," because there were none. There were no buildings
7 there on the northern half, and then later they took most of the
8 southern half as well.

9 So I think what G.W. seems to be doing is
10 continuing a pattern where they are being very careful with the
11 language that they use so that it's not binding on them. That's
12 why I feel if you're going to have something binding that has
13 meaning, that puts meaning to the boundaries, what you need to do
14 is to tie the enrollment with the number of beds on campus, and
15 G.W. has a fair amount of commercial space there.

16 If they're saying that they want to be in the
17 center of things and they don't have enough room, well, they can
18 convert some of that commercial space to classroom space, freeing
19 up more dorm space.

20 There's an argument that to force them to build new
21 buildings will raise tuition, and that's one argument that's
22 there, but the one statement was made that I think three quarters
23 of the income is from tuition, but that doesn't mean it has to
24 stay that way.

25 If the university were to take a more enlightened

1 approach, I'm sure their alumni would be more generous to an
2 institution they saw not as a CEO running a corporation, but as a
3 true university which welcomes its students.

4 I'm a little concerned about the issue of what I
5 call exclusionary zoning where if that's the solution that the
6 Board adopts and G.W. is able to say they're taking the high road
7 and they don't want to be running over anybody's rights, I think
8 that's exactly what they will do, and they'll look fine to those
9 members of the community to say, well, they're doing something on
10 principle.

11 What I'd like to see them do on principle is to
12 welcome their students to build housing for them on campus. That
13 gives their students a home. That's the whole issue. We in the
14 community, I in the community, I like to have my home stay where
15 it is and not become 90 percent occupied by students.

16 If G.W. builds on campus, they provide a home for
17 their students. Their students are happy. The residents are
18 happy. The tension goes away from the community and the
19 university.

20 And finally, I've made a quote to the Power Broker.
21 It's a wonderful book if you're interested in zoning issues and
22 what can happen when somebody with a lot of power is not
23 controlled, and basically I see that as happening with this
24 university president.

25 He is paid an awful lot of money, I believe over

1 half a million dollars a year, and yet the first concern that they
2 have to build dorms is not a cut in his salary. It's an increase
3 in tuition for the students.

4 But the title of the book is the Power Broker,
5 Robert Moses and the Fall of New York. I think a book of
6 President Tractenberg, I hope it wouldn't read President
7 Tractenberg and the Fall of Foggy Bottom. It can read President
8 Tractenberg, Enlightened Use of on Campus Property that buildings
9 students, to welcome their students, appreciate their students by
10 building dorms on campus, and at the same time acknowledging the
11 importance of the community, which as I stated in my letter I
12 think they need to get their priorities straight to be a world
13 class university. They need to put their community first.

14 And if they don't show respect for the community, I
15 don't think they're ever going to make it into that top tier that
16 they seek.

17 If that's his goal, he's going to continue doing
18 exactly what he's been able to do unless the Board speaks for the
19 people and tells them, you know, we don't allow you to step on
20 citizen rights.

21 And finally, the Office of Planning has agreed that
22 this plan that he has proposed is detrimental to the community. I
23 would hope this Board follows the Office of Planning concern for
24 the community and say to President Tractenberg and the Board of
25 Trustees of the university, "No, this is no longer an acceptable

1 way for a university to act in this city."

2 And President Washington, I quoted Washington
3 neighborhoods. Actually in 1798, this is an in-law in Foggy
4 Bottom, and I wonder how he would feel today if he were to go to
5 Foggy Bottom and ask the concerns that the resident, his in-law if
6 he still lived there, and his namesake, the university, not having
7 a very good reputation, in fact, many people feel being very
8 detrimental to that community. I don't think he'd appreciate it.

9 And I think you can set the university
10 administration straight. The students are wonderful students and
11 should be appreciate by the university, and I appreciate this time
12 to give the presentation.

13 CHAIRPERSON REID: Thank you very much, Mr. McLeod.

14 Do the Board members have any questions of this
15 witness?

16 (No response.)

17 CHAIRPERSON REID: Ms. Dwyer?

18 MS. DWYER: No questions.

19 CHAIRPERSON REID: Okay. Thank you very much.

20 MR. McLEOD: Thank you.

21 CHAIRPERSON REID: All right. Next?

22 Council Member Mendelson at large, Phil Mendelson,
23 we're going to allow the council member to speak out of order
24 given the fact that we appreciate his time constraints.

25 Sir, would you please allow yourself to be cross

1 examined? That's the only thing, if you have time for testimony
2 and to be cross examined. Thank you very much.

3 COUNCIL MEMBER MENDELSON: Thank you very much, and
4 good morning.

5 I'm Phil Mendelson, a council member at large, and
6 I appreciate your letting me come in here and speak briefly.

7 I'm really here to make three points, and those
8 are, first, that I think the premise of the campus plan should be
9 different, that it should start from defining the neighborhood.

10 The second point I want to make is that whatever
11 you do with this case, when you do it there should be a time
12 limit, a fairly short time limit on the order that you issue.

13 And the third point is that the need to provide
14 incentives or disincentives for student housing is critical, and
15 that if there's a legal obstacle with regard to the Human Rights
16 Act, I will be happy to work with my colleagues to draft
17 legislation.

18 Let me back up. I've given you a series of
19 documents which are correspondence beginning with two letters that
20 I have written to Mr. Tractenberg regarding the campus plan. They
21 included a letter from five council members that has been
22 submitted in the tax case before the Zoning Commission regarding
23 the campus plan regulations and then testimony that I gave in that
24 same case.

25 And finally, the letter, lengthy letter that I

1 wrote back in May to a resident concerned with the American
2 University campus plan and some historical problems there that
3 goes into some of the problems or issues involving campus plans.

4 I realize that what's before you is specifically
5 the G.W. campus plan, but I think that these documents provide a
6 context for my comments, and particularly the first point that I
7 made, which is regarding defining the neighborhood.

8 And I'm going to read from the last paragraph in
9 the letter signed by the five council members where we wrote,
10 "Campus plan regulations should be revised to start from a
11 different premise: relationship to the broader neighborhood.
12 Campus planning should no longer start from the premise of bricks
13 and mortar and the university's programs. Rather, first it should
14 define the larger neighborhood, then state how that neighborhood
15 will be protected, and finally build the campus or the university
16 within that framework."

17 A campus plan can start from the premise what does
18 the university want to be in ten or 20 years, as the G.W. plan
19 before you does, or the plan can start from the premise how will
20 the university relate to its neighborhood at those points in the
21 future.

22 We strongly believe that this refocusing of the
23 campus plans could have the greatest impact in mitigating
24 objectionable conditions, and this was the theme of my
25 correspondence with Mr. Tractenberg beginning last November.

1 He was kind enough to let me see a draft of the
2 campus plan. My comment was that I thought that it should start
3 from this different premise, and his response was encouraging that
4 they would do that, and then there were no changes in that regard,
5 and I do think this is critical.

6 From where I sit as an at large member, I think
7 it's very unfortunate the tension that exists between George
8 Washington University, which does many good things for the city,
9 and the community within which it resides, and if the campus plan
10 was written from the premise of what should the Foggy Bottom
11 neighborhood look like, and there would be a lot of teeth
12 gnashing in coming up with that; but if it was written from that
13 premise, then I think other pieces would fall into place.

14 But instead what you have before you is a plan that
15 says, "This is what G.W. wants to be in ten years or 20 years, and
16 these are the programs it wants and the buildings it wants," and
17 then you have an audience here, a roomful of people who are
18 saying, "Well, how does this relate to the neighborhood?"

19 What we seek, what the neighborhood says is what we
20 see is a large institution that continues to march on in changing
21 and destroying the residential fabric of the neighborhood, and I
22 see this when these issues come to the council, residents upset
23 because Columbia Plaza is converting, because Howard Johnson's was
24 converted, because of Square 43 and what's happened with that.

25 So I think that this premise, the issue of what the

1 premise of the plan is is critical.

2 The second point is, as I mentioned before, is that
3 as you know, there are regulations, a text case or two pending
4 before the Zoning Commission to look at the regulations, and there
5 is a lot of very good input and testimony that's going into those
6 cases, and I think that it's important that the benefits of those
7 hearings, of that review and what ultimately is decided, that
8 those benefits should not be lost on this community, on the George
9 Washington University community for ten years, which is the normal
10 time limit for these cases.

11 And that's why in my testimony before the Zoning
12 Commission which I've given you I recommend a three year time
13 limit on your order so that the new regulations can take effect
14 and can benefit the George Washington University neighborhood.

15 And the third issue, the final issue is with regard
16 to providing incentives or disincentives for student housing,
17 which I think is important, which I think based on the hearing,
18 the testimony that you're getting, you've got to see as critical;
19 that if the Human Rights Act is an obstacle to that, I will be
20 happy to work with my colleagues to draft legislation so that that
21 is not an obstacle or an impediment to providing necessary
22 incentives or disincentives.

23 And that's my statement, and I appreciate very much
24 your letting me come in and give it.

25 CHAIRPERSON REID: Thank you very much, Council

1 Member Mendelson.

2 Are there questions, Board members?

3 VICE CHAIRPERSON SOCKWELL: Council Member
4 Mendelson, with regard to the ten year time limit on campus plans,
5 do you feel that it is valid to provide a foreshortened time
6 period for a fully reviewed and developed campus plan or would you
7 believe that pending legislation and changes to the regulations, a
8 continuation of an existing campus plan for further processing
9 would be more appropriate, the reason being that the planning
10 process is such that the universities have stated in their cases
11 that if you make a campus plan too short, you really don't allow
12 anything to happen, and the development of the campus plans and
13 its elements is more or less time wasted because it goes into a
14 continuous reworking during the school year, during the budget
15 cycle, et cetera.

16 Would it be more valid to perhaps extend an
17 existing campus plan making no changes to it while legislation is
18 underway or to provide some really abbreviated time period?

19 COUNCIL MEMBER MENDELSON: The answer is it's not
20 an easy answer, and I think it depends upon the details that are
21 before you in this particular case. If there are objectionable
22 details to the existing campus plan, they ought to be changed,
23 corrected as soon as possible.

24 The issue for me is not primarily let's fix what is
25 in the existing campus plan. It is rather, with regard to this

1 point, it's rather that we, the government is looking
2 comprehensively at revising the regulations, and the benefit of
3 those changes should not wait ten years.

4 Either course, either option that you put forth in
5 your question would address that, whether the case is continued,
6 whether the campus plan is continued, extended or a new one is
7 adopted, but for a short period of time. Either way, the new
8 regulations would be able to benefit the Foggy Bottom and George
9 Washington University communities soon, and to me that's what's
10 critical.

11 And choosing between them, I think, is a decision
12 that you have to make based on the testimony that you're getting
13 and what's wrong with the current plan and whether those problems
14 can be extended, can wait three years, or whether they need to be
15 fixed right away.

16 VICE CHAIRPERSON SOCKWELL: I think one of the
17 things about the legislative process is that if we cast something
18 in stone before legislation appears, then whatever is cast is
19 there. If you don't cast it in stone, and you allow the
20 legislation to address the issues that have been most vocally
21 expressed by communities and with a new look at planning as a
22 process, perhaps you get a better result, and it is difficult when
23 one does not know what the legislation might be, which course of
24 action is the most appropriate.

25 So it sort of leaves us wondering, but certainly

1 knowing that there is a set of problems out there that have not
2 been properly addressed by the ordinance especially in recent
3 years, based upon the type of development that's taken place, the
4 type of things that are not regulated effectively by the law which
5 we are here to try to administer.

6 So it's a very difficult issue, and the involvement
7 of sensitive people like yourself and the communities and the
8 universities where they begin to bind themselves into the process
9 is going to make this all much better, but right now we're sort of
10 locked.

11 COUNCIL MEMBER MENDELSON: When you say
12 "legislation," you mean the tax cases before the Zoning
13 Commission, which are a legislative proceeding.

14 VICE CHAIRPERSON SOCKWELL: Yeah, and things that
15 the council can do, things that the Zoning Commission can do,
16 things that the Office of Planning will be involved with, et
17 cetera, or sort of a comprehensive look along with the community's
18 involvement at the neighborhoods and how the neighborhoods are
19 affected by the universities and the campus plan process to date.

20 COUNCIL MEMBER MENDELSON: Fundamentally this is an
21 issue that I've seen in other matters where the Zoning Commission
22 has looked at the regulations through tax cases, and the issue is
23 the same. Presumably what the Zoning Commission is going to do is
24 going to be better than what we have now simply because the whole
25 act and in the premise of revising, looking at the regulations and

1 revising them is to make them better. That's a valid presumption,
2 whatever they decide, and those regulations should have as current
3 applicability as possible.

4 And so that is my concern, that a ten-year time
5 limit on a new campus plan delays the applicability of those new
6 regulations, whatever they may be, and I appreciate the dilemma
7 that you're putting forth because you don't know what those
8 regulations are going to say specifically.

9 But nonetheless, I think there's a presumption, a
10 legitimate presumption that those regulations will be an
11 improvement.

12 We don't presume that the Zoning Commission will
13 make them worse, and so they should have as current applicability
14 as possible, and that's the reason for either a short order or
15 extended.

16 CHAIRPERSON REID: Mr. Mendelson, you said -- and
17 let me just get clear, a clarification -- that you recommend a
18 three year term.

19 COUNCIL MEMBER MENDELSON: Correct.

20 CHAIRPERSON REID: The campus plan?

21 COUNCIL MEMBER MENDELSON: Yes.

22 CHAIRPERSON REID: Now, if the process -- as I
23 understand it now, it takes approximately three years to prepare
24 for a presentation. What time then is left for you to be able to
25 gauge that there are any types of problems that will come about as

1 a result of the campus plan?

2 That's one part, and the second part is where did
3 the three year number come from?

4 COUNCIL MEMBER MENDELSON: Sure. My sense is that
5 the process of developing a campus plan -- I mean it may be that
6 the first meeting occurs three years before the hearing or the
7 final decision, but to develop the plan, the nuts and bolts of it
8 is about a year, and my estimation is that the Zoning Commission
9 is going to complete its work on the tax cases the next year so
10 that the new rules would be in effect by 2002, the beginning of
11 2002, and that would give a year, a little over a year for the
12 universities to then come in and submit plans complying with the
13 new regulations.

14 That's how I came up with three years. If the
15 Office of Planning looks at this time and says, no, in fact, it
16 will take shorter or longer, my sense is that they would be better
17 estimators.

18 CHAIRPERSON REID: Right.

19 COUNCIL MEMBER MENDELSON: But I figured about
20 another year for the Zoning Commission to do its work and then
21 about a year for the universities to come in. That's two years,
22 and now we're still in 2000.

23 CHAIRPERSON REID: Wait a minute. Am I
24 understanding you to say that if, in fact, the universities, which
25 many of them, if not all of them, are before us this year, that

1 if, in fact, they have already gotten approvals during this period
2 of time, then you want to see them come back in three years?

3 COUNCIL MEMBER MENDELSON: I'm talking about the --
4 well, right now I'm talking about the George Washington University
5 plan, and I would be --

6 CHAIRPERSON REID: We've been that --

7 COUNCIL MEMBER MENDELSON: I would make the same
8 point with regard to any other campus plans that come before you.

9 CHAIRPERSON REID: Yeah, it would be across the
10 board, wouldn't it? It wouldn't be just with Washington.

11 COUNCIL MEMBER MENDELSON: Correct. With regard to
12 other plans that don't come before you, I think that's for the
13 Zoning Commission to decide whether -- you know, how it would
14 handle that.

15 CHAIRPERSON REID: Okay.

16 COUNCIL MEMBER MENDELSON: I mean, I heard in your
17 question whether I wanted to -- whether I'm talking about a
18 university whose plan isn't pending, and that's why I'm saying
19 that's up to the Zoning Commission.

20 But with regard to the plans that are pending, this
21 plan which is pending --

22 CHAIRPERSON REID: Un-huh, and there are other ones
23 that are pending.

24 COUNCIL MEMBER MENDELSON: Yes, and I would take
25 the same position in three years.

1 CHAIRPERSON REID: Okay. Thank you.

2 Ms. Dwyer?

3 MS. DWYER: I just had a couple of questions on
4 this whole time frame, and --

5 COUNCIL MEMBER MENDELSON: Good morning.

6 MS. DWYER: Hi.

7 -- and while I think it would be great if the
8 Zoning Commission can move as quickly as it did, the haven't --
9 are you aware that in the past they have looked at this issue?

10 They've held round tables in the past. After that,
11 they've decided not to change the regulations. So that is a
12 possibility that the Zoning Commission may decide not to change
13 the regulations.

14 COUNCIL MEMBER MENDELSON: I'm assuming that there
15 will be some changes. As a minimum, we know that the process for
16 considering who considers the campus plan regulations in the
17 future has been set down for hearing, and based on my experience
18 with zoning cases, I think the fact that a case has been set down
19 says -- set down for hearing, says that there will be some
20 changes. That's my assumption.

21 If, in fact, there are not changes, then we deal
22 with that, but I think it's reasonable to say -- I think it's
23 critical to say -- that in the likely event that there will be
24 changes to the regulations, that they should have as current
25 applicability as possible.

1 MS. DWYER: Right, and I'm not disputing that. I'm
2 just saying that given past history and the amount of time it
3 often takes to get the end process of a regulation, it might be
4 better to say that this Board should decide this case on this
5 record without trying to anticipate or figure out when the Zoning
6 Commission might change the regulations.

7 In cases, regulations change all the time, and when
8 the Zoning Commission changes regulations in other cases, doesn't
9 it have within its power the ability to deal with things like
10 grandfathering of existing uses or campus plans? Isn't this an
11 issue that they can decide in the context of that case without
12 asking this Board to try and anticipate or project?

13 COUNCIL MEMBER MENDELSON: Well, there are some
14 nuances there that I don't want to second guess in terms of
15 whether the Zoning Commission can reopen cases that have been
16 settled. I'm --

17 MS. DWYER: I'm not suggesting reopening, but when
18 they change the regulations, they can provide for a phasing in of
19 new regulations. They can apply for grandfathering of certain
20 provisions. Is that not true?

21 COUNCIL MEMBER MENDELSON: Well, my view is that
22 the Zoning Commission needs to make some changes to the text, to
23 the requirements in the text, and that those changes should be
24 applied as quickly as possible, and therefore, any cases that are
25 coming up now should have a short time frame so that they can then

1 come under the new regulations as quickly as possible.

2 MS. DWYER: All right. Thank you.

3 MS. SPILLINGER: Madame Chair, is it possible --

4 CHAIRPERSON REID: Yes, you may.

5 MEMBER RENSHAW: Madame Chair.

6 CHAIRPERSON REID: Thank you, Mr. --

7 MEMBER RENSHAW: If I may just ask the councilman,
8 you stated that you were going to -- if the student housing is
9 critical, you said you were willing to draft legislation revising
10 the Human Rights Act. Is that something you're going forward with
11 in any case?

12 COUNCIL MEMBER MENDELSON: I need to look at -- I
13 need to understand whether there really is an impediment in the
14 Human Rights Act. Let me back up because of the way you phrased
15 the question.

16 Student housing is critical, and I know that there
17 has been talk about providing incentives or disincentives to
18 encourage the location of students in certain areas or to limit
19 the location of students in certain areas.

20 I think that's critical, and I've been told that
21 the Human Rights Act has been cited as an obstacle, and I don't
22 think so, but I'm going to look at that, and if there is a codable
23 argument to that, then I will introduce legislation to fix that.

24 So my message here is that don't stop looking at
25 that because of this legal argument. We will fix it in the

1 legislature.

2 CHAIRPERSON REID: Ms. Tyler.

3 COMMISSIONER TYLER: Thank you, Madame Chair.

4 Thank you, Council Member Mendelson, for your --

5 SECRETARY PRUITT: Ms. Tyler, your mic is off.

6 COMMISSIONER TYLER: Thank you, Council Member
7 Mendelson for your input. It's most appreciated.

8 I would just like myself to have, not having
9 participated in the first round of this discussion, would like to
10 have just a small clarification. I'm not entirely sure that I
11 caught all of the nuances or the details of what you just said,
12 but would you agree that I think I understood you to say that some
13 of the really objectionable details that have been brought out by
14 the community, that those details could be addressed by the BZA
15 now, and that the time frame could be a three year period
16 approval.

17 Am I interpreting it correctly or would you be good
18 enough to correct me?

19 In other words, some objectionable conditions that
20 have been brought out before the BZA in testimony by the
21 opposition could be addressed in such a way which clearly would
22 not counter and kind of zoning changes that the Zoning Commission
23 might be undertaking because the Zoning Commission, as you said,
24 would be going in the direction of improving especially in terms
25 of the enrollment, which is, of course, the bottom line of the

1 whole argument, of the engine that drives the expansion.

2 That would not be inconsistent with your
3 suggestion, namely, let's say, a three year approval, but
4 addressing the important objectionable details in that three year
5 approval.

6 COUNCIL MEMBER MENDELSON: I was answering Mr.
7 Sockwell's question.

8 COMMISSIONER TYLER: Right.

9 COUNCIL MEMBER MENDELSON: And he presented me with
10 an either/or, and I said that I think the answer depends upon the
11 testimony, and I think either would be, you know, based upon the
12 testimony, would be -- either would be a legitimate approach
13 because the issue that I'm emphasizing is that I think that there
14 needs to be a short time frame on this campus plan. Let me
15 rephrase that.

16 Because the issue is that any new regulations
17 should be applicable to George Washington University's campus as
18 quickly as possible.

19 COMMISSIONER TYLER: Yes. Thank you, Council
20 Member Mendelson.

21 The only apprehension that exists in my mind at
22 this point is that if one does approve something for three years
23 pending the outcome of the revisions without addressing the
24 immediate, as you said, detailed objectionable elements and
25 conditions that have been brought before this BZA for that three

1 year period and waiting for the three years, for the revisions to
2 occur, within three years, as we know, a lot of damage can be done
3 unless the objectionable conditions that have been brought before
4 the BZA are addressed, in particular, the most important basic
5 issue, the enrollment.

6 COUNCIL MEMBER MENDELSON: And I think that's the
7 point that you've got to make to the Board.

8 COMMISSIONER TYLER: Thank you. I believe we did,
9 and I thank you for your clarification again, Council Member
10 Mendelson.

11 CHAIRPERSON REID: Thank you.

12 Are there any further questions?

13 (No response.)

14 CHAIRPERSON REID: Thank you very much for --

15 COUNCIL MEMBER MENDELSON: Thank you, again.

16 CHAIRPERSON REID: -- giving us your time today,
17 Council Member Mendelson.

18 Okay. There was a request by a student from George
19 Washington who has to go to class, and unless the Board members
20 object, we would take him out of order so that he would be able to
21 get to his class in a timely manner. Okay?

22 Come forward. Thank you.

23 MR. BURT: Good afternoon to the members of the
24 Zoning Board. My name is David Burt, and I am the Student
25 Association President at the George Washington University,

1 representing all 18,000 students that are currently enrolled at
2 the George Washington University, and I'm here before you this
3 morning to testify basically in support of the George Washington
4 University campus plan, which is no surprise.

5 The Student Association and the Residence Hall
6 Association of the university, which are our deliberative bodies,
7 our representative bodies, have passed different resolutions in
8 full support of the campus plan with amendments and conditions.
9 We have come to understand that over the past few weeks the
10 university has made many concessions to the neighboring
11 communities, I mean, to the neighborhood, in addition to agreeing
12 to add 2,200 new beds, on campus housing, which I think meets much
13 with our criteria of basically making sure that the university
14 increase enrollment at a rate that they can handle as far as the
15 academic and residential facilities.

16 I think that is very important for not only the
17 students of this university, but for the District of Columbia, as
18 a whole, that this university be able to remain a vibrant academic
19 institution which it has, as I said, all of the things in the plan
20 concur with what the students in the university want and have
21 requested through their representative and deliberative bodies.

22 And I'd also like to add that the students on our
23 campus, and especially in the Student Association, do a lot within
24 the neighborhood of Foggy Bottom. I don't think that anyone can
25 question that.

1 Every year we hold an annual Foggy Bottom clean-up,
2 which is coming up at the end of the next month, which we go
3 around the neighborhood with neighborhood residents and whatnot.
4 We have programs like United Foggy Bottom where we have listings
5 and numbers, where we go shopping for seniors and buying their
6 groceries and whatnot, and I think that some things that come out
7 of here as far as a harshness towards student is somewhat
8 misappropriated. That's just how I honestly feel as a
9 representative of the student body.

10 Another thing that I'd just like to mention is that
11 we are not -- the George Washington University students are not
12 the only ones who are facing the issues and problems. It also is
13 affecting similar universities, such as Georgetown, American, and
14 we've recently formed a coalition to basically discuss various
15 issues.

16 My Vice President attended the second meeting of
17 the coalition last night. I haven't had a report from her, but we
18 are doing a lot of things and trying to work with the community,
19 and we ourselves, the Student Association, look at ourselves as a
20 branch towards the community, and we work with various members for
21 the Foggy Bottom Association to try and make sure that things are
22 more cordial.

23 They actually came to our Senate meeting and had us
24 amend a resolution in support of the campus plan, and we added
25 those amendments to there.

1 So I think that to say that the students support
2 the campus plan and have worked with the community, we have and
3 taken their issues to the thing and brought them to the university
4 as well, and that's where I stand.

5 And I guess I'm open for questions.

6 CHAIRPERSON REID: Thank you.

7 Ms. Renshaw?

8 MEMBER RENSHAW: Yes. Thank you for your
9 testimony, and your last name is Burt?

10 MR. BURT: Yes, ma'am.

11 MEMBER RENSHAW: Yes, Mr. Burt. There has been a
12 lot of discussion regarding campus plan, off campus student
13 behavior, and how has your association dealt with this issue, and
14 how are you connecting with those students off campus to try to
15 rein in bad behavior?

16 I'd like to hear your thoughts.

17 MR. BURT: Okay. As far as the concern off campus
18 bad behavior, which I could understand is definitely a problem of
19 the residents, I think the university has taken a step in trying
20 to correct that, in what they have proposed for the campus plan,
21 which is basically saying that a hot line can be set up where
22 students can be brought under the code of student conduct that the
23 university has and where they can receive punishments that
24 residents living on campus can.

25 As far as what we do, we are currently putting

1 together, and it should be being distributed very soon, as a
2 matter of fact, because I just had a meeting with my Vice
3 President for Community Affairs who attends a lot of meetings in
4 the area of the Foggy Bottom Association ANC, and we are
5 distributing a thing called students rights and responsibilities
6 in the campus, basically not only saying how they should act,
7 what's appropriate and what D.C. laws are, but saying when you're
8 supposed to take the trash out, whether you're supposed to clean
9 your sidewalks in front of you, how you're supposed to act, and
10 things like that.

11 So we do do a lot of outreach for things like that.

12 Now, for me to say that students will always act
13 good, of course, is not necessarily the truth, but I don't think
14 that that can be held against the students of the George
15 Washington University because I think that George Washington
16 University has taken the necessary steps to try and curb that and
17 to try and have the university -- I mean the neighborhood and
18 community assist them in that matter.

19 The university can't necessarily police everywhere
20 off campus for the neighborhood, but if the neighborhood would
21 like to assist them in doing that, I think the university is being
22 more than open in allowing that.

23 CHAIRPERSON REID: Thank you, Mr. Burt.

24 You had mentioned -- and let me also say that I
25 think that that is -- I commend the effort on the part of the

1 students to try to take the initiative in addressing some of the
2 concerns of the community, and not only that, but to also then
3 insure that students there understand what would be deemed proper
4 and acceptable behavior in any living situation.

5 You mentioned something about a consortium of
6 students with the other schools. Could you please more on that,
7 and were you addressing these types of issues in your consortium?

8 MR. BURT: Well, yes, especially this year because
9 there's a lot of concern, as I know. I know Georgetown is --

10 CHAIRPERSON REID: What schools are in the
11 consortium?

12 MR. BURT: Georgetown, American, Howard, George
13 Washington University, Marymount University, Catholic University
14 and the University of Maryland.

15 CHAIRPERSON REID: Is this something that was
16 initiated by the students themselves?

17 MR. BURT: Yes. This is something that over the
18 summer I was contacted by the Vice President of Howard University,
19 and she was starting the thing. We had our first meeting in
20 August, and we had our second meeting which was yesterday, and a
21 large part of the issue is working on this, and I have another
22 issue, but I'm not necessarily sure if the jurisdiction lies here,
23 but it's something that I know has been spoken about, and it's
24 amending the Human Rights Act or something of D.C. that has to be
25 done for discrimination against students.

1 I think that it's wrong, and it's something that
2 Georgetown is facing right now. An article from our campus
3 newspaper and issues that were brought up in the first meeting
4 were that they were trying to deny qualified students housing in
5 Georgetown areas and limit off campus housing for Georgetown
6 students.

7 I don't think that it's right for students to be
8 denied housing, and the reason why I say that is because I know
9 there are sometimes bad apples, but the fact of the matter is that
10 a large part of the time we focus on undergraduates, and we forget
11 the graduate students. Ten thousand more than -- there are 11,000
12 graduate students right now at George Washington University and
13 only 7,000 undergraduates. Graduate students have to live in the
14 community very often, and they also fall under rental students,
15 and I think that is a very big problem because we don't have
16 complaints about graduate students. We normally don't.

17 What the university is planning on doing is housing
18 and setting a target to house 80 percent of undergraduates on
19 campus, and I think that's very important to note that, that a
20 large number of students that do live off campus are graduate
21 students who are 25, 30 years old, who have jobs, who are
22 responsible members of the community, who do a lot of things, and
23 I think that anywhere when we go towards that point of trying to
24 deny students housing just because they're students is setting a
25 dangerous precedent.

1 CHAIRPERSON REID: Thank you very much.

2 VICE CHAIRPERSON SOCKWELL: How do you spell your
3 last name?

4 MR. BURT: Burt, B-u-r-t.

5 VICE CHAIRPERSON SOCKWELL: Just B-u-r-t. Okay. I
6 have one question for you. You state that the Student Association
7 working with the Foggy Bottom Association amended its approval of
8 the campus plan or approved amendments to the campus plan.

9 MR. BURT: Un-huh.

10 VICE CHAIRPERSON SOCKWELL: Now, this was the
11 result of meetings between the Foggy Bottom Association and the
12 Student Association as a formal meeting?

13 MR. BURT: Not necessarily formal meeting. What
14 had happened was that we were -- when the resolution for support
15 of the campus plan went to our committee who's responsible for
16 approving it, there were various discussions from the Vice
17 President of Community Affairs last year, who was responsible for
18 keeping in contact with the various neighborhood associations, and
19 his name was Jeffrey Marootian.

20 What happened was that when it came to the floor of
21 the Senate and when we were discussing it -- I could read the
22 amendments if you would like -- the amendments that the Student
23 Association made was that we support the campus plan, and one of
24 the major things was plans for university properties near, but not
25 within the boundaries of Foggy Bottom campus should be discussed

1 in the committee composed of university administrators, student
2 association members and members of the community chosen by the
3 communities, guidelines for future acquisitions in the
4 neighborhood should be established and published.

5 And that was something that Foggy Bottom
6 Association requested.

7 They also requested that communication with the
8 surrounding neighborhoods must be substantially improved as
9 demonstrated by the concerns of recent acquisitions of Hall of
10 Virginia Avenue, which is an old Howard Johnson's, and a partial
11 stake in Columbia Plaza, and they felt that it was important and
12 we as students felt that it was important always remembering that
13 we are here, yes, but we are temporary residents, and we do not
14 live here forever.

15 The residents here have been here for a long time,
16 and we felt that it's important that we make sure that the
17 university -- and express our view that the university work much
18 closer with the community in order to do that.

19 VICE CHAIRPERSON SOCKWELL: What level of active
20 participation does the Student Association have among the student
21 body?

22 MR. BURT: As far as active participation?

23 VICE CHAIRPERSON SOCKWELL: Say when you have
24 meetings of the Student Association. Obviously there's --

25 MR. BURT: Meetings of the association, for

1 example, we hold various events. As far as main deliberative
2 meetings, such as senate meetings or whatnot, participation, if
3 you'd like to come there's actually one tonight where the
4 participation will be extremely high because we're discussing many
5 matters, but on a general basis when we have meetings there are I
6 would say about 30 or 40 people there in addition to the Senate.

7 We approved the campus plan, the room was actually
8 overflowing. We couldn't have people in there on the resolution
9 for that.

10 I mean as far as participation, other points in
11 time, there are lots of parts of the Student Association. There's
12 Student Association seminars, but there's also different bodies,
13 such as the Resident Hall Association, which has representatives
14 from all of the residence halls, and they have all of their own
15 hall councils who have various meetings, and there are schools
16 that have their own things, their class councils.

17 I mean there's a lot of various representatives.

18 VICE CHAIRPERSON SOCKWELL: So, in other words, the
19 Student Association is based on a sort of federated relationship
20 among the various factions which then bring the issues and
21 whatnot--

22 MR. BURT: Yes.

23 VICE CHAIRPERSON SOCKWELL: -- back to the central
24 organization?

25 MR. BURT: The that would -- yes, it's my job to

1 basically seek out the input from all the various organizations
2 around campus and bring that as President to the senate. The
3 senate is the representative body of all G.W. students. It's
4 composed of 29 students, undergraduate and graduate.

5 VICE CHAIRPERSON SOCKWELL: Now, this is a bit
6 subjective, and I'll make it brief.

7 MR. BURT: Go ahead.

8 VICE CHAIRPERSON SOCKWELL: Do you feel that the
9 university administration, if you can state this, has been
10 supportive of the student involvement in its projections of its
11 future to the extent, in particular, that the neighborhood
12 relationship between students and these residents of the community
13 be improved considerably?

14 Are you getting a strong feeling from the
15 university hopefully that the relationship between the university
16 student body and the surrounding community needs to be improved?

17 MR. BURT: Yes. I mean, that's demonstrated by a
18 large part of, I think, some of the concessions which are in the
19 campus plan, but personally from my point of view, I mean, I don't
20 necessarily think that it's the university's place to, like what
21 you were saying, to support us, to support them. I think that is
22 our place to try and do that, and we tried very hard because
23 there's the -- I don't know if she's in the room right now because
24 I didn't see her, but there's a lady everyone knows in the Student
25 Association because she's in the office regularly. Her name is

1 Olga Khoury, and she has a button that says "I Love G.W.
2 Students."

3 I mean, we work with members of the community. The
4 Student Association does itself.

5 As far as support from the university that we
6 receive from that, yes, but we don't necessarily need it because
7 we are an independent student organization. Therefore, you said
8 it's subjective, and I can say what I honestly feel and what I
9 should be saying on behalf of the students of the university, and
10 we do receive support from the university in our programs.

11 The Foggy Bottom clean-up started from the
12 university, and we've taken it over and stuff like that. So the
13 university is supportive, if that's the answer to your question.

14 VICE CHAIRPERSON SOCKWELL: Okay. Thank you very
15 much.

16 MEMBER RENSHAW: Mr. Burt, does your organization
17 get funding from the university? Is that how you are allowed to
18 or able to continue your activities?

19 MR. BURT: We don't necessarily get funding
20 directly from the university. We get funding from a fee, which is
21 a student fee, which is on our tuition.

22 MEMBER RENSHAW: From all students?

23 MR. BURT: Yes, from all students.

24 MEMBER RENSHAW: Do the students feel that they are
25 members of your organization, or do they just assume that you're

1 representing them because of this fee on the registration?

2 MR. BURT: Do they assume that they're members?
3 Well, by the charter, which has been approved by the Board of
4 Trustees, all students are members of the Student Association.

5 As far as whether they think that they're members,
6 if you're asking about -- I can tell you personally they do
7 because when I, for instance, walk around campus or go to various
8 meetings, I make sure that I go to various meetings of the various
9 organizations on our campus. We have over 300 various student
10 organizations on campus. I make sure that they know that we're
11 here to represent them, and they bring their concerns in those
12 forums when they're having their individual meetings.

13 So the student association is a representative
14 body, yes, of all the students. So they are members.

15 Is that the answer that you were looking for?

16 MEMBER RENSHAW: That's an answer. That will do.

17 And would you tell the BZA what was the date that
18 your organization had the vote on the full support of the plan,
19 for the record?

20 MR. BURT: The date? Goodness. It was -- the date
21 is not on the actual resolution, but I do believe it was some time
22 in April. I can get that information to you from our Senate
23 records.

24 MEMBER RENSHAW: All right. I think it would be
25 good to have. So April of 2000?

1 MR. BURT: Yes.

2 MEMBER RENSHAW: Some date therein. Thank you.

3 CHAIRPERSON REID: Okay. Thank you very much. Is
4 there any cross examination? Oh, sorry. Do you have any cross
5 examination?

6 MR. THOMAS: Just very briefly.

7 CHAIRPERSON REID: Okay. Because the reporter
8 needs a break. He's asked. So I don't want to -- and I know you
9 have to leave, right, to go to class? Okay. So is it okay to
10 take a couple of questions more before you --

11 THE REPORTER: That's fine.

12 CHAIRPERSON REID: All right.

13 MR. THOMAS: Mr. Burt, I'm Michael Thomas. I'm the
14 incoming President of the Foggy Bottom Association, and we haven't
15 met, but I appreciate your carrying on the traditions of Hugh and
16 others who have really worked with our community and our
17 association.

18 I just had a couple of questions so that the record
19 is clear. One of the things you mentioned very early on in terms
20 of the basis for the Association's support as stated, with the
21 conditions that you have, was that there were 2,200 beds being
22 proposed as additions.

23 Have you gone through those proposals in any detail
24 to know what is being proposed and what those proposals depend on?

25 MR. BURT: As far as in detail as far as examine

1 the campus plan or questioning initiatives about it? I'm not
2 clear as to your question.

3 MR. THOMAS: Well, for example, there is a proposal
4 to add 500 beds at Square 54, which is currently the existing
5 hospital that's about to be replaced, and so, for example, the
6 question would be: do you know what their proposal is or how they
7 condition it? What has to happen before they would do that?

8 MR. BURT: Not necessarily, no, but I would assume
9 that the new hospital would have to be built and the people would
10 have to move out.

11 MR. THOMAS: Right, and --

12 (Laughter.)

13 MR. THOMAS: -- at a minimum, at a minimum.

14 (Laughter.)

15 MR. THOMAS: But were you aware that their
16 commitment there depended upon their being given approval not by
17 this body, but by the Zoning Commission for a planned unit
18 development, high density commercial development, 900,000 square
19 feet on Pennsylvania Avenue and so forth?

20 MR. BURT: No, not necessarily, but I don't
21 necessarily -- I'm not an expert on District government, but I
22 couldn't necessarily see this after approving a campus plan for
23 something like that, that being rejected at a future stage, but
24 that's not necessarily -- what we take into account is what the
25 university says that its commitment is because we understand that

1 to a certain level is bound by what is passed up here as a campus
2 plan. So if that's what they're going towards and that's the
3 direction, then that's what we take.

4 MR. THOMAS: Okay, and all I'm trying to determine
5 for the record is what your understanding of the commitment is.
6 Do you understand that there is an unconditional commitment to add
7 1,350 beds on campus or 2,200 beds overall?

8 MR. BURT: What I understand the commitment is to
9 house 70 percent of undergraduates in university housing in five
10 years. That's what I understand. Eighty percent over ten years.

11 MR. THOMAS: And that they're going to do that
12 without any conditions, without anything happening that depends on
13 external events?

14 MR. BURT: Well, that's what they're going to do.
15 What exactly are you getting at?

16 MR. THOMAS: Let me -- I don't want to belabor
17 this, but let me represent to you that their proposal for Square
18 54 is 500 beds, but if they get other approvals that allow them to
19 do other things. On Square 80, it's 650 beds, but that's if the
20 District deeds them the School Without Walls and they're allowed
21 to do essentially a complex development there, which they've just
22 proposed.

23 MR. BURT: Yes.

24 MR. THOMAS: And their proposal for Square 103 is
25 200 beds if and when they get the title to the property that would

1 be necessary before they could build the dormitory.

2 And if any of those things fall through, then there
3 is no commitment to do 70 percent.

4 MR. BURT: Okay.

5 MR. THOMAS: Did you understand those things?

6 MR. BURT: Well, I don't misunderstand that, but
7 the question that I have to ask you is are you necessarily -- are
8 you trying to say that the university can't do these things in the
9 way or do you not trust the university working towards them?

10 Because from the stance that we take, we trust the
11 university is going to do the best job it can do to house the
12 undergraduate student population on the campus because when
13 speaking with the various administrators to vice presidents,
14 they're extremely serious at turning G.W. into a very highly
15 ranked and highly rated undergraduate institution. In order to do
16 that, they have to build community amongst undergraduates, which
17 requires them to have more undergraduate housing, and that's what
18 it is.

19 So I mean, when the question is whether the
20 government will give them this, the government will give them
21 that, where they can get this, that's what they want, and I'm
22 quite sure that I mean -- I hate to say this in a manner that
23 would be condescending or whatever, but I'm quite sure that you
24 realize that after a while the university has a way of getting
25 some certain thing.

1 (Laughter.)

2 MR. BURT: So, I mean, those conditions --

3 CHAIRPERSON REID: Order.

4 MR. BURT: -- those conditions, they're going to --
5 they're going to --

6 CHAIRPERSON REID: Order please.

7 MR. BURT: I mean you can't be opposed to one
8 thing. I mean if you're saying that am I aware of these
9 conditions, I'm not necessarily sure whether that's relevant
10 because the fact of the matter is the university would like to do
11 that, and it's whether you support it or not because don't you
12 want them to build these things on campus? That's -- I'm just
13 sort of confused on that.

14 MR. THOMAS: I think and we want an unconditional -
15 - I think I do understand your testimony.

16 One other thing. You made a statement that at
17 least I took down as saying that denying students housing or
18 housing choices is a dangerous precedent. Do you understand that
19 anybody in the room is proposing that students be denied housing
20 choices?

21 MR. BURT: I'm not necessarily saying that in
22 particular. I would just like to reference, for instance, an
23 article that was in our campus newspaper about the first meeting
24 that the coalition had where students from Georgetown were saying
25 that there were certain instances where they were trying to limit

1 a certain amount of students who can live in a certain area, which
2 would basically, in effect, if someone wanted to live there and
3 there was a cap, deny qualified people of housing there.

4 And I said that such a proposal, were it to come
5 out, I think that it's very dangerous.

6 MR. THOMAS: You wouldn't have any problem, would
7 you, with incentive programs where the university makes it more
8 attractive to live in a certain place and then lets the students
9 make their own choices?

10 MR. BURT: Do I?

11 MR. THOMAS: Well, if they provided a housing
12 option that was not at Foggy Bottom and then made that very
13 attractive and let the students make up their mind, that's an
14 incentive program.

15 MR. BURT: Exactly. I mean, no, that's not --

16 MR. THOMAS: That wouldn't be a problem.

17 MR. BURT: No. That's not a problem. What a
18 problem is is if a student wants to live in Foggy Bottom and
19 there's a place open. As I understand the law, it's not -- what's
20 it on? -- it's illegal for them to be denied on the basis of the
21 fact that they're a student.

22 And what has been discussed or what was discussed
23 at our first meeting on the coalition was that there was a move to
24 amend something so that they could be denied by basically only on
25 the fact that they were a student, and I think that that's

1 extremely dangerous.

2 MR. THOMAS: And if you were insured that, in fact,
3 nobody from our side of the room was proposing that, would that
4 reassure you as to that?

5 MR. BURT: Oh, I don't even think that the Board
6 necessarily has jurisdiction over that. I was just mentioning
7 that as something that I think is a very dangerous thing.

8 MR. THOMAS: Thank you.

9 CHAIRPERSON REID: Thank you.

10 VICE CHAIRPERSON SOCKWELL: Just one more thing
11 before the next. There is a constitutional question about such as
12 that, but I just wanted to make sure that Mr. Thomas was trying to
13 make the point that he wanted you to understand, Mr. Burt, that
14 the university's proposals are contingency based, and that when a
15 contingency based proposal is put forth, it is not the same as a
16 promise.

17 CHAIRPERSON REID: Let me jump into this. I think
18 that what I understood was that Mr. Burt made -- the point he was
19 making and his understanding was that whether or not the promise
20 for additional housing on campus was contingency based or not,
21 predicated upon what Mr. Thomas was telling him, that he felt that
22 George Washington would somehow find a way to be able to
23 accomplish the goal because of his faith, the faith that the
24 students have with the administrators of the university; one way
25 or the other, that they would be able to accomplish this. He

1 feels that they would accomplish what they had set out to
2 accomplish.

3 Is that what?

4 MR. BURT: I mean, I guess that's basically it. I
5 mean if the university can't give a guarantee because it's not
6 necessarily feasible, if I have to wait for the city council to do
7 something or something like that, I don't necessarily think
8 that's, in my opinion, completely relevant.

9 The point is that this is a campus plan, and this
10 is what the university would like to move, and this is what
11 they're saying they're trying to do, and that is the way that
12 they're going to move forth on that. That's why I'm looking at
13 it.

14 CHAIRPERSON REID: Okay. More questions? Cross
15 examination? Okay.

16 MS. SPILLINGER: Mr. Burt, I'm Barbara Spillinger,
17 Chair of ANC-2A.

18 MR. BURT: Good morning.

19 MS. SPILLINGER: I appreciate your coming here
20 today.

21 I have just three very quick questions. You talked
22 about the need to increase enrollment at G.W.. Is it not my
23 understanding that currently there are problems with parking,
24 classroom space, and dormitory space, all three, with the current
25 enrollment?

1 MR. BURT: I'm not necessarily sure if I said that
2 there was a need to increase enrollment, but I said that there's a
3 need to balance undergraduate enrollment. Right now the
4 undergraduate enrollment is at 7,200 or 7,150. The university has
5 stated before that it that it would like for it to be at 8,000,
6 and it has stated this numerous times and the facilities with
7 that.

8 The campus plan, if you're asking the questions
9 about classrooms, new classes are being built. If you're asking
10 questions about parking, new parking spaces can be built, and what
11 was the last thing you were asking for?

12 MS. SPILLINGER: Dormitory space, of course.

13 MR. BURT: Dormitory space. That's in the plan for
14 2,200 additional beds.

15 So, I mean, what our main concern is from a student
16 point of view is that -- and you're right. I share what you're
17 saying because students complain to me all the time about that
18 they feel cramped, but right now there are new buildings going up
19 all over our campus, and I think that that is the point of what
20 we're trying to get to, is that -- and it was passed, I mean, in
21 the first part.

22 I didn't necessarily read the first part of the
23 amendment that we actually made to the resolution as it came, but
24 we said the university shall maintain student enrollment
25 commensurately proportional with the availability of academic,

1 residential, and recreational facilities.

2 And that's extremely important to us, but we think
3 the university is trying to fill that commitment through what it
4 has spelled out in trying to increase academic space.

5 I mean we're getting a new business school.
6 They're building a new Elliot School. A new school of media and
7 public affairs will be open in January, and stuff like that.

8 We think that it is increasing the academic space,
9 and when it does that, you can also increase the undergraduate
10 enrollment, I mean.

11 MS. SPILLINGER: I guess my feeling is that if the
12 undergraduate enrollment at the current time is not satisfied with
13 the facilities that are there, the enrollment should be held until
14 these other facilities are available.

15 MR. BURT: I disagree for the one fact that the
16 additional facilities are coming on line within the next -- well,
17 additional ones. I mean, the school of media and public affairs,
18 which will be more classroom space, will be done in January. The
19 Elliot School, which they have just broken ground on, I mean, will
20 become available within two years.

21 And another thing that we had a lot of concern over
22 is just students ourselves with the Smith Center. Our new Health
23 and Wellness Center will be open very shortly. I mean, it's the
24 fact of the matter that as a finance major in school, I understand
25 that you can't, you know, build a house with --

1 MS. SPILLINGER: Yeah. There's a time line to all
2 of this. That's why you're spread out a bit.

3 Right. I also wanted to comment on the resolution
4 passed by the Senate. I understand that some of the other
5 associations on campus have also passed resolutions, and that a
6 number of these contain clauses that are sympathetic to the
7 community and recognize the concerns of the community, and we
8 appreciate that.

9 Just the third point I'd like to make. You talked
10 about G.W.'s wish to be first tier, and that has come up several
11 times in these discussions, to be a first tier university.

12 MR. BURT: I'd just like to qualify that. I don't
13 necessarily -- I don't put a lot of faith in rankings and whatnot.
14 I would just like to say a world class university.

15 MS. SPILLINGER: All right.

16 MR. BURT: Which I think we already are, but we can
17 become more of one.

18 MS. SPILLINGER: I will accept that the effort is
19 to become a world class university.

20 However, those universities that are currently
21 ranked among the first ten in the country generally have smaller
22 enrollments than G.W., and I think that it needs to be pointed out
23 that you don't have to be larger to be better.

24 CHAIRPERSON REID: Is that a question or are you
25 testifying, Ms. Spillinger?

1 CHAIRPERSON REID: I just want to know if you're
2 aware of --

3 MR. BURT: Whether I'm aware? Well, if -- well,
4 let's go back to your statement. If you're talking about first
5 tier, there are a lot of large universities in the first tier of
6 schools. What it basically comes down to is the fact of the
7 matter whether the university can make the commitment to the
8 academic facilities that the students need.

9 They want to make an academic commitment, but they
10 understand -- and this is my opinion -- that they live in a
11 community which is not necessarily theirs. They have a part in
12 G.W., but they are in Foggy Bottom, and there are residents that
13 have been here for a long time. Their number one commitment is
14 academics. That's what all universities should be.

15 What the residents don't actually want academics --
16 I mean, they do. I'm not saying they don't, but that's not their
17 number one concern. Their number one concern is how far is the
18 university going to infringe on their part.

19 So I think that it is a delicate balance act
20 between going what you were talking about, bigger is not better,
21 but I honestly think that the way that the university is going
22 right now, that 8,000 is a very acceptable number. I don't think
23 we should get any bigger than that because I don't think that is
24 manageable.

25 But the graduate enrollment is coming down, and

1 they would like to focus on an undergraduate enrollment a little
2 bit more.

3 MS. SPILLINGER: We realize, and of course, that's
4 the part that is --

5 CHAIRPERSON REID: You're --

6 MS. SPILLINGER: Thank you.

7 CHAIRPERSON REID: -- okay, testifying.

8 Ms. Tyler, how many questions do you have? Be
9 quick.

10 COMMISSIONER TYLER: Speaking of the world class or
11 something like that, classes, being in that category, I contacted
12 in that regard, among others, Howard College, the Registrar of
13 Howard College, the undergraduate student body, and the Registrar
14 in terms of asking what the student enrollment figures were over a
15 period of, let's say, the last 20 years --

16 MS. DWYER: Is that a question, Madame Chair?

17 COMMISSIONER TYLER: And the answer was --

18 CHAIRPERSON REID: She's formulating it.

19 COMMISSIONER TYLER: -- that it was a standard
20 figure.

21 Now, this leads me to the question of Mr. Burt, of
22 Mr. Burger, what was a steady figure, and when I said how is it
23 possible, and he said, "Well, it's limited by the number of beds
24 we have on campus."

25 My question to Mr. Burt is the following. When a

1 student enters George Washington University, is it not true, as it
2 is true in many other universities, that the student signs a
3 contract with the university?

4 MR. BURT: Yes.

5 COMMISSIONER TYLER: In that contract, there are
6 certain conditions specified, and it's up to the university to
7 accept the student based on the conditions that they specify to
8 the student; is that correct?

9 MR. BURT: What -- what -- can I ask what contracts
10 we're actually talking about?

11 COMMISSIONER TYLER: I'm speaking of the general
12 contract, and I understand from our attorney that the university
13 can request at the time when the contract is signed as a condition
14 to specify where the student is going to live. That is up to the
15 university, given the enrollment cap that is imposed upon the
16 university by the authorities.

17 And I have a further follow-up question on that
18 from Mr. Burt specifically on that because you addressed this.
19 You said students should be allowed to live anyplace they want or
20 something to that effect. I don't want to paraphrase you in a
21 misstatement, to make a misstatement.

22 CHAIRPERSON REID: Mr. Burt, do you understand that
23 question? I mean --

24 MR. BURT: I'll try as best as I --

25 CHAIRPERSON REID: I'm not really clear myself.

1 MR. BURT: -- best as I can understand.

2 COMMISSIONER TYLER: Well, I could be more specific

3 --

4 CHAIRPERSON REID: Yes, please.

5 COMMISSIONER TYLER: -- if you didn't understand.

6 CHAIRPERSON REID: Please.

7 COMMISSIONER TYLER: I would like to know whether
8 George Washington University, when they admit a student, whether
9 they have them sign, him or her sign a contract and whether that
10 contract as one of the conditions specifies where the student is
11 going to live, whether the university imposes that condition in
12 the contract, which it can.

13 MR. BURT: As I understand and as I know at this
14 point in time, no student is required to live on campus. That's
15 my understanding, and the reason I know this is because I know
16 freshmen that do not live on campus and this is how I understand
17 it. And maybe it's because they might live near.

18 But as far as if they choose to live on campus,
19 freshmen are guaranteed housing. Therefore, if they say they want
20 to live on campus, as a condition of their mission then, yes, they
21 will be housed on campus.

22 COMMISSIONER TYLER: So if I understand your answer
23 correctly, the university does not impose -- does not include a
24 condition in terms of living in that contract.

25 Now, I would like to clarify that question by

1 saying that there was a recent case, perhaps something like two
2 years ago --

3 MS. DWYER: Are you going to ask him another
4 question?

5 COMMISSIONER TYLER: Yes, it's a question.

6 CHAIRPERSON REID: Don't -- don't --

7 PARTICIPANT: Help us.

8 CHAIRPERSON REID: Right. Just ask the question.
9 Just cut straight to the chase.

10 COMMISSIONER TYLER: Yes. Cutting to the chase is
11 that I found out just now from Mr. Burt that the university
12 doesn't impose this condition.

13 CHAIRPERSON REID: Right, right.

14 COMMISSIONER TYLER: And I would like to say that
15 there are universities that do impose this condition.

16 CHAIRPERSON REID: Is that a question? You've
17 already said that though. You've said that once, Ms. Tyler, or
18 maybe twice. What's the question?

19 COMMISSIONER TYLER: The question is why does --
20 why does he think if the authorities in the District of Columbia
21 impose an enrollment cap and certain conditions, that the
22 university cannot include living -- specifying where the student
23 will live as one of the conditions in the contract, as is done by
24 Yale University, for example. Why does he think that that is not
25 constitutional, because it is?

1 MR. BURT: I'm not sure. I think you may be
2 confusing my statements, but I do know that from my knowledge of
3 the campus plan the concessions that the university has made to
4 the neighborhood, that incoming freshmen and sophomores shall be
5 required to live on campus. So I guess that answers your concern
6 there.

7 COMMISSIONER TYLER: But not -- but not the entire
8 full-time undergraduate student body.

9 MR. BURT: That's up to them whether they want to
10 move off campus or not.

11 COMMISSIONER TYLER: So that's all the
12 clarification I wanted to know. I know that G.W. has not included
13 that condition in the contract.

14 Thank you very much, Mr. Burt.

15 VICE CHAIRPERSON SOCKWELL: Ms. Tyler, Ms. Tyler,
16 before you get up please, I think one of the issues, and I'm not
17 going to claim that I'm a legal legal on this, but I think the
18 issue of whether a civil rights act is constitutional in making
19 certain requirements and whether or not a private institution
20 which by contract may be considered to be a member institution can
21 require its members to be as one class or another, living in one
22 locations or another is a different thing, and I think that Mr.
23 Burt was responding more to the civil rights issue than to the
24 university issue when he first raised the point of whether or not
25 students could or could not be required to live one place or

1 another.

2 COMMISSIONER TYLER: Yes. Mr. Sockwell, I
3 appreciate your comment, and I hope I did -- I'm not in the best
4 of health right now, but I hope I did understand this
5 clarification.

6 VICE CHAIRPERSON SOCKWELL: Oh, you're doing quite
7 well.

8 COMMISSIONER TYLER: I just wanted to say that in
9 terms of private universities like Yale University, that
10 particular question was challenged in the courts. There were two
11 students of certain religious beliefs who claimed that they should
12 not be living in a co-ed dormitory, and they challenged the
13 university to change the living conditions.

14 The judge ruled that if they did not like the
15 living conditions which were imposed upon them in the contract
16 when they were admitted, they could choose another university.
17 That is why I wanted to clarify this question.

18 CHAIRPERSON REID: All right. Let me just say
19 this. We have got to break. The reporter asked about 20 minutes
20 ago and I said a couple of minutes. He's got to stop. I'm going
21 to have to break now for about five minutes and come back.

22 I'm sorry? Well, Ms. Tyler, are you done? We have
23 to.

24 And then we'll come back, and what I'd like to do
25 is to complete the opposition.

1 MS. MILLER: The cross examination.

2 CHAIRPERSON REID: Excuse me, Ms. Miller.

3 I'd like to complete the opposition part before we
4 break for lunch, and the opposition, I think we only have about -

5 -

6 (The Board conferred.)

7 SECRETARY PRUITT: Approximately an hour.

8 CHAIRPERSON REID: Okay. Well, I was trying to
9 stop at a good break point.

10 MS. MILLER: Mr. Burt, we put him ahead because he
11 needs to go to class.

12 CHAIRPERSON REID: He's got to go to class, but,
13 Ms. Miller, I'm sorry, but the reporter has got to stop.

14 MS. MILLER: Can we submit some questions and have
15 him answer them?

16 CHAIRPERSON REID: You may do that, but -- you may
17 do that. However, the reporter has got to stop, and other than
18 that, you know, we're going to have a problem.

19 MS. MILLER: He can wait five minutes. We've been
20 waiting all day.

21 CHAIRPERSON REID: He --

22 VICE CHAIRPERSON SOCKWELL: Ms. Miller, please.
23 You don't have to make those statements. I don't think that was
24 fair or proper.

25 CHAIRPERSON REID: All right. Put your questions -

1 - any other cross examination questions of Mr. Burt? He's got to
2 go to class and the reporter has got to stop. We've got to break
3 right here.

4 You said another hour?

5 SECRETARY PRUITT: Yes, approximately another 55
6 more minutes.

7 CHAIRPERSON REID: Can we go ahead and break now
8 for lunch?

9 SECRETARY PRUITT: That's up to you, Madame Chair.

10 PARTICIPANT: They only have four witnesses though.
11 They may not take --

12 SECRETARY PRUITT: Right. They may not take it,
13 but it is allowed.

14 CHAIRPERSON REID: Then let's break for five
15 minutes and let the recorder have his break, and then come back,
16 finish up.

17 Oh, I thought you were done.

18 MR. BURT: No, can I be excused? I'm just asking.

19 CHAIRPERSON REID: Oh, no, that's what I'm saying,
20 to allow you to leave so you won't be held up any longer.

21 SECRETARY PRUITT: I'm sorry. Mr. Burt, before you
22 leave --

23 CHAIRPERSON REID: And the questions will be put to
24 you in writing so that you can respond to it because, you know,
25 you can go and then we'll come back in five minutes, and then

1 we'll finish up the first part and have lunch, and then we'll
2 break for lunch.

3 SECRETARY PRUITT: Could you give us a copy of the
4 resolution you presented?

5 MR. BURT: I will definitely give you a copy.

6 SECRETARY PRUITT: Thank you.

7 VICE CHAIRPERSON SOCKWELL: Mr. Burt, we really
8 appreciate your testimony. Thank you for coming.

9 MR. BURT: Thank you very much, sir.

10 CHAIRPERSON REID: Very much so. Thank you for
11 coming down here.

12 (Whereupon, the foregoing matter went off the
13 record at 1:02 p.m. and went back on the record at
14 1:12 p.m.)

15 CHAIRPERSON REID: The hearing will please come to
16 order.

17 All right. Time-wise, Ms. Pruitt, when you were
18 out on break you told me that there was an update on the time.

19 SECRETARY PRUITT: Actually, just for
20 clarification, I believe Ms. Becker is going to be testifying as a
21 party.

22 MS. BECKER: No.

23 SECRETARY PRUITT: Okay. Well, then we've
24 completed --

25 MS. BECKER: My party became Michael.

1 SECRETARY PRUITT: Great. Okay. Then great.

2 We're actually now into the persons in opposition.

3 CHAIRPERSON REID: All right.

4 SECRETARY PRUITT: So this is going to be a three
5 or five minute time frame depending upon individual or if they're
6 representing an organization.

7 CHAIRPERSON REID: Okay. The persons or
8 organizations, individuals or organizations who are wanting to
9 testify, please come up. I think there are about four or five.
10 Please come up to the table at this time. Everyone who wants to
11 testify as a party --

12 SECRETARY PRUITT: No.

13 CHAIRPERSON REID: -- I mean as an organization or
14 as an individual in opposition, come up at this time. Have a
15 seat.

16 Okay. So we have what, four people? Okay.

17 PARTICIPANT: There's one more.

18 CHAIRPERSON REID: Where is there one more? Okay.

19 Well, you can come up.

20 Oh, there is not another chair. Could we pull
21 another chair up so everyone can be here at the same time?

22 Okay. Sir. All right, now. Do you want to start,
23 ma'am?

24 PARTICIPANT: One more is missing.

25 CHAIRPERSON REID: Well, they can come up once

1 someone leaves. Then another person can come up if we don't have
2 enough room at the table.

3 All right. Who wants to go first? Okay. Go
4 ahead.

5 MR. SHALIT: My name is Sol Shalit. I'm --

6 SECRETARY PRUITT: Excuse me. Excuse me a second.

7 MR. SHALIT: Hello?

8 SECRETARY PRUITT: Excuse me, Mr. Shalit. Before
9 you testify, could you indicate if you're testifying as an
10 individual or on behalf of an organization, please?

11 MR. SHALIT: As an individual.

12 SECRETARY PRUITT: Okay. Thank you.

13 MR. SHALIT: My name is Sol Shalit. I'm emeritus
14 professor of economics at the University of Wisconsin.

15 My wife and I moved here a few months ago. The
16 address is 2500 Virginia Avenue, N.W., Washington, D.C. 20037.

17 We were not utterly naive, but we believe that a
18 new era has dawned on the District, and we like Foggy Bottom. I
19 remember telling my wife, "Hey, look. There is a diner there,"
20 which to me conveys a feel for a real neighborhood. We walked
21 around. We loved the entire area, and we bought the apartment.

22 Soon after we moved, we discovered that the diner
23 was gone, the Howard Johnson's was gone, and the big sign was
24 saying George Washington University, and I asked, "How could this
25 happen? This is outside the campus."

1 And people raised their arms, and they said, "You
2 are new. You'll get used to it. They can do practically anything
3 they want."

4 I'm not an activist, but I got curious. So I
5 carefully read the campus plan and the Fuller plan, and this one
6 here. You will find my analysis in a very brief, but very
7 readable document, no figures, no graphs, no algebra, nothing, no
8 jargon, plain logic and common sense.

9 The document I've submitted to you, just a six-page
10 thing, and I urge you to read it. I'll just cut to the bottom
11 line, just one thing after another.

12 First, the Fuller report does not support the
13 university plan. In fact, it is entirely irrelevant to it. You
14 will find the full reasons in my written submission, but briefly
15 the report was commissioned and funded by the university itself.
16 It deals with total impact when the marginal impact was called
17 for, and it only lists the benefits leaving entirely the cost side
18 of the equation.

19 It is as relevant to the Board's deliberation as
20 would be Firestone report detailing the company's total
21 contribution to the U.S. economy in the midst of a current tire
22 recall.

23 Second, I explained why the university growth,
24 philosophy, and its implementations are fundamentally flawed both
25 from the District point of view and from the university's own.

1 Despite the good will of full parties, the plan does not need just
2 some negotiated tinkering. It ought to be flatly rejected as
3 inadequate and nonresponsive.

4 Third, the city planning authorities, including
5 this board have now an exceptional opportunities to break with a
6 piecemeal approach with the past, and I think must confront the
7 hub and long overdue question: what should be George Washington
8 University proper size?

9 Ultimately you cannot regulate the university real
10 estate purchases, nor their behavior, nor students' behavior,
11 parking whatever it is. You must regulate structure. Structure
12 determines behavior, and this means one word: enrollment.

13 In absolute numbers, not ratios, not square
14 footage, not utilization, and you have the full statutory
15 authority to do just that. You have already sufficient evidence
16 to find the university in violation of stipulations and
17 commitments of prior planning documents.

18 In conclusion -- yeah?

19 VICE CHAIRPERSON SOCKWELL: Go ahead.

20 MR. SHALIT: One more sentence.

21 VICE CHAIRPERSON SOCKWELL: Go ahead.

22 MR. SHALIT: Restraints on growth and expansion are
23 never going to come from the university, but must always and
24 should come from the regulatory bodies set up for that very
25 purpose. Growth is surely not a university right. It's a

1 privilege.

2 Zoning boards and planning commissions all over the
3 nation evince no hostility to higher education and need not feel
4 guilty when they curve the appetite of urban universities and
5 impose strict limits on their expansion. They are just doing
6 their job.

7 Thank you for giving me this opportunity. I hope
8 my detailed but short submission is helpful in your deliberation.

9 Thank you.

10 CHAIRPERSON REID: Thank you very much.

11 Questions, Board members?

12 (No response.)

13 CHAIRPERSON REID: Cross examination, Ms. Dwyer.

14 VICE CHAIRPERSON SOCKWELL: One question, Mr.
15 Shalit. What is your background? Are you in finance or in
16 anything that deals particularly with forecasting or real estate
17 or those kinds of things?

18 MR. SHALIT: My background is I have a Ph.D. of
19 economics from --

20 VICE CHAIRPERSON SOCKWELL: Doesn't matter where
21 from actually.

22 MR. SHALIT: No, I think it does.

23 VICE CHAIRPERSON SOCKWELL: Not really.

24 MR. SHALIT: University of Chicago.

25 VICE CHAIRPERSON SOCKWELL: Like I said, not

1 really.

2 MR. SHALIT: Okay.

3 (Laughter.)

4 VICE CHAIRPERSON SOCKWELL: Appreciate it, but it's
5 just that --

6 MR. SHALIT: Okay.

7 VICE CHAIRPERSON SOCKWELL: -- Mr. Fuller is --

8 MR. SHALIT: And my background is economics.

9 VICE CHAIRPERSON SOCKWELL: Yes.

10 MR. SHALIT: Economics and finance, and I've been a
11 professor in the school of business administration. So my
12 background is in business administration, finance, and economics.

13 VICE CHAIRPERSON SOCKWELL: Thank you.

14 MR. SHALIT: Un-huh. You're welcome.

15 CHAIRPERSON REID: Sorry. Go ahead.

16 MS. BECKER: Madame Chair and members of the Board,
17 Eleanor Becker, and I reside at 2528 Eye Street, N.W.

18 I'm Vice President of Foggy Bottom Association, and
19 during a good part of these campus planning discussions, I was
20 serving as president.

21 Earlier witnesses have laid down the major issues
22 which concern Foggy Bottom residents. My comments, I hope will
23 deal with less cosmic, but still important information provided by
24 the university in its written and oral testimony.

25 For example, on page 8 of its December 28, 1999

1 filing, G.W. congratulated itself for, quote, preserving and
2 enhancing the natural beauty of Foggy Bottom, quote, and, quote,
3 maintaining the cleanliness of Foggy Bottom streets, quote.

4 It would have been more accurate to claim enhancing
5 the beauty of the Foggy Bottom campus, not all of Foggy Bottom.

6 Moreover, the need for at least part of the student
7 clean-up, which we do appreciate, is a result of some of the
8 students living off campus who do not clean up after themselves.

9 Again, on page 16, G.W. outlines a series of
10 meetings with the community beginning in February 1999. Attached
11 to my statement, which I will give you, are two documents
12 pertaining to that community dialogue which I understand is really
13 a requirement.

14 Members of the FBA Executive Board, officers of the
15 West End Citizens Association, and the ANC-2 Commissioners were
16 invited to these meetings, which began in February '99. The first
17 document I have attached is a letter dated May 11 to Bernard
18 Demchuck of G.W. withdrawing the participation of the meetings of
19 FPA because to date, quote, G.W. has imparted no information about
20 the stated purpose of the meetings, the campus plan proposal,
21 quote.

22 The content of the presentation seemed to us to be
23 pure propagandizing. That letter was sent after the third
24 meeting.

25 The second document is another letter written on

1 July 3 reiterating and reinforcing our decision not to participate
2 until concrete information was provided.

3 The ANC soon broke off the meetings as well for the
4 same reasons. These are submitted to counteract the oft expressed
5 claims by the university that meaningful dialogue continued over
6 those months early in the process. Those claims are not true.

7 I also wish to point out that an illustration I
8 find disturbing and I refer to the fourth page of G.W.'s April
9 26th presentation, a page entitled ownership. At the upper left
10 of the diagram are shown Squares 40 and 41 showing -- they're
11 undivided -- showing G.W.'s alleged ownership of the former 2300
12 block of Eye Street. It's currently a pedestrian mall, but I'm
13 unaware of any ownership of that former street by the university.

14 It has the use of the area. It also has plantings
15 which are very nice, but it does not own it. I would have
16 suggested they would perhaps alter this drawing.

17 CHAIRPERSON REID: Ma'am, are you aware that you're
18 over time?

19 MS. BECKER: Okay.

20 CHAIRPERSON REID: Do you have just a wrap or
21 something that you can finish quickly?

22 MS. BECKER: Kind of a personal comment. I moved
23 here in 1963, and I have been involved in the neighborhood almost
24 continuously since then. I believe, and I've contributed tax-wise
25 income tax, and I bought a home and real estate taxes.

1 I think if I came now I would not live in this
2 neighborhood. Then I was not too long out of college, and I had
3 already lived in a dorm. I would not -- I would not want to live
4 in a dorm, which our neighborhood is becoming, and if something is
5 not done, D.C. will be losing the participation and the support of
6 people like me because we will not do it.

7 Thank you.

8 CHAIRPERSON REID: Thank you very much.

9 MS. BECKER: Oh, may I make one comments? Sorry.
10 An important part.

11 I wanted to place in the record, and it's on the
12 sheet, the names of 502 residents who signed and mailed cards. I
13 have them here, which I won't give you.

14 CHAIRPERSON REID: Okay.

15 MS. BECKER: Some of these were signed at meetings.
16 This is support of ANC and FBA, and they were mailed. Most of
17 them were mailed, and that's kind of unusual to have that many
18 people in Foggy Bottom support something and put a 33 cent stamp
19 on it.

20 So it really represents more than 500 names.

21 Thank you.

22 CHAIRPERSON REID: Thank you.

23 Oh, I'm sorry. Were there any questions, Ms.
24 Dwyer?

25 MS. DWYER: No.

1 CHAIRPERSON REID: Or any Board members?

2 (No response.)

3 CHAIRPERSON REID: Okay.

4 MR. NANTZ: My name is John Nantz. I live at 5700
5 Nevada Avenue, N.W., Washington, D.C. 20015.

6 I want to begin by expressing the regrets of Dr.
7 Donald Cruiser. He would have liked to have been here today to
8 make an oral statement to the Board. However, he's out of town.
9 He did file an initial statement before the Board prior to the
10 April hearing. He has also filed a supplemental statement some
11 time last week. I would hope the Board would consider his
12 statements.

13 He does quite a lot in his supplemental statement
14 to show that the rosey economic benefits of the fuller report
15 claims that the university provides to the district may not be as
16 it seems in the Fuller report.

17 In terms of my statements, I'm concerned about the
18 contingent commitment of the university with respect to on campus
19 student housing. They want to get the benefits of the Square 54
20 proposal, which is contingent on some conditional approval of a
21 planned unit development.

22 They get a double benefit here. They propose
23 housing. Geez, we're really giving it a try. Assuming that the
24 Board approves their proposal, it then puts the onus on the Zoning
25 Commission to approve the PUD, or then they say, "Aw, shucks, we

1 tried."

2 The same thing pertains to the Square 80 proposal
3 where the School Without Walls would have to be transferred by the
4 District government in order for them to meet their commitments.

5 Those two, Square 54 and Square 80, are over half
6 of the commitment that they're making for on campus student
7 housing. I believe that, number one, the plan as presently
8 proposed should be rejected by the BZA. However, if the Board
9 were to decide to approve the plan, it should be a conditional
10 approval for at most three to five years.

11 The conditions should be that they comply with the
12 provisions of the order as drafted by the Board. The Board should
13 include a specific condition that in the event that it's
14 determined by a preponderance of the evidence that they've
15 violated any of the conditions imposed by the BZA on the approval,
16 that the BZA of successor organization with authority shall have a
17 right to suspend or revoke approval of the campus plan, meaning
18 that you'd put some teeth in your conditions, i.e., that if the
19 approval of the campus plan is evoked, they would lose the
20 benefits of campus plan approval with respect to cumulative FAR
21 and parking.

22 And I'd like to make one final statement, that --
23 oh, I'll be brief.

24 CHAIRPERSON REID: Did you say that you wanted to
25 make one final statement?

1 MR. NANTZ: I will.

2 CHAIRPERSON REID: Are you going to stop now?

3 MR. NANTZ: Yes.

4 CHAIRPERSON REID: Okay. I have a question. When
5 you say that, that we should somehow put some teeth into the
6 campus plan for enforcement with perhaps a revocation of their
7 campus plan if, in fact, there was violations, were you then
8 saying that that could be achieved through -- how would you -- how
9 would you suggest that be done?

10 MR. NANTZ: Well, as I understand the regulations,
11 they currently give the BZA authority --

12 CHAIRPERSON REID: Mic, please, into the mic.

13 MR. NANTZ: Oh. As I understand the current
14 regulations, the BZA has authority to approve campus plans.

15 PARTICIPANT: To improve or approve?

16 MR. NANTZ: The approve campus plans. Within a
17 general approval, it would seem to me that the Board would also
18 have authority to give conditional approval. You give conditional
19 approval based on G.W.'s compliance with the conditions that you
20 impose in your order granting the conditional approval.

21 I perhaps being an attorney, out of an over
22 abundance of caution would also include in there that in the event
23 that it was determined that there was a violation of the
24 conditions imposed by the Board's order, that the Board will have
25 authority to (1) either suspend or preferably to my mind revoke

1 approval of the campus plan.

2 Once the approval is revoked, G.W. would lose the
3 benefits that go with the approval of the campus plan in that each
4 particular new building that they wanted to construct in the
5 campus or, I believe, possibly even renovate would be required to
6 stand on its own in terms of meeting requirements in terms of FAR,
7 parking and the like.

8 CHAIRPERSON REID: I understand that, and I think
9 that your point is well taken, and it is an issue that has been
10 before us many times. If you go out to the enforcement aspect of
11 the Board of Zoning Adjustment, unfortunately while we do have the
12 authority to impose conditions, we are completely -- we have no
13 enforcement capability whatsoever. That is only done through the
14 Mayor, which is what these types of cases -- as handled through
15 DCRA. We have no enforcement capability whatsoever,
16 unfortunately.

17 MR. NANTZ: If I can respond to your response to my
18 response --

19 (Laughter.)

20 MR. NANTZ: -- by doing what I suggested, you would
21 give the mayor another regulatory tool in that once the approval
22 goes away, they lose the benefits of the campus plan.

23 CHAIRPERSON REID: That is the problem, the
24 enforcement. The whole aspect of enforcement is something that
25 has caused us quite a bit of difficulty because of the fact that

1 the regulations that we promulgated did not include that.
2 Nonetheless, when we testified before the City Council just this
3 year, I specifically asked that somehow that there be some
4 provision made either through the Zoning Office or through DCRA to
5 try to address that problem, and heretofore it has not been
6 addressed.

7 Nonetheless, it's on the table, and it's being
8 looked at to try to see what we can do not just for George
9 Washington, but just for the zoning regulations, conditions to
10 orders in general. I appreciate your bringing that point up.

11 Thank you.

12 MR. NANTZ: Thank you.

13 MS. DWYER: I have just one question. Where was it
14 you said you lived? What was your home address?

15 MR. NANTZ: 5700 Nevada Avenue, N.W., Washington,
16 D.C.

17 MS. DWYER: Nevada Avenue, N.W.?

18 MR. NANTZ: That's correct.

19 MS. DWYER: Which is about what distance from the
20 G.W. campus?

21 MR. NANTZ: Oh, I don't know, maybe about five, six
22 miles as the crow flies.

23 MS. DWYER: All right, and --

24 MR. NANTZ: I am a taxpayer in the District. I've
25 resided here whatever 1966 to now is.

1 MS. DWYER: Okay, yeah. I was just clarifying.
2 Thank you.

3 CHAIRPERSON REID: Thank you very much.

4 Okay. Next?

5 MR. CARROW: My name is Milton Carrow. I'm
6 testifying here as an individual. I reside at 914 25th Street,
7 20037. It's a row house, and although I'm appearing, as I say, as
8 an individual and as a resident, I do have some background.

9 I have practiced law. I was a professor at George
10 Washington University, and I have a few other experiences, but I
11 want to make a statement simply as an individual here and as a
12 resident and as an interested citizen.

13 I have two points that I'd like to make. One, on
14 public policy aspects, I have some experience with public policy
15 in the university, and second, as an individual resident.

16 On the policy aspects, I understand your function
17 is to make findings of fact and find conclusions of law, but you
18 also in this instance, and I'm sure in many others, have a
19 responsibility for deciding on public policy. What is a good
20 public policy here?

21 One point I want to add to what's already been
22 stated and I fully support what Michael Thomas stated on behalf of
23 the Foggy Bottom Association, and Maria Tyler, who made an
24 excellent statement. I just want to add one thought regarding the
25 policy aspects, and namely, there is a widespread movement

1 throughout the country on what is called neo-urbanism, and that is
2 with suddenly discovering that it's very good to live in the
3 neighborhood. We can walk to shops where you can get public
4 transportation to where you're going, and that you don't have to
5 be confronted with gridlock.

6 Well, Foggy Bottom is one of the best examples of
7 the best of neo-urbanism, and here we have a situation where the
8 university is making inroads on that, and as you've heard from
9 many people, on the verge of getting it to disintegrate, and I
10 think in terms of public policy, you have to take that into
11 consideration.

12 Now, on my personal residence, I lived here for 15
13 years on 25th Street. I have spent a lot of money in remodeling
14 my house, and I love it. Incidentally, I gave up my voting rights
15 to live here. I used to live in McLean, Virginia. I've lived in
16 Connecticut. I've lived in New York, but I gave up my voting
17 rights because I thought it was a great place to live, and I do
18 still think so.

19 CHAIRPERSON REID: At this point --

20 MR. CARROW: Thirty more seconds or so?

21 CHAIRPERSON REID: Yes, yes, you can go ahead and
22 wrap up.

23 MR. CARROW: Yeah, wrap up.

24 Well, three doors below me -- I live at 914 -- 902,
25 904, 906 are occupied by students. They are unsupervised. They

1 change every semester and every summer. Some of them are very
2 nice kids, fine. I talk with them, but others unfortunately have
3 parties. They're wild. They drink. They make a mess, and we
4 have to call the police, and that's not a very good way for us to
5 live.

6 And I know that situation is duplicated in many
7 part of Foggy Bottom.

8 Thank you.

9 CHAIRPERSON REID: Thank you very much.

10 VICE CHAIRPERSON SOCKWELL: It's Mr. Carrow, is it?

11 MR. CARROW: Carrow, C-a-r-r-o-w.

12 VICE CHAIRPERSON SOCKWELL: Carrow.

13 MR. CARROW: C-a-r-r-o-w. I did submit a
14 statement here incidentally. It's called "Why the Foggy Bottom
15 Residential Community is Important."

16 VICE CHAIRPERSON SOCKWELL: By the way, along with
17 giving up your voting rights, think of the gain. Taxation without
18 representation.

19 (Laughter.)

20 CHAIRPERSON REID: Okay. Next?

21 Any other questions?

22 MS. DWYER: No.

23 CHAIRPERSON REID: Of Mr. Carrow?

24 Okay.

25 MS. RUBIN: Good afternoon. My name is Marilyn

1 Rubin, and I'm here as an individual, but I serve as the President
2 of the Columbia Plaza Tenants Association, which is a five
3 building complex surrounded by 23rd Street, E Street, Virginia
4 Avenue.

5 Columbia Plaza has about 825 apartments, and the
6 CPTA has about 100 members. It was built in the 1960s, and the
7 first tenants moved in in 1967. It was part of an urban
8 redevelopment of the city and was insured by the Department of
9 Housing. It was financed by FHA though, but insured by HUD.

10 It was supposed to serve as a residence for
11 moderate income renters to bring people into the city.

12 In the past, George Washington University has
13 promised to stay within developmental limits imposed by the campus
14 plan incorporated into Washington, D.C.'s comprehensive plan.
15 George Washington has consistently strayed from its campus plan,
16 imperiling residential rental housing in the Foggy Bottom
17 community.

18 The pattern started in about 1990 when George
19 Washington University signed an agreement with the owners of the
20 West End Apartments at 2124 Eye Street and became the master
21 lessor with an option to purchase within a ten-year period.

22 George Washington University prevailed in a court
23 challenge to the master lessor practice withstanding the argument
24 that the agreement should have led to the tenants having the first
25 right of refusal to purchase the building under the Renal Housing

1 Conversion and Sale Act.

2 George Washington has successfully emptied that
3 apartment, having taken it out of the residential housing market,
4 leaving only about ten senior citizens left in the building.
5 Senior citizens under the Housing Conversion Act have a right to
6 lifetime tenancy and cannot be evicted if a rental building
7 changes use.

8 George Washington University has continued its
9 vigorous expansion plans in violation of the campus plan as we
10 speak. In December of 1999, it received a donation as part of
11 their 28 and a half percent ownership in Columbia Plaza. G.W. is
12 now using Columbia Plaza as part of its housing lottery, as an
13 arrangement set up to assist its students in finding housing since
14 it doesn't have an adequate on campus housing.

15 George Washington has an agreement with the
16 majority owner or owners of Columbia Plaza that whenever a vacancy
17 appears, occurs, George Washington will have preference in filling
18 that vacancy by sending a student's name over to Columbia Plaza
19 Rental Office within one week. Only if G.W. doesn't fill that
20 vacancy, send a student over can anybody except a student get that
21 apartment and live in the unit.

22 This practice raises a host of questions about
23 whether the university has --

24 SECRETARY PRUITT: You have more time.

25 MS. RUBIN: -- whether the university has knowingly

1 and voluntarily violated the established District of Columbia and
2 federal laws. For instance, a question exists as to whether G.W.
3 has violated guidelines and federal anti-discrimination laws by
4 discriminating against everybody but students in its ownership
5 capacity at Columbia Plaza.

6 Second, a question exists as to whether G.W. has
7 violated the District of Columbia Human Rights Act by
8 discriminating in favor of students, which is an obvious question
9 of age discrimination.

10 Third, a question exists as to whether G.W. has
11 violated its campus plans. It has not only vigorously asserted
12 control over Columbia Plaza, but has ruined the residential
13 housing at the Aston on New Hampshire Avenue and buildings on
14 Pennsylvania Avenue by coming in and placing students in these
15 formerly residential buildings.

16 Fourth, a question exists as to whether G.W. has
17 violated this housing conversion sell by acting as a master lessor
18 at Columbia Plaza. After the West End incident, the Housing
19 Conversation Sell Act was amended to give the tenants the first
20 right of refusal if a third party, such as G.W. would come in as a
21 master lessor.

22 Fifth, a question exists as to whether G.W. has
23 violated this Rental Housing Act by attempting to turn buildings
24 such as Columbia Plaza and the Aston, among others, into
25 dormitories or other transient housings.

1 This would also violate the D.C. Housing Code 14
2 DCMR, preventing residential housing of going to dormitories, 95
3 percent student occupancy.

4 And, sixth, there is a question as to whether G.W.
5 has now influenced Columbia Plaza to illegally raise rents to
6 tenants who have lived there.

7 The CPTA --

8 CHAIRPERSON REID: Let's see. How much more do you
9 have?

10 MS. RUBIN: Just one more paragraph.

11 CHAIRPERSON REID: Oh, okay.

12 MS. RUBIN: CPTA -- well, I can -- that G.W. has
13 violated the laws in most, if not all, of the examples listed
14 above. That's why Steven Joel Tractenberg and G.W. cannot be
15 trusted to give verbal assurances or even written assurances of a
16 voluntary nature.

17 The mendacious words and acts in the past belie any
18 attempt that Mr. Tractenberg thinks he has made -- any attempts he
19 has made to resolve the issues. He misled the community about
20 G.W.

21 s involvement at Columbia Plaza earlier this year, just to
22 highlight the university's sincerity in dealing with the District.

23 G.W. and Tractenberg are like two pit bulls. The
24 city has leash laws and muzzle laws to prevent pit bulls from
25 harming people and neighborhoods, and they should also be muzzled.

1 Thank you for this opportunity.

2 CHAIRPERSON REID: Thank you.

3 Are there any questions?

4 MS. DWYER: We have none.

5 CHAIRPERSON REID: Wait a minute. First of all,
6 questions, Board members.

7 COMMISSIONER MITTEN: I have a question.

8 CHAIRPERSON REID: Okay.

9 COMMISSIONER MITTEN: All the issues that you
10 raised about the alleged violations of various laws, what action
11 have you taken? Because you know that we don't have any
12 jurisdiction over those issues.

13 MS. RUBIN: I have called; I have written. We've
14 been in touch with HUD. We've been in touch with counsel. We've
15 been in touch with Zoning because every week there's another issue
16 that comes up that's a problem, and so far they want to see what
17 happens with this hearing. People are working as they can, but
18 really nothing has happened.

19 COMMISSIONER MITTEN: So there's been no action
20 taken regarding alleged violation of HUD guidelines. There's been
21 no action taken regarding alleged violation of the Human Rights
22 Act. There's been no action taken on issues of displacing
23 residents, illegally raising rents, nothing?

24 MS. RUBIN: Let's start with HUD. I have been
25 talking with HUD for two and, again, starting in February when we

1 found out about this acquisition, nothing has happened. HUD has
2 taken the information to Philadelphia. Philadelphia has referred
3 to Richmond. Richmond falls asleep at the switch, and nothing has
4 happened.

5 I have called. The only person I have talked with
6 is the one in the Discrimination Office that is saying, "Well,
7 yes, we can do something with discrimination."

8 I have a discrimination suit that has been filed.
9 I don't know what's happened. Nobody has gotten back to me. So I
10 really feel that I've been stonewalled.

11 VICE CHAIRPERSON SOCKWELL: Well, one questions
12 now. The buildings are controlled under the D.C. rental
13 accommodations, and my past history as a long term resident,
14 having fought people with HUD mortgages, is that HUD is fairly
15 unresponsive, always turns it over to the local agency in the end.

16 Then the landlord has the opportunity to support his or her or
17 their claim, and it is a very long and very difficult process,
18 especially since in the case of the city they may not have the
19 resources to adequately review whatever material may be submitted
20 by the landlord as back-up to its claims.

21 But you have to just stick with those kinds of
22 things if you want to get to the bottom of it and find out what
23 the actual issue may be.

24 MS. RUBIN: Thank you. We're trying.

25 CHAIRPERSON REID: Thank you.

1 Ms. Dwyer?

2 MS. DWYER: Just a couple of questions. You
3 mentioned that you have contacted HUD for their review of this,
4 and you've gotten no response from them?

5 MS. RUBIN: I've had some response.

6 MS. DWYER: And what has the response indicated,
7 that there's a problem or that everything seems to be fine?

8 MS. RUBIN: On, no, there's definitely a problem.

9 MS. DWYER: What has been the response from HUD?

10 MS. RUBIN: Initially the advertising that Columbia
11 Plaza was doing was huge ads saying short term rentals, furnished
12 apartments available. They felt that this was certainly
13 discriminatory for anyone who wanted to live on a long term basis
14 because they would immediately turn out.

15 They haven't told me yes, but the ads have been
16 changed.

17 MS. DWYER: And was HUD in contact with the
18 management company that runs the building? Is that --

19 MS. RUBIN: I guess I'm just not privy to that
20 information. I know the bottom line was the ads were changed.

21 MS. DWYER: Didn't HUD this year give this building
22 an award for its top project in the country?

23 MS. RUBIN: I don't know, but when I got a letter,
24 I think they did the interview over the phone.

25 MS. DWYER: But the party did receive an award by

1 HUD?

2 MS. RUBIN: I'm not aware of that.

3 MS. DWYER: You're not aware of that?

4 MS. RUBIN: No.

5 MS. DWYER: Has the Rental Accommodations
6 Commission reviewed the rent increases in the building and made a
7 determination on those?

8 MS. RUBIN: Yes.

9 MS. DWYER: And those increases have been approved
10 by the REC?

11 MS. RUBIN: I think that there's a gray area, and
12 they feel that there is something wrong, and the building has
13 rescinded them.

14 MS. DWYER: All right.

15 MS. RUBIN: So, therefore, they must have some
16 concerns about the legality of a 30 and 40 percent increase, as
17 well.

18 MS. DWYER: But in any event, there was a review by
19 the Rental Accommodations Commission --

20 MS. RUBIN: Right.

21 MS. DWYER: -- and that has gone through those
22 channels, and a decision of termination has been made by them?

23 MS. RUBIN: Not a definitive one because each unit
24 has to be determined individually, and they don't have the
25 manpower. So I'm sending people down to review each unit and its

1 rental history.

2 They did not want to give us any information on the
3 rental history. What they're saying is that these are
4 unimplemented rent increases that could go back 30 years, and it
5 seems they're going back five years. I've only heard from the
6 people who have lived there between two and ten years, and so each
7 one of those has to be determined individually.

8 Apparently because of the change of students, the
9 turnover, constant in and out, each unit has its own rental
10 history, and at first I was told we would not be privy to that
11 information. The Rent Administrator said that by law they have to
12 give us the information, and therefore, I think that was one of
13 the reasons that these huge rent increases were rescinded to 8.8
14 percent.

15 MS. DWYER: But in any event, my question is: is
16 this a matter that's being reviewed by the Rental Accommodations
17 Commission which does have jurisdiction over these kind of issues?

18 MS. RUBIN: I think so.

19 MS. DWYER: Thank you.

20 CHAIRPERSON REID: Ms. Pruitt?

21 SECRETARY PRUITT: Madame Chair, I believe we have
22 a request for someone to testify in support before you go on break
23 because --

24 PARTICIPANT: One more person.

25 SECRETARY PRUITT: Excuse me. Okay.

1 -- after this because they have a time commitment.

2 PARTICIPANTS: Two more.

3 SECRETARY PRUITT: Two more.

4 CHAIRPERSON REID: Now, wait a minute. Just a few
5 minutes ago when I did an assessment, there were only --

6 PARTICIPANT: She just asked a few minutes ago.

7 CHAIRPERSON REID: She just did what?

8 (The Board conferred.)

9 CHAIRPERSON REID: I asked if everyone who was in
10 opposition to come forward or to raise their hand and let me know
11 who was here, and these two other people --

12 PARTICIPANT: She was out of the room.

13 CHAIRPERSON REID: All right. She and who else?
14 Were you here?

15 PARTICIPANT: She was out of the room at the time.

16 CHAIRPERSON REID: You both were out of the room.
17 Okay. All right.

18 PARTICIPANT: I guess so, but not together.

19 (Laughter.)

20 CHAIRPERSON REID: All right.

21 VICE CHAIRPERSON SOCKWELL: Ms. Rubin, I want to
22 ask one quick question. Did you state the size of the HUD
23 mortgage that was involved?

24 MS. RUBIN: The amount of it?

25 VICE CHAIRPERSON SOCKWELL: Yes.

1 MS. RUBIN: I don't know. It was set up in 1961
2 or, I guess, when the building -- 1961. Apparently it's 40 years.
3 It ends next year.

4 VICE CHAIRPERSON SOCKWELL: Okay. So it's a very
5 short term remaining.

6 MS. RUBIN: Balance, yes.

7 VICE CHAIRPERSON SOCKWELL: Balance. Thank you.

8 MS. JULIAN: Good afternoon. To the District of
9 Columbia Board of Zoning Adjustment regarding the subject matter,
10 George Washington University and the hospital, from a parking lot
11 to a proposed six story, state-of-the-art hospital bringing no
12 part --

13 PARTICIPANT: Did she identify herself?

14 MS. JULIAN: Oh, my name is Barbara Julian.

15 CHAIRPERSON REID: Where do you live?

16 MS. JULIAN: I live at 2475 Virginia Avenue,
17 Apartment 620, zip 20037.

18 Shall I go on?

19 CHAIRPERSON REID: Un-huh.

20 MS. JULIAN: With no parking, i.e., no garage for
21 doctors, nurses, staff, nor for visitors of patients, volunteer
22 staffers, or even the myriad of other hospital consultants and
23 even medical sales persons.

24 The site abuts the historical district and is an
25 infringement on the character and atmosphere of the neighborhood.

1 Many of the homes are built of half sized brick wall construction
2 with no garage. Most were built prior to the advent of the
3 automobile over 100 years ago.

4 There's no parking for residents unless by sticker,
5 and then they can find a space. A 24 hour a day problem.

6 Car rental space maximized out is from 150 to 300 a
7 month, and usually several blocks away.

8 The one loading dock proposal for the hospital
9 means for food coming in, trash going out, chemicals in, and
10 disposals, poisonous and infectious disposals out.

11 Fifty to 63 delivery or pick-ups a day have been
12 authenticated. It is an obstreperous area. It's hard for me to
13 believe a university, a place of higher learning, would ever adopt
14 such an obdurate position.

15 Such two blocks away is Columbia Hospital. Thirty-
16 six thousand people use the Foggy Bottom stop daily for ingress
17 and egress. It is virtually on and under the proposed hospital
18 site now being excavated.

19 We just cannot handle the traffic now. Bringing
20 ambulance, police, and fire department vehicles, trucks and vans
21 into these old fashioned streets is just not plausible.

22 Impurities of the air are now prolific. The smell
23 and breathing problems are afflicting the neighbors. According to
24 the Department of Health Environmental Assessment, 1999, it, the
25 air, is now near the saturation point.

1 Barbara Julian.

2 Thank you.

3 CHAIRPERSON REID: Thank you.

4 Questions? Board members, Ms. Dwyer?

5 (No response.)

6 CHAIRPERSON REID: All right. Thank you very much.

7 MS. BREWSTER: I'm next?

8 CHAIRPERSON REID: Un-huh.

9 MS. BREWSTER: My name is Mary Brewster. I live on
10 2528 Queen Ann's Lane, which is between 25th and 26th Street. It
11 is one block long. We have nine townhouses on each side of the
12 street.

13 My husband and I moved there in January 1, 1966.

14 All of the residences are privately owned, except
15 for one home which has been rental, and for the past few years,
16 they've rented to George Washington students, and I gather these
17 homes all have two bedrooms on the top, and in this one residence
18 that's rented by George Washington, there are always between six
19 and ten people who live in this two bedroom house.

20 The students are very nice and very pleasant, but
21 they enjoy themselves, and they have lots of parties, and the
22 police are there several times a week in our neighborhood.

23 Finally we were so rattled we wrote to Chief
24 Ramsey, and he wrote a very nice letter, and now the police are
25 trying to help us, but the George Washington University police

1 cannot help because it's off campus, and we're trying very hard to
2 be neighborly with the students, but they don't seem to understand
3 that you don't have to party until three or four in the morning,
4 and it's very disruptive to our neighborhood, and we don't know
5 what to do about it.

6 Thank you.

7 CHAIRPERSON REID: I have a question. Have you
8 informed the officials at George Washington about this problem?

9 MS. BREWSTER: The students? There were no
10 students there until George Washington -- they can rent the house
11 for several thousand dollars a month, and now a number of students
12 live there, and before there were always single families, I guess,
13 until about three or four years ago. They started renting to
14 students. Before that it was always single families who live
15 there.

16 CHAIRPERSON REID: No, I said have you informed or
17 contacted George Washington University officials about this
18 problem, with the students in the house causing disruption.

19 MS. BREWSTER: Yes. The students are the problem,
20 and it's D.C. police who have to take care of them, and they say
21 it's really the George Washington University police can't. So
22 when they live off campus, there's nothing that can be -- really
23 it's very difficult to do anything when they're off.

24 CHAIRPERSON REID: Well, my question --

25 MS. BREWSTER: If they were on campus --

1 CHAIRPERSON REID: My question was specifically:
2 have you contacted -- I think I heard the students say that there
3 was a hot line number or there is a --

4 MS. BREWSTER: Yes, 1010. Yes, we call them.
5 They're the people who come, but I feel that I think it's too bad
6 that something can't be done about this.

7 CHAIRPERSON REID: Are they the George Washington -
8 -

9 MS. BREWSTER: Why should the police have to come
10 to our neighborhood several times a week?

11 CHAIRPERSON REID: I understand that.

12 MS. BREWSTER: Yeah.

13 CHAIRPERSON REID: That's made clear, but -- 1010
14 is D.C. police? What's 1010?

15 MS. BREWSTER: That's actually --

16 CHAIRPERSON REID: Oh, that's non-emergency. Oh,
17 no, no. The point I'm making is my understanding is that there
18 was some mechanism in place where if there is some complaints from
19 the community as far as noise and disruption or what have you,
20 that you could contact the school itself to report that you were
21 having problems.

22 MS. BREWSTER: We have contacted the school, but
23 they can't do anything.

24 CHAIRPERSON REID: That's what they told you?

25 MS. BREWSTER: Un-huh.

1 CHAIRPERSON REID: Who told you that?

2 VICE CHAIRPERSON SOCKWELL: Well, they can't.

3 MS. BREWSTER: Well, the Office of Community
4 Relations.

5 CHAIRPERSON REID: Okay. Do you know the person's
6 name?

7 MS. BREWSTER: No, I didn't ask.

8 CHAIRPERSON REID: Okay. Thank you.

9 Any other questions, Board members?

10 MEMBER RENSHAW: I'd just like to know if you have
11 communicated with Mr. Birch of the Student Association.

12 MS. BREWSTER: No, I have not. I did not know
13 that. I've had -- we've contacted several people at the
14 university and letters have been written, but if they're off
15 campus, it seems like they can't take -- they're not able to do or
16 they don't do anything.

17 MEMBER RENSHAW: So this is a --

18 MS. BREWSTER: And the campus police are very nice,
19 but they say, "We can't help you," and they say, "Contact the
20 metropolitan police."

21 So we really finally wrote to Chief Ramsey, and he
22 wrote a very nice letter and has tried to be helpful, but the
23 house is owned by a family who live in Annapolis, and he just
24 doesn't have any interest in who lives in the house, and he's
25 interested in making money we've decided.

1 And everyone else owns their own home, and we
2 really -- it's a nice neighborhood. We like it very much, and the
3 students are not bad. I mean they just want to enjoy themselves.

4 You know, if they can party all night, well, that's okay.

5 MEMBER RENSHAW: But did Chief Ramsey say that any
6 time you call an officer is going to come out and stop the
7 shenanigans of the kids?

8 MS. BREWSTER: He did not say that in the letter.
9 He contacted the precinct, the lieutenant in our precinct, and he
10 has been down to speak to the students and to some of the
11 neighbors.

12 He said it's very difficult to do anything about
13 this.

14 MEMBER RENSHAW: It's a quality of life problem.

15 MS. BREWSTER: Yes, a quality of life, and the
16 owner lives in Annapolis, and he doesn't speak to anyone on the
17 phone. You have to go through his agent.

18 So I just wanted you to be aware of it. It is
19 better to have them on campus if it's possible.

20 CHAIRPERSON REID: Okay. Ms. Dwyer?

21 MS. DWYER: Yes.

22 MS. BREWSTER: Thank you.

23 MS. DWYER: No, I want to ask you a question,
24 ma'am. Ma'am.

25 MS. BREWSTER: Excuse me.

1 MS. DWYER: I just need to ask you one question.

2 MS. BREWSTER: Un-huh.

3 MS. DWYER: Are you aware that as part of its
4 revised campus plan the university is proposing to extend its code
5 of conduct so that it would apply to students living off campus?

6 MS. BREWSTER: Well, no one has told us that.

7 MS. DWYER: Okay. Thank you.

8 But that is one of the proposals that has been put
9 before the Board. So in future situations, students living off
10 campus would be subject to university's disciplinary proceedings
11 and have sanctions imposed by the university.

12 MS. BREWSTER: Un-huh.

13 MS. DWYER: Can you tell me the address of the
14 property that you've been talking about? I know you stated your
15 address for the record.

16 MS. BREWSTER: Mine is 2527 -- I mean 2528. Theirs
17 is 25 -- do you know what theirs is, Ellie?

18 PARTICIPANT: No.

19 MS. BREWSTER: Twenty -- let me see -- I think it's
20 2537.

21 MS. DWYER: Okay, great. Thank you very --

22 MS. BREWSTER: Next to the last house, I believe.

23 MS. DWYER: Okay. Thank you.

24 CHAIRPERSON REID: Ms. Dwyer, while you're there,
25 just as a follow-up, the proposed revisions to the student conduct

1 -- the code of conduct that you mentioned, as well as Mr. Burt,
2 this is going to be effectuated when, so that everyone in the
3 community, you know, will be made aware of it? You know, it will
4 be publicly announced or whatever.

5 MS. DWYER: Right.

6 CHAIRPERSON REID: When does that start?

7 MS. DWYER: Mr. Barber can address that.

8 CHAIRPERSON REID: Because I think that's very
9 important --

10 MS. DWYER: Yes.

11 CHAIRPERSON REID: -- that while this is something
12 that is being proposed, that at least the community be made aware
13 of the fact that this is something that the university is
14 undertaking.

15 MR. BARBER: Thank you.

16 Charles Barber, senior counsel for George
17 Washington University.

18 It was precisely this kind of incident that the
19 university came up this summer with the proposal of extending the
20 code of conduct to our off campus conduct by students, and I think
21 it would address this situation.

22 We talked about responding to landlords and tenant
23 associations, but this new code of conduct would also respond to
24 police reports, and so were there police document in private
25 homes, which sounds like the situation here, the university could

1 take action.

2 She is correct that our university police have no
3 jurisdiction, but we would commit as part of this program to work
4 with D.C. police and be able to take action on the basis of their
5 documenting the misconduct.

6 In terms of the timing, this is a new policy. We
7 need to publicize it and get it in place and let students know
8 what the new ground rules are. We came up with this in the latter
9 part of the summer. So it would be implemented for the following
10 school year, fall 2001.

11 We certainly have begun to do things about working
12 with the Student Government Association, informing students of
13 their responsibilities as citizens. Those kinds of things have
14 already begun, but in terms of revising the code of conduct, it is
15 part of the students' contract, if you will, and so we have to
16 time it to when a new contract comes in place, that is, when they
17 begin a new school year.

18 CHAIRPERSON REID: Okay, all right. Thank you, Mr.
19 Barber.

20 MEMBER RENSHAW: Mr. Barber, I'd like to ask you
21 since Ms. Brewster is outlining some problems which she is having
22 now, and I meant to ask Ms. Brewster how long this has been going
23 on, but what can you do now to help her and her neighbors right
24 now rather than wait a year?

25 MR. BARBER: Well, I hear you. I think there's

1 some informal things we can do. I think to take disciplinary
2 action we cannot at this time. We don't have a sound legal basis
3 for taking disciplinary action if you have not put students
4 adequate notice about changing a policy.

5 But I think there are informal things we can do. I
6 think, quite frankly, we can have a talk with some of these
7 students and speak to them about their responsibilities and seek
8 their cooperation.

9 We don't have the stick, if you will, at this time,
10 and that requires a certain change in the legal framework and our
11 contractual relationship with the students, and that's what we're
12 committed to moving forward on.

13 But even before then, I think, again, we can try to
14 use the power of persuasion, and we have the address, and we can
15 make contact with these students.

16 MEMBER RENSHAW: And when are you going to do that?

17 MR. BARBER: I think the question is who is the
18 right person to do it, and I think we can, you know, act on that
19 within the next couple of weeks.

20 MEMBER RENSHAW: Can't you do it before that? I
21 hate to press you, but it sounds like --

22 MR. BARBER: When would you like it done, Ms.
23 Renshaw?

24 MEMBER RENSHAW: -- a community -- by the end of
25 the week.

1 MR. BARBER: By the end of the week? I will commit
2 to making contact, of having somebody at the university making
3 contact with these students by the end of the week.

4 MEMBER RENSHAW: And report to Ms. Brewster,
5 please.

6 MR. BARBER: Yes, ma'am.

7 MEMBER RENSHAW: Thank you.

8 CHAIRPERSON REID: I'm sorry, but this particular
9 segment of the hearing is over.

10 MS. BREWSTER: I just wanted to say that the
11 students --

12 CHAIRPERSON REID: But you cannot -- but you cannot
13 -- but -- but you cannot at this point, ma'am.

14 MS. BREWSTER: Okay.

15 CHAIRPERSON REID: The portion of the or the
16 segment of the hearing as to the opposition is over, and we have
17 to move on.

18 MR. BARBER: Ms. Reid.

19 CHAIRPERSON REID: Other than that, then once we
20 open that door, ma'am, we would have to allow all of those other
21 people back there who are just, you know, raising their hands and
22 making all kinds of motions to me come forth, and we can't do it.
23 I'm sorry.

24 Yes?

25 MR. BARBER: If I could just add onto that last

1 response, it may be possible and it may be appropriate for the
2 student government association -- and we'll talk to Mr. Burt --
3 about assisting students to help out in this type of situation,
4 having student-to-student contact. So I didn't want to leave you
5 with the impression that it was necessarily going to be a
6 university official, but we'll see that somebody contacts these
7 people this week.

8 MEMBER RENSHAW: And would you let us know, please?

9 MR. BARBER: Yes, ma'am.

10 CHAIRPERSON REID: Okay. All right. Now, status.

11 We're going to take a lunch break -- oh, I'm sorry. There was
12 one person who wanted to come up.

13 SECRETARY PRUITT: One person in support.

14 CHAIRPERSON REID: Yes. Come forward before we
15 take lunch. I had forgotten that just momentarily.

16 MS. KAY: Good afternoon. I'll try to be brief.

17 My name is Susie Kay, and I have been a teacher for
18 the past ten years at H.D. Woodson High School, located in
19 Washington, D.C. I'm also the founder and the director of the
20 Hoop Dreams Scholarship Fund, and I'm here to testify on behalf of
21 George Washington University as a wonderful and very committed
22 community partner and neighbor in the best sense of the word, not
23 only to the Hoop Dreams Scholarship Fund and to local inner city
24 D.C. public high school students, especially in their pursuit of a
25 college education offering resources, counseling, room in their

1 institution for us to hold our programs and, you know, many, many
2 resources.

3 And when I started the Hoop Dreams Scholarship Fund
4 I had in mind two goals: number one, to raise academic college
5 scholarship money for deserving local high school students to go
6 to college, but, number two, just as importantly to connect inner
7 city high school students from Washington, D.C. to member of the
8 business community in the hopes that we would be able to galvanize
9 resources and opportunities and connections for the students that
10 would work on their behalf.

11 And George Washington University has really stepped
12 up. They have provided us space at Fungor Hall and Martin Center,
13 throughout the university for us to have a mentoring program which
14 connects students from D.C. public high schools to members of the
15 local business community. By doing that we don't have to go out
16 and rent a space, and all the money that we raise can go to
17 scholarships for the students.

18 They have provided us with speakers from their
19 Admissions Office and Financial Aid Offices and use of their
20 computer lab because we are not hooked up to the Internet at H.D.
21 Woodson.

22 And so I can only testify really as wonderful -- as
23 what a wonderful partner and neighbor George Washington University
24 has been, and I really do feel that it behooves the city to really
25 support George Washington University. I know that this is a tough

1 issue, and it involves, you know, neighbors and a lot of people
2 from the community, and we want to do what's fair and what's right
3 for everybody, but I know that George Washington has really
4 extended itself not only to Hoop Dreams, but many, many other
5 organizations as a wonderful neighbor in trying to make sure that
6 everybody in Washington, D.C. gets access to the opportunities and
7 resources that it provides.

8 CHAIRPERSON REID: Thank you very much.

9 Board members?

10 MEMBER RENSHAW: Ms. Kay, what is your address,
11 please?

12 MS. KAY: My address is 333 Second Street, N.E.,
13 Apartment 106, Washington, D.C. 20002.

14 CHAIRPERSON REID: Thank you very much.

15 Were there any cross examination questions? Ms.
16 Miller?

17 MS. MILLER: I just have one question. Where did
18 she get that neighbor policy from when she lives that far away?

19 MS. KAY: I'd like to answer that. What I meant by
20 that was neighbor in the very truest and best sense of the word,
21 that they are reaching out to students who live east of the
22 Anacostia River who are high school students and providing them
23 with resources and use of their institution so that we can hold a
24 monthly college prep. mentoring program, and if it wasn't for
25 George Washington University, we had a very difficult time finding

1 space to do that.

2 So when I said neighbor, I meant young people
3 living throughout this entire city. I don't necessarily mean
4 literally the immediate neighborhood.

5 MS. MILLER: I think you should have used a better
6 word.

7 CHAIRPERSON REID: Ms. Miller, you know, you're not
8 supposed to be testifying.

9 MS. KAY: Okay. I'd like to use the word
10 "partner."

11 CHAIRPERSON REID: Yeah. Ms. Miller, you know
12 you're not supposed to be testifying at this point, and if you are
13 going to cross examine, you can, but you cannot testify. And then
14 you do continue to testify, then I'm going to have to cut you off.
15 I'm sorry.

16 All right. Now, I've just received a note that we
17 have one other person in support and that would then conclude the
18 persons in support. Is that true? There's only one other person.

19 So rather than taking him after, we may as well
20 just go ahead and finish their few minutes before lunch, and then
21 we'll finish. We'll be done with that, and we only have to do the
22 Office of Planning report and closing remarks, and we're out of
23 here. Okay?

24 MR. LEHKER: Good afternoon, Madame Chair. Thank
25 you for taking me this morning so I can do other things.

1 CHAIRPERSON REID: This afternoon.

2 MR. LEHKER: Afternoon it is, indeed.

3 I am speaking as an individual. My name is Roland
4 Lehker. I live at 2440 Virginia Avenue, one of the buildings in
5 the notorious now complex of Columbia Plaza.

6 I have lived in the apartments for three years, but
7 have been in the Foggy Bottom area for five years.

8 After the death of my wife, I spent two years
9 looking for the place best suited for my retirement. I had lived
10 and worked in Michigan for over 40 years in the field of
11 education. Columbia Plaza's proximity to George Washington
12 University was a major factor in my selecting the District and
13 Foggy Bottom for my home.

14 The university adds so very much to the quality of
15 life. I find that in contrast to the benefits I heard mentioned
16 earlier this morning, I find that the benefits are legion,
17 especially for a retiree. There are many cultural events, most of
18 them free.

19 There are many splendid things that a college
20 campus offers: a library, gardens, open space, and attractive
21 landscaping. I enjoy the vigor of youth, not the least of which
22 is making me feel comfortable when I walk home late at night by
23 having many people around me, but just the vigor and enthusiasm of
24 youth as we heard testify today adds so much to the quality of my
25 life, and I enjoy having them as my neighbors.

1 I enjoy, I appreciate the nearness of a hospital,
2 which also provides ancillary medical services that I can easily
3 walk to, and they are there because of a fine hospital.

4 I appreciate the improved lighting that has been
5 provided recently by G.W. I appreciate the availability of
6 courses and physical activities for seniors. I appreciate the
7 added police protection, transportation services that are provided
8 for us, and I also appreciate having the campus serve -- as a new
9 resident for only five years, I appreciate the fact that I see
10 G.W. as a buffer against the intrusion of office buildings that
11 vacate at five o'clock in the evening, and I have neighbors around
12 me.

13 I find the university to be a very good neighbor
14 and feel that it must have flexibility in its development, but I
15 have been dismayed by the intense hostility I see that would make
16 it appear to an outsider that Foggy Bottom is not a desirable
17 place to live.

18 Obviously this area has great attractions, but the
19 inordinate town-down hostility would make retirees and
20 professionals reluctant to consider it as a permanent place to
21 live.

22 I have just a bit of conclusion.

23 CHAIRPERSON REID: Go ahead and wrap, please.

24 MR. LEHKER: The one concern I have is that we need
25 both to protect the middle income housing that we now have and

1 encourage cooperation among groups and agencies to develop middle
2 and even low income housing in the area, and I have heard voices
3 raising this as a possibility.

4 I don't know the political implications, but I have
5 heard that this is, indeed, possible even though, however, much
6 more could be done now informally to encourage a broader cross-
7 section of the population to live in our area.

8 While I have endorsed the campus plan, my support
9 is increased and intensified now when I see the adjustments in it,
10 which I presume came about from positive community leaders
11 cooperating with the university. I commend them for their
12 efforts.

13 I believe the plan represents a good faith, strong
14 commitment on the part of the university to assist in maintaining
15 and even improving the Foggy Bottom area. So I sincerely believe
16 the best years can be in front of us.

17 CHAIRPERSON REID: Thank you very much.

18 Questions, Board members? Ms. Dwyer?

19 (No response.)

20 CHAIRPERSON REID: All right. Then that would
21 conclude the first section -- first session, rather. We'll now
22 have a lunch break. We'll try to come back within 30 minutes, and
23 then we'll conclude the rest of the hearing at that time.

24 Thank you.

25 (Whereupon, at 2:15 p.m., the public hearing in the

1 above-entitled matter was recessed for lunch, to reconvene at 2:45
2 p.m., the same day.)
3
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A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(3:00 p.m.)

CHAIRPERSON REID: We will please come back to order.

Okay. I think that we're now at the segment for the Office of Planning report.

All right. Mr. Altman, are you ready?

DIRECTOR ALTMAN: Yes, I was just coming.

CHAIRPERSON REID: Okay.

DIRECTOR ALTMAN: Okay. We'll get started.

Thank you.

My name is Andrew Altman. I'm the Director of the Office of Planning. With me today and will be taking parts of this presentation and will also be available to respond to your questions and examination, David King, who is Special Counsel at the Office of Planning; Julie Wagner, who is Special Assistant in the Office of Planning; Ellen McCarthy, who is the Deputy Director of Development Review.

The four of us, but particularly the three of them, have been working very diligently for the past six months or so on the campus plan issue with respect to George Washington University.

We have -- our presentation today really is in two parts. I'm not going to attempt to go over everything that's in the report. I think you've had the report now. So it's pretty

1 through. So I won't take your time going page by page through it,
2 but will summarize sort of the principal points in the report and,
3 in particular, the perspective that we took in looking at the
4 George Washington University campus plan. That will be part one.

5 Part two, which Julie Wagner will walk us through,
6 is the actual recommendation and Approach that we have as an
7 alternative to how we believe the impacts of the George Washington
8 University expansion can be mitigated such that there is not an
9 objectionable impact on the neighborhood, and we'll walk you
10 through that approach.

11 There are actually two recommendations. We will
12 walk you through both of those in some detail so you can
13 understand how we believe that that is a workable solution.

14 So let me go back to sort of the beginning here in
15 terms of our perspective. We really in the Office of Planning had
16 some very simple goals in looking at this campus plan. When I was
17 appointed a year ago, one of the concerns I heard over and over
18 throughout the city was with respect to how do we make campus
19 plans have meaning. How do we have campus plans that are
20 enforceable? And how do we have campus plans that truly give
21 certainty as to what will unfold in any given neighborhood as a
22 result of the university expansion?

23 And that was a goal that the mayor also had when he
24 said we want campus plans that have meaning. "I want campus plans
25 that have teeth. How can we achieve that?"

1 And so that's what we set out to do. One has to
2 look at a campus plan not just from the narrow confines of the
3 campus itself. Our mandate both through the comprehensive plan,
4 through the zoning regulations is to look at the campus plan in
5 the context of the neighborhood within which it sits. So those
6 two are inextricably linked.

7 You cannot look just at the university and what it
8 needs with its boundaries, but what happens as a result of that
9 expansion on the surrounding neighborhood?

10 And that really is fundamental to the perspective
11 that we are taking as a broader planning approach in understanding
12 campus plans that are presented to us and campus plans that are
13 presented to you. You really have to ask that sort of very basic,
14 very simple question. What impacts will result from this campus
15 plan?

16 And the question in the zoning regulations is very
17 straightforward, that if we believe there are objectionable
18 impacts, and there are a number of factors which I will cite
19 later, and the answer to that is yes, then the campus plan fails
20 that test. And the question is: how do we meet that test and
21 meet that standard?

22 So we looked at three basic objectives. One is
23 from the neighborhood perspective. What is the result of this
24 campus plan, with the intent of saying how do we protect the
25 character of our neighborhoods, allow for diversity of

1 neighborhoods, which is a principal objective of the comprehensive
2 plan and the ward plan?

3 Two, how do you allow for the growth of the
4 university? Universities, as you've heard in testimony, are very
5 important to our economy. I think that it's clear that as a
6 sector of our economy and as an employment base, they offer
7 tremendous benefit to the city. So how can we accommodate their
8 growth is objective two.

9 And the third is how do we have certainty in this
10 process, real enforceable measures, real certainty, not goals, not
11 promises of what might be, what might be built, what percent might
12 be achieved, but actual enforceable measures.

13 So how do we make those goals real? And how are
14 they enforceable? If the goal is not achieved, what then is the
15 remedy? That's absolutely critical or we're just talking about a
16 ten-year plan that is hollow, and we need to guard against that
17 because fundamentally what is at risk is a neighborhood. So you
18 have to have real enforcement and real certainty.

19 Those were the principal, I think, motivating
20 objectives of what we're going to do. It's important here that we
21 look at each campus plan, the context of its neighborhood. Foggy
22 bottom is different than Berleith. It's different than Georgia
23 Avenue. So you have to look at what is going on in the
24 neighborhood. What is the neighborhood dynamic that is occurring?

25 And each one is very different. So you have to do

1 an analysis that says what is the stability of this neighborhood.

2 What change has occurred in this neighborhood? What is likely to
3 result in the context of this neighborhood?

4 So you try to tailor our approach to each campus
5 plan, and in George Washington University's case, we have a
6 situation of what we characterized in our first report as the
7 tipping point.

8 I'll explain a bit more what that means, but our
9 notion of that is that you have a neighborhood right now that is
10 very fragile, very at risk, has suffered for many, many years
11 through a series from urban renewal through campus expansion to a
12 point where it cannot really tolerate further impacts without
13 losing the character and the fabric of that neighborhood.

14 That is the point at which it's reached. In fact,
15 it's a point that may have already been exceeded and passed, that
16 threshold, and so what we're trying to do now is to stop that and
17 look at no further impacts, no new impacts on the George
18 Washington University campus.

19 Let me walk you through -- we'll go back to this in
20 a minute -- just a little bit of some of the chronology because I
21 think it's important to put this in historical perspective, and
22 then what I'd like to do, David, is go back and use these as
23 summary points since I'm reading off here, but thank you for
24 trying to keep up. It's good that you're doing that.

25 (Laughter.)

1 DIRECTOR ALTMAN: The technical team is completely
2 in sync with the -- anyway.

3 Going back a little bit we've done some research,
4 and it's important to look at this. It threads the Foggy Bottom,
5 are neither new nor were they caused exclusively by George
6 Washington University, but since the 1940s, the neighborhood has
7 been transformed by massive public works projects, urban renewal,
8 and university expansion, and as far back -- I say as far back --
9 but as 1959, planners were already concerned about the fate of
10 this neighborhood.

11 And the National Capital Planning Commission in
12 1959 and again in 1965 had the following quotes about what was
13 occurring in the neighborhood.

14 One, the university scheme has not yet a plan tied
15 with the city. It does not have plans for blocks and squares. It
16 does have plans for blocks and squares, but not in complete
17 accordance with the developments around it since these
18 developments are not yet known.

19 It is imperative for the university and for the
20 city that its own scheme be coordinating with the neighboring
21 scheme. I mean they are very concerned about what would happen
22 with the neighborhood then.

23 Secondly, they talk about the future expansion
24 could be accommodated through more intensive uses of land rather
25 than through horizontal spread, meaning that we want to look at

1 greater density within the confines of the campus plan as opposed
2 to spreading throughout the neighborhood because already in 1965
3 it was noted that it was a severely impacted area.

4 Fast forwarding to 1995, you see amendments to the
5 comprehensive plan which sounded alarms over university
6 encroachment into the Foggy Bottom neighborhood. Quote,
7 continuing pressure from the university resulting in the
8 destruction of housing, the extensive construction of buildings
9 leased for commercial use, and the complete lack of construction
10 of dormitories is of grave concern to the Foggy Bottom residential
11 community. Additional measures will be needed, including adequate
12 dormitory construction and conversion of buildings leased to
13 commercial use for dormitory use if an acceptable urban campus
14 environment for G.W. is to be achieved.

15 Moreover, in 1999, and this is really the last of
16 the quotes, it talks about how the, in quotes, the expansion of
17 the university resulted in the diminishment of housing and the
18 construction of buildings for university purposes. This and other
19 commercial usage is of grave concern to the Foggy Bottom
20 residential community.

21 Intense student pressure on Foggy Bottom's housing
22 stock outside the campus, combined with the impact of university
23 generated traffic has had a negative effect on residential Foggy
24 Bottom.

25 So these are just some quotes to show you that

1 there's nothing new about identifying threats to Foggy Bottom.
2 There's a clear history of that in our planning, in our
3 comprehensive plan, in the review of the zoning code that
4 implements a comprehensive plan. The difference this time are
5 two.

6 One is that the Office of Planning seeks to protect
7 the neighborhood before, and we believe it's at that point, it
8 ceases to exist.

9 Secondly, we believe that it is at the point. It
10 really is, after all of the dire warnings of 30-some years. Now
11 the decision before you is nothing less than the risk of losing
12 that neighborhood irretrievably and irreparably. That's what's
13 fundamentally different.

14 So the approach we took, while maybe strong and
15 maybe different than past purchases in the past, is to say that
16 that is what fundamentally is before us, and that is what the
17 tipping argument, point, argument was all about, that you cannot
18 just have promises. You have to have certainty. You have to
19 estimate those impacts, and you have to account for all of those
20 impacts of you have nothing less than the threat of the loss of
21 this neighborhood.

22 So OPs position -- and let me just say one more
23 thing about this tipping point argument before I discuss the
24 position a bit, is that there is no way to predict necessarily
25 when you reach that point. It could be one block. It could be

1 two homes. It could be three blocks, but by definition, once it
2 arrives, it's de facto too late to do anything about that, which
3 is why the risk of inaction and not having very, very clear
4 measures that we will lay out is so great.

5 The fate in some ways of Square 43, which in the
6 past review of the campus plan, the past order specifically was
7 taken out of the campus plan because in order to insure and
8 protect the residential diversity of the residential character of
9 the neighborhood and now will be converted to dormitory use shows
10 you, I think, and showed us, was illustrative of the concern that
11 we had, which was of the continued erosion of the residential
12 neighborhood even when that was taken out of the campus plan; that
13 the university's needs and expansion to acquire additional
14 properties, and now you see that whole southern flank, which has
15 been included in George Washington University's proposal is
16 essentially in their proposal lost; again, tells you that the very
17 fabric of this area which has been identified in successive plans
18 is fundamentally at risk today with the plan that's been proposed
19 by George Washington University.

20 Let me walk through a little bit here. I think
21 most of this I've probably gone through, the 40 years of concern.

22
23 The university requirements. Zoning requirements
24 of the university shall be located so that it's not likely to
25 become objectionable to neighboring property because of noise,

1 traffic, number of students or other objectionable conditions.

2 The number of students is very important. What
3 that says to me fundamentally, and our read of the zoning
4 requirements, what we are legally mandated to follow in our
5 analysis is that the number of students, the impact of that is
6 where will those students go to find housing. What will be the
7 impact on the neighborhood?

8 It's not just a question of behavior. I think
9 that's very important to distinguish. It's not just behavior. It
10 is also that students are entrants into a housing market, and as
11 people looking for housing in a neighborhood, that fundamentally
12 changes the character of that housing market.

13 I mean, it's a very basic point, but it's important
14 because there are two different issues: behavior of students and
15 the sheer number of students. So when I look at this, I say the
16 number of students has to be taken seriously and you have to start
17 to estimate how many of these students are likely to move into the
18 Foggy Bottom neighborhood, putting pressure on that neighborhood
19 and changing its fundamental character.

20 So we have an obligation to do this, which is what
21 we've responded to in our proposal.

22 Our conclusion, and it's difficult here, as you've
23 heard before, because we do not have accurate accounting, the
24 university saying how many students actually live in the
25 neighborhood. So we have to know -- estimate how many could be in

1 the neighborhood, and that's one of our proposals, is to rectify
2 that.

3 But we believe that any new impacts to the
4 neighborhood -- and we call it the no new impact policy -- are
5 likely to create objectionable impacts because of where the
6 neighborhood is; because of the fact that there is so little left
7 of the neighborhood housing stock and the neighborhood fabric.

8 So if the university's enrollment increases, if the
9 increase in the undergraduate enrollment is not accounted for by
10 providing adequate housing, those students who are not housed,
11 potentially a percentage would be looking for housing in Foggy
12 Bottom. That creates the objectionable impact.

13 So having said that, critical to the office of
14 planning that G.W. plan has one meaning, which as I said are real
15 housing provisions.

16 Two is certainty, which are real measures to impact
17 that growth.

18 Three, strong enforcement, which is not just goals
19 but if actions aren't taken to mitigate this, there is real
20 enforcement. That means enforcement that either can be not only
21 further processing of academic facilities, but potentially limits
22 to increases in enrollment in order to say that this growth does
23 not proceed without being mitigated, and that's what we tried to
24 achieve in this plan.

25 We talked about the historical pressure in Foggy

1 Bottom, the continued concern. We have covered most of these
2 points for you, and then Julie Wagner will take us to the next
3 step, which is to actually walk through the campus plan picture at
4 this point, what it looks like.

5 I just want to say as part of my -- we'll have more
6 discussion about this -- my comment is this. You're going to hear
7 a lot. You've heard a lot of discussion about percentages that
8 are thrown out or various numbers that are thrown out, and it's
9 very confusing. Is it 65 percent, going to 70 percent? Have we
10 gone from, you know, 2,000 new housing units from, you know, 50
11 new housing units?

12 The bottom line question is, you know, when you
13 look at when it's said and done at the end of the day, how many
14 beds have been provided. How many students have been allowed in
15 terms of the increase in enrollment?

16 And you're going to see a chasm. There is a big
17 gap, even with a 70 percent, 65 percent. If we were to take the
18 university's plan as presented and their growth as projected,
19 there is a very significant gap, and the question is where does
20 that gap, meaning those students who are not housed, where do they
21 go?

22 A large number of them are going to go in the Foggy
23 Bottom. It is inevitable, which is why you have to look at the
24 neighborhood impact. they're inextricably linked, what happens
25 with the growth and what happens with the neighborhood.

1 And if you don't account for those students, at
2 least I have to say for myself as the neighborhood says to itself
3 what will happen to our neighborhood. How do I know it will
4 happen to our neighborhood if I don't have certainty as to where
5 those students may potentially go?

6 And that's what it means to have a campus plan with
7 real meaning. It's not just a question of G.W.'s acquisition of
8 properties, though that's important; that there are restrictions
9 on that, but also it's a question of what will be the result in
10 the neighborhood housing market.

11 And if the answer to the question of objectionable
12 impacts is, yes, there are objectionable impacts or if the answer
13 to the question is maybe, then you have to reject the plan and say
14 it does not meet the test. The risk is too great, and we need to
15 have assurances, which is why we have an approach which we believe
16 provides that to the neighborhood and allows both for the growth
17 of the university, which is important, but also for the protection
18 of the neighborhood.

19 And although I think it's unfortunate, that I say
20 as an editorial comment, that we have to try to solve these in the
21 context just of Foggy Bottom, that there are other parts of the
22 city that the university can grow and expand, what's before us is
23 the Foggy Bottom neighborhood. So we're trying to have a location
24 based approach to a location based problem, and I think that's
25 what we tried to achieve here and bring before you today.

1 So with that, why don't I turn to Julie Wagner who
2 can walk through our analysis and our proposal?

3 MS. WAGNER: Can you hear me?

4 Okay. Good afternoon. I'm Julie Wagner.

5 SECRETARY PRUITT: I'm sorry, Ms. Wagner. The
6 reporter is still not picking you up. Is the little red light on?

7 MS. WAGNER: Yeah.

8 SECRETARY PRUITT: You may need to move it up
9 higher.

10 MS. WAGNER: How's that? Would it just be easier
11 for me to sit?

12 Okay. Good afternoon. I was the Special Assistant
13 to the Director, but I am actually now the Chief of Staff for
14 Development Review. So I just wanted to make note of that.

15 Okay. I want to actually talk a little bit about
16 how the Office of Planning --

17 DIRECTOR KRESS: Ms. Wagner, excuse me, but you're
18 not being picked up by the recorder.

19 MS. WAGNER: All right. I'm just going to sit
20 down. That's all right. I'll just sit.

21 I'd like to talk a little bit about how the Office
22 of Planning approached this case. Perhaps in reading the report
23 one may say that it's clear that we may be looking and focusing
24 particularly on the needs of the neighborhood, but, in fact, as we
25 really spend some time in working through and understanding the

1 merits of this case, it's important to understand that the Office
2 of Planning really focused on the duality of needs in the Foggy
3 Bottom area, on one hand, really looking at economic development,
4 the success and the viability of this university and how they're
5 going to pursue their academic mission, and that was also
6 important to us.

7 On the other hand, we were really needing to look
8 at the neighborhood integrity and the concerns that have been
9 raised over a number of years with respect to neighborhood
10 presentation, and it was the tension, if you will, on how to
11 balance those needs that has been particularly difficult for our
12 office.

13 And that actually was really what had motivated our
14 office in trying to facilitate some discussions with the
15 community, with the university, and that's what this summer was
16 all about for us, and we didn't get there. We did not actually
17 get and develop a solution that everyone felt comfortable with.

18 So I will then later in this presentation sort of
19 walk through some of the specifics that we are still pursuing and
20 wanting to move forward.

21 First though let me talk about how we looked at
22 this. We attempted to look at it as much as possible from an
23 analytical standpoint. There were a couple of challenges in this
24 case. Two happened to be with respect to data.

25 I know you've been hearing this over and over

1 again, but it's real important because it was particularly
2 struggling for the Office of Planning, and one being the issue of
3 data with students.

4 There was no data presented by the university.
5 They currently have no data on where students are living locally.
6 So that was somewhat of a constraint.

7 The other constraint had to do with projections.
8 There was no data presented by the university on how they saw the
9 growth with respect to enrollment over the next ten years, with a
10 particular emphasis with full-time undergraduates. There was no
11 information that we could really put our hands on.

12 At the same time, the Office of Planning had a
13 commitment to get as much of a full picture as possible, and so in
14 doing that what we've done is actually put together a range of
15 projections to sort of help us understand what the scenarios in
16 Foggy Bottom in the next ten years could look like.

17 This top line here is actually one of the
18 projections that we had developed. This was based on the trends.

19 It was a trend analysis that was based on the last five years of
20 enrollment data.

21 We also looked at one that had the last seven
22 years, and then another one we looked at the last ten years of
23 enrollment data.

24 These projection numbers are lower than some other
25 members of the community have presented. At the same time, when

1 you look at the year 2000, what we found is that actually what the
2 university now has for enrollment for the year 2000 is slightly
3 higher than what we've projected.

4 So in some respects, although it's just one data
5 point, we're feeling as though this is somewhat conservative, but
6 on the right track.

7 So the point of this though is to understand the
8 relationship of enrollment figures for the next ten years with the
9 proposal for beds. This is one campus plan picture that was
10 particularly relevant to our argument, and it's recognizing the
11 gap between the enrollment figures and the number of beds.

12 This is of concern to the Office of Planning, and
13 honestly the concern has to do with at any period of time that you
14 walk down, if you're looking at year 2005, yes, there is an
15 improvement with the number of beds. The problem is what happens
16 before then. What are the interim measures?

17 We have not had enough evidence from the university
18 that there are going to be interim measures in place that will
19 satisfy and mitigate the actual impacts of a growing student
20 enrollment. This was disconcerting to the Office of Planning.

21 If you continue past five years, what you see when
22 you look at the hard numbers, 9,543 students and only 6,240 beds.

23 So if you look at the hard numbers, albeit a projection, what
24 that means in terms of the Foggy Bottom area is there's going to
25 be some additional impacts.

1 The proximity of those neighborhoods is desirable,
2 and so what we're needing to do is think through creatively how
3 can we try to mitigate those impacts.

4 One last point before I move on. If you go and if
5 you look at year five, it's 2005. One of the interesting
6 comparisons that we found was that with a 24 percent increase in
7 enrollment, you relate that to a five percent increase in beds.
8 So a five percent increase in beds is meant to satisfy a 24
9 percent increase in enrollment??? There's a huge gap there, and
10 that gap is something that we just can't ignore.

11 And so if you want to move on to the next.

12 So that was really sort of one piece of our
13 understanding of this case. The other piece has to do with what's
14 happening physically out in the Foggy Bottom area. Now, this is a
15 very simple graphic. This is in no way to the same extent as some
16 members of the community have presented, but essentially it does
17 demonstrate that there is a desire and an interest on the part of
18 the university to purchase and convert to dormitory use, and even
19 those that they don't have ownership completely 100 percent, that
20 even the one in the pink, Columbia Plaza, owning an interest with
21 a high number of students living in that building, that you do see
22 then a physical change in the Foggy Bottom area.

23 So when you look at the physical change, and you're
24 looking at the numbers with respect to projections and beds, it's
25 those two pieces of information that has really motivated the

1 Office of Planning to try as much as possible to develop a
2 balanced, win-win solution for the university and the community.

3 That was our attempt. Okay. I want to move on.

4 Because of the particular constraints and the
5 challenges that we have been confronted on this case, as Andy had
6 pointed out, what we've been trying to do and think through
7 creatively is a location based solution for a location based
8 problem.

9 And this graphic illustrates what we've defined as
10 the proposed Foggy Bottom preservation area. It's what's outlined
11 in green, and that that area is the area that has a
12 disproportionate amount of impact, and that the proposal that I'm
13 going to present to you is really focused on that area.

14 The goal and the point of this approach is to not
15 try to affect the university policy unilaterally. It's to try to
16 touch on and stitch the pieces of their policy that have direct
17 influence on what's happening with the Foggy Bottom area. We're
18 trying to provide as much flexibility for the university as
19 possible, at the same time not at a consequence of the surrounding
20 neighborhood.

21 Can we go to the next slide?

22 Okay. So let me move on to the proposals.
23 Proposal number one is the baseline approach. This is by far and
24 away our preferred approach. We think that this does the best on
25 trying to understand and get at the core issues of both the

1 university and the community.

2 One of the key components of that is to have an
3 annual count of students in the Foggy Bottom area, that area that
4 was outlined in green. The number of students that are counted
5 let's just say that if it's in 2001 -- those number of students
6 become the baseline number. So if the number is 1,000 that
7 baseline number is now 1,000.

8 What happens is in additional future years when the
9 university is either growing or not, they continue to do this
10 annual count. If the number is below 1,000, let's say the number
11 is 800. Eight hundred students are living in Foggy Bottom. The
12 university proceeds as plans. They grow as they want. The
13 enrollment increases if they want to expand in other areas outside
14 of the Foggy Bottom or on campus. It's a green light essentially.

15 If they are above the baseline number, what happens
16 is there's a triggering mechanism in which the university then
17 takes some time and develops some incentives. Those incentives
18 could be anything from additional housing. Perhaps there's an
19 issue of affordability with housing. Perhaps they look at the
20 rate of how much the housing costs. Perhaps they're leasing some
21 spaces, maybe in NOMA, maybe on the waterfront. That is up to
22 them, but essentially the goal is for the university to think
23 creatively on how they can provide incentives for their students
24 to think about other housing choices.

25 The point of that is to have the burden on the

1 university, not on the students. The issue of the D.C. Human
2 Rights Act, which we know is an outstanding issue, is one where
3 we're trying to think through how to amend the D.C. Human Rights
4 Act in a way that allows the university greater latitude in
5 working with their students. It is not an attempt to limit their
6 fundamental human right.

7 Another key aspect of this proposal is the
8 enforcement mechanism. The enforcement mechanism, we see it as
9 the most critical. We understand that the BZA has questions about
10 their ability with respect to enforcement. Here in this approach
11 it's built in, that after one year that the university has failed
12 to stay at or below the baseline number, that no further
13 processing of cases will be accepted, and this is a role that the
14 Zoning Administrator would be playing.

15 Moreover, there would be a freeze in enrollment.
16 The reason why that additional piece has been added is the fact
17 that the processing of cases only happens when there is a case to
18 be filed. If there are a number of years where George Washington
19 is not building any buildings, what happens then? What happens
20 with respect to enforcement?

21 That was a question that remained for us, and so
22 this is an attempt to really get at how to motivate and encourage
23 the university to really think seriously about how their policy
24 and how their decisions may be influencing the adjacent
25 neighborhoods.

1 Although it's not on here, one thing I do want to
2 add is, although it's in the report, is the five-year campus plan,
3 that it would not be a five-year review, but that it actually be a
4 duration of five years; that the issues are severe enough and are
5 acute enough that extending to a full ten years is dangerous in
6 our mind.

7 Okay. I'll make this one quick. The proposal
8 number two, which is what we see as could either be a temporary
9 proposal until there is amendments to the D.C. Human Rights Act,
10 is one that attempts to satisfy some of the same problems with
11 respect to the Foggy Bottom area. Essentially it's one bed for
12 each student above the current enrollment; that the beds are
13 provided on campus or outside of the Foggy Bottom area, again,
14 trying to minimize the impacts in Foggy Bottom.

15 The concern that we have with respect to what
16 happens before the year 2005 is addressed here: that you would
17 provide interim measures for housing. Leasing space outside of
18 the Foggy Bottom area is the way to go, and the Office of Planning
19 has articulated to the university that we'd be more than happy to
20 try and help them in identifying spaces.

21 Again, annual counting of students. We believe
22 that it's critical that the university has a sense and a pulse on
23 where their students are living.

24 And, again, the enforcement mechanism. After one
25 year, no further processing of cases will be accepted for filing.

1 Okay. In conclusion, I think it's important to
2 impress upon you that we truly are committed to no objectionable
3 impacts to Foggy Bottom. Through our analysis, through
4 discussions, through the conversations of the summer, it has been
5 clear that we can't afford to have any additional impacts on Foggy
6 Bottom.

7 The issues and the problems are just too acute. It
8 is to our misfortune, we believe, that the G.W. proposal does not
9 meet this test with respect to no objectionable impacts, and so
10 because of that, the Office of Planning has put together two
11 proposals which we feel does the best in trying to address the
12 issues of impacts in the Foggy Bottom area, with the baseline
13 approach being by far the preferred approach.

14 And then lastly, in order to make that baseline
15 approach work, there does need to be some additional work within
16 the District of Columbia, and as we learned earlier, Council
17 Member Mendelson is more than willing to champion that effort.

18 So the way that the Office of Planning sees at this
19 point is that we're at a fork in the road. We can either go on
20 Road A or we can go on Road B, and Road A continues as we have
21 been going for the last 40 years, a continual growth and expansion
22 of G.W.

23 We have a slow eroding, continual eroding of this
24 neighborhood. That's Road A.

25 Road B is that we try to have a new strategy, a

1 creative strategy that tries the best that it can to try to get at
2 the issues and the interests of both the university and the
3 community. That is the goal, and we really encourage you to think
4 about Road B. I don't think we can honestly afford not to.

5 Thank you.

6 DIRECTOR ALTMAN: I just want to make a couple of
7 concluding remarks before questions. I just want to emphasize a
8 couple of things that Julie has discussed here that I think are a
9 few points very quickly.

10 One is we've talked about the importance of the
11 neighborhood perspective. This is not a new concern. It dates
12 back to the National Capital Planning Commission in 1959 and
13 reaffirmed in all subsequent planning documents and discussed that
14 the impact on Foggy Bottom is tied to the expansion of George
15 Washington University.

16 The question of the zoning regulations of
17 objectionable impacts, our view fundamentally is that there should
18 be no new impacts on the neighborhood as the result of the
19 expansion of George Washington University. Those need to be
20 mitigated.

21 What we tried to demonstrate here analytically as
22 best we could looking at the trends and the information before us
23 is there are both temporary impacts. How do you construct housing
24 over the next zero to five years? Students are still increasing.
25 They're still coming to the neighborhood. That's something that

1 has to be strongly accounted for, not promises that they might go
2 here or there. What happens in the next five years as new housing
3 is being constructed?

4 Secondly, at the end of the day, when you saw that
5 graph it says that there is a five percent increase in housing.
6 So maybe it's at 70 percent, but you have up to a 25 percent
7 increase in new undergraduate students.

8 Even if those numbers are somewhat off, the bottom
9 line is you have a huge risk area of impact that is not being
10 addressed. So when you ask yourself, which we had to do, the very
11 hard question, does this meet the test of the zoning regulations,
12 no, it failed the test because it creates objectionable impacts.

13 Does it meet the test of the comprehensive plan?
14 No, it failed that test because it further exacerbates the
15 diminishment of housing, which as the comprehensive plan and the
16 ward plan showed was directly related to growth.

17 So what's the bottom line? We think we have an
18 approach that could allow the university to grow and address those
19 impacts so it can meet that test, but the approval of the plan as
20 presented unfortunately fails that, and the risk of that is great.

21 The mayor has asked us to come up with a campus
22 plan that has real meaning. Real meaning means addressing the
23 housing issue in this context. You can't have a campus plan with
24 meaning without saying how much housing and where those students
25 are going to be living. That's at the heart of what the campus

1 plan test is in this case.

2 That is why we have unfortunately come to the
3 conclusion and we've taken the unusual measure of recommending
4 denial of this application. That is unusual. We normally try to
5 work things out as best we can. You saw that in the case of
6 George Washington and Mount Vernon, a very different case; tried
7 to do mediation. We could not meet that here, and unfortunately
8 we have to come before you and say it does not meet this test, and
9 in good conscience nothing less than this neighborhood is at risk.

10 We do not have the certainty that these impacts
11 will be addressed, and what we're saying is just like a business
12 that the cost of their growth, they can grow, but they have to
13 absorb the cost of that growth and not have that be born by the
14 neighborhood.

15 Economists call this externalities. They have to
16 absorb the cost of their externality. That needs to be factored
17 into their expansion, and if there are any doubts as to that, I
18 think these numbers demonstrate very strongly what the risk is and
19 what that cost is.

20 So in conclusion, thank you, and we're prepared to
21 take questions at this point.

22 CHAIRPERSON REID: All right. Mr. Sockwell.

23 VICE CHAIRPERSON SOCKWELL: First, I want to say
24 that the two proposals, one and two, are obviously potentially
25 valid points for achieving a level of control over the

1 university's growth.

2 However, I have a disagreement with the fundamental
3 premise of the Office of Planning's position on this simply
4 because the university is treated -- the term "externality" was
5 used. I had that in my notes in a different way.

6 The university is looked at as an interloper, one,
7 that has forced itself upon a neighborhood, and the neighborhood
8 should be protected at all costs.

9 The university has been in that neighborhood since
10 1821. The university and the neighborhood developed together
11 whether as partners willing or partners unwilling. The two are
12 inextricably related specifically because of the fact that we
13 don't know in five or ten or even 30 or 40 years of planning the
14 extent to which the university made the neighborhood or the extent
15 to which the university was made by the neighborhood, and the
16 problem that we have is that the two are not coexisting
17 effectively together, but they are together.

18 And regardless of the way we approach resolving the
19 problem, we do have to look at the fact that the two really are
20 very much related. Just about every university in this town has a
21 long history, Howard 1867, this 1821, Georgetown the same type
22 thing.

23 So we cannot base our conclusions on the fact that
24 a university should be tossed over here and the community set over
25 there . Even though we may come to the same conclusion as to how

1 to solve the problem of enrollments, there are many people living
2 in Foggy Bottom today that may not have ever moved to Foggy Bottom
3 if that university has never existed there. We have no idea what
4 Foggy Bottom might be.

5 CHAIRPERSON REID: Or what it used to be.

6 VICE CHAIRPERSON SOCKWELL: Or, yeah, the way it
7 used to be.

8 The point is that I just want to make it clear that
9 my position is that must survive; that without the university,
10 Foggy Bottom may not be the kind of place that any of the long
11 term, short term or future residents would want, but that's really
12 where I am.

13 I agree with the direction that the Office of
14 Planning has taken in trying to solve the problem, but I just felt
15 that the fundamental premise that the University might be
16 considered as external to the community because these kinds of
17 relationships between community and university tend to break
18 people apart, but that premise was not one that I could accept.

19 DIRECTOR ALTMAN: May we respond?

20 VICE CHAIRPERSON SOCKWELL: Un-huh.

21 DIRECTOR ALTMAN: Because I think we do not -- the
22 premise that we started from was not one of university versus the
23 neighborhood. In fact, the issue for us was one of co-existence
24 because you're absolutely right. There is the synergy between
25 them, and I can't figure out which caused which.

1 The question is for us -- and the evidence for that
2 is that we did not come in and say freeze enrollment, put a cap on
3 enrollment, don't allow them to expand, don't allow the facilities
4 that they need. We believe all of that is fundamentally
5 important. I absolutely, as I said in my statement -- we were
6 trying to balance the duality. How do they expand, and at the
7 same time, how do we look at what happens in the neighborhood?

8 So that our approach was that we accept the
9 enrollment cap as it. We're not questioning that. We're not
10 putting an enrollment cap, and I should be very clear because
11 there were discussions of this early on that said we should put a
12 cap on undergraduate enrollment, for example. We did not accept
13 that as a basis because we thought, frankly, we want to allow the
14 university to expand.

15 Our question was: okay. How do we allow that and
16 at the same time try to solve for this problem? And the problem
17 or the issue really is the continued diversity in the neighborhood
18 where students can live and providing for that housing, allowing
19 for their growth which is important to their expansion needs.

20 The financing of those needs, we hear that quite a
21 bit in discussions with them, that they have to know that they can
22 expand and count on a certain number of students, and what we said
23 is let's find a way to build in that as you're planning for that
24 projected growth, you find a place to house them. That could
25 either be on campus, and there are provisions of how to allow them

1 additional density to do that, or it may be not necessarily in
2 that Foggy Bottom area. It could be an adjacent downtown area.

3 We didn't want to tell them where that should be,
4 but at the same time give some certainty as to how the two could
5 coexist so that this neighborhood could continue to thrive and, in
6 essence, try to create what would be a win-win situation.

7 So we didn't start from that premise of that
8 either, I should say.

9 VICE CHAIRPERSON SOCKWELL: One of the things that
10 I just want to make sure is that what is going to solve the
11 problem between Foggy Bottom and the university is not necessarily
12 what we decide here today or what we do with legislation and/or
13 changes to the text and map of the zoning ordinance. What's
14 really going to solve the problem is that the relationship between
15 the community and the university has got to be resolved because if
16 they had a love relationship rather than the hate relationship
17 that they have today, there might be even an embracement of more
18 housing of students off campus if it were handled in a way that
19 people liked it.

20 There is nothing specifically absolute in any of
21 this. There are other places where students are housed in the
22 community and they don't have a problem.

23 You all may believe that it can't work, and for
24 this situation maybe it won't, but there's nothing to say that it
25 can't happen. It's just that here it doesn't.

1 There are places around the country where it's not
2 a problem, but when the university comes to talk only when they
3 need something, when they come to the community only when they
4 need something, you get nothing back but this kind of a situation.

5 Where we solve it, we'll put down something that will keep them
6 from expanding. We'll put down something that will keep them from
7 getting what they want, and if they didn't deserve it, they don't
8 get it.

9 But it could be better. That's all I'm saying.

10 Thank you.

11 MS. MCCARTHY: Mr. Sockwell, we certainly agree
12 about the importance of improving the relationship between the
13 university and the community, and we think, in fact, that bringing
14 in the mediators and the negotiations that we spent a considerable
15 amount of time on this summer did begin to address that and did
16 begin to improve that situation. We found some areas where people
17 could find some common ground.

18 And I think that's witnessed by the fact that the
19 campus plan that is before you today has only a few limited areas
20 of disagreement, albeit they're significant.

21 Where I think there's a real danger though is for
22 the Board to conclude in campus planning cases that it is just a
23 matter of relations or it is just a matter of better control --

24 VICE CHAIRPERSON SOCKWELL: Oh, I didn't say that.

25 MS. MCCARTHY: -- of student behavior.

1 VICE CHAIRPERSON SOCKWELL: This Board doesn't
2 think that way. You should know better.

3 MS. McCARTHY: Right. I know, but I really want
4 to emphasize that. I think it was a point that was very well made
5 today by Dr. Shalit and by his report, that what we concluded, and
6 I think what Julie was trying to address in looking at historical
7 information on Foggy Bottom in her research was it's a structural
8 issue, and there is so little left of the residential fabric of
9 Foggy Bottom that even with the best relationship between them and
10 even with the best efforts to accommodate students off campus,
11 there is so little left of the residential fabric in Foggy Bottom
12 that almost no additional movement of students displacing non-
13 student residents is possible without changing Foggy Bottom into
14 entirely a student district, and that we felt going back to the
15 comprehensive plan that was not something that was considered in
16 the comprehensive plan.

17 There was clear language in there about the
18 importance of those residential communities that ring the downtown
19 from remaining there, remaining viable. They help give life to
20 the downtown. They are buffers between the downtown and the rest
21 of the city, and we think that Foggy Bottom as a residential
22 community, not entirely a university community is an important
23 thing to preserve.

24 VICE CHAIRPERSON SOCKWELL: I do wonder sometimes
25 what it would look like if it had been all C-3-C-4.

1 CHAIRPERSON REID: Let's see. I'll tell you. This
2 report that was generated by the Office of Planning is by far one
3 of the most exhaustive and comprehensive that I have had the
4 pleasure of having to read through. And the thing about it was as
5 I did so, several questions came to my mind.

6 One was in the beginning of your report you say
7 that the Office of Planning recommends that the Board of
8 Adjustment deny the university's current application, and then you
9 go through a course like making your various analyses and your
10 recommendations. Then you conclude at the end by saying the
11 Office of Planning recommends that the Board set the duration of
12 the campus plan at ten years with an automatic five-year status
13 review on the issues of housing enrollment and student impacts and
14 enforcement.

15 So what are you saying? What are you saying? On
16 the one hand, you're saying deny. On the other hand, you're
17 saying a ten-year approval, and I have a lot of questions like
18 that.

19 MR. KING: Where are you reading from on the
20 approval --

21 CHAIRPERSON REID: I'm starting out on the first
22 page 2.

23 MR. KING: And I know that --

24 CHAIRPERSON REID: The first paragraph, the
25 recommendation.

1 MR. KING: Right, and when you were talking about
2 approving for ten.

3 CHAIRPERSON REID: On page 33, I think it's 33 at
4 the end.

5 MEMBER MOULDEN: And 27 it starts.

6 CHAIRPERSON REID: It starts on 27?

7 MEMBER MOULDEN: Yes.

8 CHAIRPERSON REID: Okay. Mr. Moulden says it
9 starts on 27.

10 MEMBER MOULDEN: Twenty-seven, number two, Office
11 of Planning recommendations.

12 CHAIRPERSON REID: Yes. Yeah, from 29, and then it
13 goes forth and it culminates with the recommendation of a ten-
14 year.

15 MR. KING: Yeah, what that is, Madame Chair, is a
16 response to the university's proposal. In other words, in that
17 section of the report we went through, and we went item by item
18 and addressed each of the university's proposals, because as you
19 well know, it's a very, very extensive presentation that the
20 university made.

21 And so what we're doing there, if you turn onto
22 page 26, it says "Duration of Campus Plan," and then it outlines
23 the university's proposal there. And what we do is we are
24 responding to that section of the university's proposal.

25 Our overall recommendation is listed at the very

1 beginning of the report, but we felt that if the Board found
2 certain portions of the university's proposal acceptable, that
3 what we did is we broke down and we gave our recommendations on
4 various portions of the university's proposal. So that's what
5 that goes to.

6 DIRECTOR ALTMAN: I think the answer also is that
7 what it says is that you reject the university's proposal as
8 presented. If, and we have a series of recommendations of how
9 that proposal would be amended per our recommendation if the Board
10 were inclined to improve that campus plan. We think there are
11 four or five, and you can see we went line by line of how to amend
12 that.

13 And that's because of the two approaches we took,
14 one being what we think is the idea approach, which is to amend
15 the human rights legislation, which we think is achievable, but in
16 the meantime we have a campus plan before us. So this gets to the
17 heart of the one-for-one proposal that we talked about.

18 So, in other words, you would reject the plan as
19 presented or it would be amended and it would have the provisions
20 in it related to one for one, related to the duration of the plan,
21 related to which squares are included or not included as with
22 respect to university owned or controlled housing, is very
23 important, a fundamental difference there as to what the
24 university has included, which is the entire southern blocks. We
25 believe that that's too excessive.

1 So that's why we went one for one through that, so
2 that you could amend it accordingly.

3 CHAIRPERSON REID: Okay. On page 25, okay, well,
4 let's start on page 24. What you did was you analyzed. You made
5 a presentation of the proposal line by line from George
6 Washington, and then you gave your own recommendation thereupon.

7 Now, on page 24, you go into discussion of the
8 parking and traffic mitigation measures, and the university
9 proposal, and then I didn't see an Office of Planning
10 recommendation on this particular section as you did in all your
11 other sections point by point.

12 MR. KING: Yeah, that is a typographical error, and
13 as a result we concur with all of those.

14 CHAIRPERSON REID: What's a typographical error?

15 MR. KING: Well, the section was left out there.
16 We --

17 CHAIRPERSON REID: It was an omission?

18 MR. KING: It was an omission, exactly.

19 CHAIRPERSON REID: Okay.

20 DIRECTOR ALTMAN: I should just note that the
21 Department of Public Works, Ken Laden, is here in the audience if
22 there are questions regarding the traffic impacts.

23 CHAIRPERSON REID: Okay. Thank you.

24 Typically when we receive an Office of Planning
25 report, which we really need and we rely on to kind of like frame

1 the issues for us and give us some type of guidance -- this report
2 was so large that it kind of -- you know, you lost track of
3 things. It was kind of unwieldy for me to be able to absorb it,
4 you know, immediately. So I had to read it over and over.

5 But the thing that I'd like to see that could be
6 presented to us, I would have liked to have seen, was for you to
7 have given us an analyses of the situation and the issues, and
8 then made recommendations, and then typically, as has been done in
9 previous reports, is that you then recommend conditions to
10 mitigate the adverse impact.

11 If, in fact, you're saying -- if it does go
12 forward, then this is what we would recommend. So I had to kind
13 of like pull that out.

14 But also I'd like to just kind of segue on what Mr.
15 Sockwell was saying in regard to Foggy Bottom and the community
16 there. Now, what I garnered from the gist of the presentation and
17 also from the report was a kind of an alarmist type of atmosphere
18 reaction that the university is somehow now absorbing the
19 community to the point that you feel that the community is
20 threatened with annihilation or just completely absorbed by the
21 university.

22 And I don't see that. What I think is, as Mr.
23 Sockwell said, the university has been there for some time, and
24 the community has evolved into that university's area over a
25 period of time.

1 Now, the persons, the community that lives there in
2 Foggy Bottom today moved there when George Washington was already
3 in existence, and they knew it was there when they moved there, as
4 well as in most of the communities in this city.

5 And being a native Washingtonian, I've seen a vast
6 change in the Foggy Bottom community over a period of years as it
7 is, and at this point in time, it disturbs me when you have
8 communities that evolve after an entity is already in place to
9 come and say, "Well, this particular entity has taken over or is
10 so bad and it's not sensitive to the needs of the community."

11 I don't think I agree with that necessarily. I
12 think that in an urban setting, like Washington, D.C. being a very
13 small city where you have universities -- and I happen to live in
14 the Howard University community. So I'm very much aware of what
15 can happen -- that there has to be a coexistence. It is not all
16 or not -- it can't be everything that is for the benefit of the
17 community, nor can it be everything for the benefit of the
18 university, and I think that you have to find a happy medium, and
19 you have to weigh the sensitivities of both sides and try to find
20 a mechanism by which they can co-exist.

21 I don't think there can be any other way. I think
22 that George Washington has its pros and cons, yes. There are many
23 things about the university that the community may find
24 troublesome.

25 Nonetheless, at the same time, there are very

1 positive things that George Washington does for the community and
2 for the city, but by the same token the people who live in the
3 George Washington community should be able to have a good quality
4 of life and, as such, the problems with the students have to be
5 addressed.

6 And I think that that's what we should look at.
7 How can the behavior of the students be controlled or be in some
8 way modified so that the persons living in the community will not
9 find them to be so troublesome. I'm not saying that they all are.

10 And the other issue in regard to the beds and the
11 enrollment, now, I think that what should be done should be for
12 there to be some type of apparatus put in place that would bring
13 that gap between the number of beds and the enrollment closer
14 together.

15 I mean we have great minds looking at this in the
16 city, Office of Planning, as well as the university, and to
17 determine how can we best achieve that goal. And I think that's
18 what the community wants to see.

19 I don't think that the community is unreasonable,
20 even though they were very passionate and very emotional about
21 their community, and I can understand that because this is where
22 you live, and of course, you do have strong emotions about that.

23 But at the same time, I think that if they were
24 respected and there was some consideration given to the fact that
25 the university is recognizing that they also have a right to exist

1 and to exist in peaceful harmony, that it would go a long way in
2 getting them to come closer to working with the university.

3 And the university, I think, is now making some
4 inroads to reach out and to make concessions, to try to show the
5 community that they are interested in working with them.

6 Now, there was a time, and I know this because I've
7 been here for six years; there was a time, and the impression that
8 I got was that like many of the universities in the city, not just
9 George Washington, that they were not sensitive to the community.

10 They were the big entity in the middle of the community, and that
11 they basically did not adhere to some of the complaints or some of
12 the accusations. They were not sensitive to them, and as such,
13 there became a very contentious relationship that evolved.

14 However, at this juncture, I don't see that. I see
15 both sides now realizing that George Washington University is not
16 going anywhere, and the community is not going anywhere. So the
17 only thing to do is just to see what they can do to try to work
18 together to live in harmony.

19 And I'm not trying to advocate a perfect world, an
20 oasis where everything is just completely ideal, but I think that
21 if both sides try to work together that they could at least have
22 some compromises where they could at least try to live as best
23 they can, and that's the way I see it.

24 And I hope that the subsequent reports that we get
25 won't be so comprehensive and so involved, that they will be more

1 simplistic and just basically give us the facts, give us the
2 analysis, give us your premise, and then give us your conclusions
3 and your recommendations, and if you deem it necessary, to give
4 us any conditions that you would add if, in fact, the case happens
5 to be proved.

6 COMMISSIONER MITTEN: Madame Chair, I guess I'm
7 seeing this a little bit differently, and I just want to say that
8 I think that what the Office of Planning has pointed out to us is
9 that this issue goes well beyond us mediating differences between
10 the community and the university, and I just have to quote
11 Professor Shalit's -- one of his closing statements in his report
12 to us, which is, "Constraints on growth and expansion are never
13 going to originate from within the university, but come only from
14 the regulatory bodies set up for that very purpose."

15 And what the problem is, and it's been pointed out
16 over a period of four decades, is that the university has been
17 growing, and there is a concern over their relationship with the
18 residential community that exists in Foggy Bottom and the West
19 End, and the regulatory bodies that were in place to protect, to
20 insure that objectionable impacts did not occur, failed the
21 community.

22 PARTICIPANTS: Right.

23 COMMISSIONER MITTEN: And I have to say I'm getting
24 -- I'm very emotional about this because I'm just so concerned
25 that we not miss the big picture here.

1 The Office of Planning has given us an excellent
2 framework from which to go forward and insure that the protections
3 that this community needs are in place, and this is going to be
4 the hardest case that ever comes before the people on this Board.

5 This is the hardest case, bar none. I can't see how there could
6 be anything more difficult.

7 The complexity of the issues presented in the
8 Office of Planning report are just what we need. They presented
9 to you just what you asked for. They laid out the issues. they
10 discussed the pros and cons, and they made recommendations.

11 The fact that it's complicated is because the
12 issues are so complicated. So, please, please, please, do not
13 overlook the importance of what is before us. Do no overlook the
14 importance of the role.

15 Now, if I could just segue into asking questions of
16 the Office of Planning, since we're not supposed to deliberate at
17 this point.

18 We had talked to the university about the fact that
19 they have contingent plans for the on campus housing that they
20 have proposed. For instance, the existing hospital site would be
21 contingent on getting rezoning. I think it's Square 80, the
22 School Without Walls. You know, they would have to have -- there
23 would have to be some deal struck there.

24 And in response to asking like, well, is there more
25 flexibility and given that you have sites that are designated for

1 other uses, they said, "Well, in the context of the way we see the
2 university and in trying to, you know, have our medical campus or
3 whatever on this side and have, you know, the grouping of the
4 uses, they feel that they're somewhat constrained in the potential
5 sites for on campus housing.

6 Is there any assistance that the Office of Planning
7 can give to the BZA in terms of understanding where there is --
8 and within the logical framework that exists for the existing
9 campus -- where some additional on campus housing can go that it
10 need not be contingent?

11 MS. McCARTHY: While it's certainly clear that
12 there is -- if the university chose to fill Square 54, the
13 existing hospital site, with housing, they could accommodate a
14 huge number of housing units there, we felt that it was not -- the
15 Office of Planning did not want to usurp the university's role in
16 terms of designating what made the most sense as locations for
17 housing on its campus.

18 So we did not attempt to second guess their sites,
19 and in fact, the proposal for the School Without Walls site was
20 one that we had put on the table during negotiations, although it
21 turned out it was something that the university had also been
22 thinking about for quite a while.

23 We have also -- what we attempted to do to try to
24 make it possible for win-wins is to also say to the university we
25 were very willing, and we discussed this with the community and

1 the community was willing as well; we were very willing to go back
2 and relook at the overall density cap for the campus or the
3 density or height restrictions on individual parcels within the
4 campus if, by virtue of shifting more density onto those sites, we
5 could accommodate academic needs on one place and free up sites
6 for housing or if we could increase density or increase height and
7 accommodate more housing on a particular site and free up other
8 academic sites.

9 We basically have indicated we're willing to
10 provide the flexibility to the university to meet their needs in
11 the way that they themselves know best, and we're just saying do
12 that within these constraints. You need to accommodate the costs
13 that you would be imposing on the community otherwise by making
14 sure that you provide for housing for the students that you -- the
15 increased enrollment that you would be --

16 COMMISSIONER MITTEN: I guess the reason that's
17 become even more important to me is when I heard Mr. Burt
18 testifying about -- you know, I still don't fully understand what
19 it takes to make a full tier, put you into the first tier, but I'm
20 getting little bits and pieces from people, but one thing he said
21 which made a lot of sense is to create this community, you know, a
22 university community, and that's important for the university and
23 the students.

24 And in order for them to do that, they can't be
25 flinging their students all over town. That doesn't support their

1 goal.

2 So that's why I was -- and I don't feel comfortable
3 to second guess the university either, but I thought, you know,
4 since it's a campus plan, you guys could give a little bit, some
5 guidance about what level of flexibility there might be to
6 accommodate more housing on campus, given that that's the only
7 thing; that's the only way that we're going to meet the sort of
8 dual goal of alleviating pressure on the community and allowing
9 them to create the environment that they need to create to, you
10 know, have the students together as opposed to disbursed.

11 MS. MCCARTHY: Well, I guess there's two points to
12 make in response to that. One is that we mentioned the model,
13 which I think everybody is very well aware of, of George
14 Washington University having moved its law school into the
15 downtown, which took all of that space that otherwise would have
16 needed to be on campus and put it downtown and better accommodated
17 its students, including the large number of its students that come
18 in the evenings because it's closer to downtown. It's Metro
19 accessible. It's close to the courts and to government operations
20 in the center of town.

21 And we mentioned that as something that the
22 university might think of with regard to their professional
23 schools.

24 We also talked to the university, and I know
25 they're actively trying to think this through themselves. They

1 have this Mount Vernon campus. They have looked at that as at
2 least one of the primary uses they're thinking about there now
3 being a focus on women and women's studies and possibly women
4 athletes because of the athletic facilities that are there.

5 But they're trying to think through, as well, are
6 there some -- how can they take advantage of the potential for
7 1,500 beds that are permitted under their campus there and the
8 obvious space for providing academic programs there.

9 But over and above that is the -- it's another
10 place where the lack of information on where G.W. students
11 actually live makes a problem for us and for the university in
12 trying to plan because when we have talked to the university about
13 the need to accommodate dormitories on campus, they have indicated
14 to us that they feel that the problem is exaggerated by the
15 residents of Foggy Bottom, that there aren't really as many
16 students as are claimed living in Foggy Bottom, and that they
17 think a very large number of their students come by Metro from
18 places outside of Foggy Bottom.

19 So our sense is if that is the case and you are
20 already relying on the fact that you have a large amount of your
21 student body which is not living on campus or in the vicinity of
22 Foggy Bottom, then establishing satellite dormitories or
23 encouraging your students by financial incentives, by increased
24 assistance on off student housing in the off campus housing office
25 to find housing that's outside of Foggy Bottom, but which is Metro

1 accessible or which is someplace where students could get to
2 campus, that that is a potential solution to the problem, which is
3 one reason why we had developed our Plan A.

4 Just locate your students outside of this area of
5 Foggy Bottom which we are trying to protect as a residential
6 enclave, take advantage of the fact that you have a Metro
7 location. You don't have to actually build the housing
8 yourselves. You just have to help them encourage them to find
9 housing outside of the immediate Foggy Bottom area, and the
10 university, you know, can help solve its problem.

11 COMMISSIONER MITTEN: Well, just to follow up on
12 that idea, I mean, what would happen if you found that there were
13 significantly fewer students in Foggy Bottom than were thought to
14 be and so we've reached or we're approaching or we're just past
15 this tipping point, and then it would be, well, it's from a source
16 that we didn't -- it must be from another sources then.

17 MS. MCCARTHY: Which?

18 COMMISSIONER MITTEN: If we were to find after the
19 survey was done that there are already a lot of students living
20 outside of Foggy Bottom, wouldn't we then be in a situation where
21 Foggy Bottom would be in the tenuous situation, you know, that
22 it's in, but it wouldn't be because of students. It would be
23 because of other influences, and how would we at that juncture
24 deal with it?

25 MS. MCCARTHY: Well, that's one reason why we said

1 that the campus plans shouldn't be for a duration of longer than
2 five years, because we should reassess when we look at the real
3 numbers, and that's why we said that ought to be a baseline, that
4 we ought to count those numbers and look at that as a baseline
5 when we had some concrete numbers to go by.

6 Certainly the anecdotal evidence is and the real
7 evidence is of a very large number of what were existing apartment
8 buildings in Foggy Bottom having been either purchased by the
9 university or having been de facto turned into dormitories because
10 of the very high percentage of students that are there.

11 But I suppose what we should also do is to make
12 clear when we've been concerned about the erosion of the
13 residential fabric in Foggy Bottom it's been from two sources.
14 One is this de facto notion that we're talking about where by
15 virtue of not providing enough housing on campus for its students,
16 they begin to, in effect, take over apartment buildings, and
17 that's extremely difficult to control student behavior when you're
18 living right next door to somebody in an apartment building.

19 The other thing has been the university's extensive
20 program of real estate acquisition. So it has just bought
21 building after building in the Foggy Bottom area, and as the
22 university has pointed out to us many times, we can't prohibit the
23 university from buying land. That is their right just as it's the
24 right of any other person with the money to do it.

25 But what we can do is to control where the

1 university can use that property. That's what campus planning
2 boundaries are all about, and that's why we've talked about the
3 twin controls of if you can't count the number of students -- if
4 the university acquires additional buildings in the Foggy Bottom
5 area under our first plan, under our baseline plan, they'd have no
6 incentive to do that because they can't count any of the students
7 that they would put in those buildings against their baseline
8 mediation number. They could only count students that were
9 outside of the Foggy Bottom protection area.

10 And so we figured it dealt indirectly with the
11 university's acquisition, what they've been doing in terms of
12 building acquisition, and it dealt directly with reducing the
13 impacts of students on displacing existing residents in Foggy
14 Bottom.

15 COMMISSIONER MITTEN: Okay. I'm not done yet.

16 Another question. We had been given some
17 information in some of the supplemental filings about the
18 Department of Health's report on air quality when they were
19 looking at the hospital and the approval of the hospital, and I
20 don't know enough about how these issues are raised, but what was
21 raised in the report that the Department of Health issued was that
22 we're reaching the maximum. I don't know exactly how it was
23 termed, you know, but there's not a whole lot more room for
24 putting anymore bad air over there.

25 And I don't know. Is the only time that the

1 Department of Health considers things like air quality would be in
2 the context of an EIS review, or would it be appropriate for the
3 Department of Health to be asked questions like, well, if 500 beds
4 or 900,000 square feet of commercial space or whatever it is
5 that's sort of like one of the hinges of this plan, at least from
6 the university's perspective, is it jumping the gun to ask them
7 for their input on whether or not that's likely to be approved?

8 MS. MCCARTHY: I think it would make a lot of sense
9 for the Board to ask that question of the Department of Health.
10 We are all part of the same government, it's true, but the Office
11 of Planning, up until this point in time up until very recently
12 had no role in the environmental impact process in the city.

13 That is now in the process of being redone, and
14 there is an environmental impact screening form that is being
15 modified and which will go to the Office of Planning, and we will
16 be one of the people that would be doing the reviewing.

17 But I have to admit we're in the early stages of
18 that. I've looked at that Department of Health report, and it
19 would appear to place some severe constraints on further
20 development of the university.

21 I don't really understand enough about how they
22 operationalize that program to be able to speak very well for
23 them, but I think it would make a lot of sense for the Board to
24 ask them to submit something to explain to you what the impact of
25 that determination is.

1 VICE CHAIRPERSON SOCKWELL: Generally, if I might
2 interject, anything that's constructed outside of the central
3 employment area requires the environmental impact screening form
4 of which the statement is made that if 50 or more units of housing
5 are part of the development, then there may be a need for further
6 inspection.

7 MS. McCARTHY: Right, or more than 200 cars.

8 VICE CHAIRPERSON SOCKWELL: Well, it's actually
9 more than 50 cars additional parking built in a garage or
10 otherwise, and the construction of 1.3 million in adjusted dollars
11 in construction, not including interior construction.

12 Then DCRA is the lead agency, sends the report out
13 to six different agencies, including the Office of Planning,
14 Traffic at DPW and several others, and they have 30 days calendar,
15 I believe, now to return their reports to DCRA to be compiled in
16 Denzel Noble's office, and DCRA has taken the lead role away from
17 Department of Health, which didn't have it anyway, but used their
18 people to do it because they were the technically proficient ones.

19 COMMISSIONER MITTEN: Well, I guess my concern is
20 that if there is a mechanism for getting some information from the
21 Department of Health sooner as opposed to later, I mean, if we're
22 going to be, for instance, relying on the fact that 500 units of
23 housing are capable of being constructed on the existing hospital
24 site and that that's contingent on getting permission to build,
25 you know, hundreds of thousands of square feet of office, and we

1 could know now that that's not possible, then that would, I think,
2 impact how we would go forward.

3 So if it's possible to find out that sooner as
4 opposed to later.

5 Also, in your written report, I want to understand
6 from the perspective of the Office of Planning. Do you feel now
7 with the regulations where they are that there is any
8 enforceability of the campus plans?

9 MS. MCCARTHY: I think as you will see in the
10 report that we are planning on giving to the Zoning Commission in
11 October that we have concluded -- and this exercise has definitely
12 helped us come to that conclusion -- we've concluded that the
13 enforcement mechanisms that exist now are really woefully
14 inadequate.

15 I mean really basically the major enforcement
16 mechanism we have on campus plans is for the Board to refuse to
17 hear further processing because of the project being out of
18 compliance. That's very difficult for the Board because you're
19 there with a set of criteria that somebody is supposed to meet in
20 order to get a special exception, which is the process that
21 somebody needs to go through for further processing, and those
22 criteria are very specific about adverse impacts.

23 So if you have an applicant that comes in, meets
24 those impacts, and yet is out of compliance with the number of
25 parking spaces they were supposed to provide on a completely

1 unrelated project, it's in the past been very difficult for the
2 Board to say, "Well, we think this project is okay, but we're
3 being told they're out of compliance on that project. So should
4 we not" -- you know, it's just very difficult the way the system
5 operates now.

6 So that's part of what we're trying to address in
7 the new campus plan regs., is what sort of enforcement mechanism
8 would be more effective.

9 COMMISSIONER MITTEN: Okay. Well, given that we do
10 have one enforcement mechanism perhaps, and on page 28 of the
11 Office of Planning report it says, "The history of G.W.'s
12 noncompliance with the Board's prior orders," and then it goes on.

13 I mean, has there been any determination made
14 whether G.W. is in compliance with the existing campus plan?

15 MS. MCCARTHY: The Zoning Administrator has
16 indicated a willingness to get involved in the process, which the
17 Zoning Administrator up until recently has not been very involved
18 in. I think he indicated that at the round table.

19 And its his office which is most directly charged
20 with determining whether somebody is in or out of compliance. One
21 could certainly look at the past campus plan and say that there
22 was clear language in there on the part of the Board when they
23 took Square 43, for example, out of that plan; that that was done
24 because they intended that to remain a residential square, not
25 part of the university, and the university has essentially

1 acquired virtually every lot in that, has torn down all of those
2 houses, and is going to use that as a dormitory proceeding on the
3 fact that they can do that as a matter of right.

4 So some things about compliance are judgment calls
5 about was that or was that not intended in the campus plan, and
6 that kind of situation is part of why we tried to come up with
7 this new way of looking at the plan and our proposals, because
8 it's a lot easier to tell based on either one of our proposals are
9 you in compliance or are you not in compliance. Whereas, the
10 existing system it's a little bit more gray.

11 COMMISSIONER MITTEN: Well, I want to be sure I
12 understood what you said. The Zoning Administrator is not -- he
13 has not rendered an opinion about whether or not G.W. is in
14 compliance with the existing campus plan. You said he was
15 interested in getting more involved. That sort of suggests that
16 he hadn't really gotten involved, fully involved.

17 MS. McCARTHY: Right. I think it would be safe to
18 say that the Foggy Bottom community is in contact with the
19 Department of Consumer and Regulatory Affairs and has brought some
20 situations to their attention and to the attention of the Zoning
21 Administrator.

22 As far as I know, the Zoning Administrator has not
23 made a determination one way or the other, except that I know
24 there was a cooperative effort between the Zoning Administrator
25 and the community and the university to go out and ascertain what

1 was the true number of parking spaces being provided on campus,
2 and you know, that was done with the participation of everybody so
3 that everyone could feel at the end of that time that the number
4 of spaces that had been determined were an accurate reflection of
5 the number of spaces provided.

6 COMMISSIONER MITTEN: Well, I would like to get an
7 opinion, a written report from the Zoning Administrator, and I
8 don't know if that's for you guys to ask for or for us to ask for
9 directly, that says yes or no, the university is in compliance
10 with the existing campus plan.

11 Because if the one method of enforcement that's
12 available to us is that this Board does not move forward of the
13 case for further processing or for the campus plan until
14 compliance is reached and they're not in compliance, then we don't
15 have any credibility if we're not willing to take that one step
16 towards enforcement.

17 So I want to make sure that we've covered that base
18 or touched that base.

19 I have one final subject that I'd like to explore
20 with you, which is that you've talked in your report and today
21 about the Human Rights Act, and I don't fully understand that
22 either, but it was raised as it relates to Columbia Plaza, and it
23 comes into play for me in other cases like West End Apartments, I
24 think, is the name of one place, West End, where they talk about
25 transitioning property that they own from being rental property to

1 being more student and this idea of transitioning.

2 And I'd be interested in knowing when, for
3 instance, as it was portrayed today with Columbia Plaza, when
4 preferential treatment -- we know that it's a violation to
5 discriminate against students in a housing situation just because
6 they're students. In a rental situation is it discriminatory to
7 give them preferential treatment over other people?

8 MR. KING: In a word, it appears so. One of the
9 concerns that was raised over our baseline approach was that --
10 I'll bring this to Columbia Plaza, but one of the concerns that
11 was raised about the baseline approach is that we had suggested
12 that the university come up with an incentive package for their
13 students, and we weren't going to dictate, and we wouldn't dictate
14 what that package looked like as long as it encouraged students to
15 live in areas of the city outside of Foggy Bottom.

16 And it was brought to our attention that the
17 language of the D.C. Human Rights Act includes a clause that makes
18 it illegal to both discriminate against certain protected classes
19 by prohibiting them from entering into certain transactions or
20 inducing them, giving them advantage or preference for entering
21 into real estate transactions.

22 And so we're obviously not the Office of
23 Corporation Counsel here, and we're not experts in this area, but
24 a lay person's reading of the legislation or the act would
25 indicate that giving preferences based on a protected class, for

1 example, matriculation, giving preferences to students may be
2 violative of the Act.

3 COMMISSIONER MITTEN: So, again, in terms of what's
4 going on out there, how do we get a handle on what's going on in
5 practice in terms of converting, you know, rental properties into
6 predominantly student housing?

7 I mean, just based on your layman's explanation to
8 this lay person, it doesn't sound like that should be allowed.

9 MR. KING: It doesn't sound like that should be
10 allowed. I think though that a more complete answer of that is
11 really outside of the jurisdiction of the Office of Planning. I
12 mean, I don't think that we're really qualified to give an opinion
13 on that at this point.

14 COMMISSIONER MITTEN: So we should query the --

15 MR. KING: I think it's Corporation Counsel's.

16 COMMISSIONER MITTEN: Okay.

17 MR. KING: There's also an office of -- what is it?
18 There's a Commission on Human Rights, right. There's a
19 Commission on Human Rights, as well. So between the Office of
20 Corporation Counsel and the Commission on Human Rights, I think
21 those would probably be more appropriate avenues to pursue.

22 CHAIRPERSON REID: I think that in addition to
23 that, you're getting into fair housing laws, which is federal.
24 This comes under HUD, and that should be explored as well.

25 COMMISSIONER MITTEN: Now, is that something that

1 we do through the Office of Planning or we do independently?

2 MS. MCCARTHY: Well, I mean, I think usually the
3 staff from the Office of Zoning makes a request to the Office of
4 Corporation Counsel.

5 COMMISSIONER MITTEN: Okay.

6 MS. MCCARTHY: But, I mean, it's something we've
7 tried to figure out because, on the one hand, we have the
8 university saying that this would be a discrimination on the basis
9 of matriculation and place of residence. On the other hand, it is
10 our understanding that the university provide incentives for
11 students to live at Mount Vernon.

12 So we don't -- but that's not confirmed. That's
13 just what we have been told by some students, and we have the
14 instance of if one cannot discriminate based on matriculation, how
15 can preferential treatment be provided to non-matriculees at
16 Columbia Plaza and other places.

17 So there are questions that we've been curious
18 about.

19 COMMISSIONER MITTEN: That's all I have. Thank
20 you, Madame Chair.

21 CHAIRPERSON REID: Mr. Moulden.

22 MEMBER MOULDEN: I feel that this Board is at a
23 disadvantage right now because we don't have sufficient
24 information to really move any further on this case, especially
25 with the student impact on the community. We don't have exact or

1 credible numbers as to the amount of students that impact the
2 neighborhood.

3 We have issues concerning students' rights and so
4 forth. The Zoning Board and the Office of Planning, I think, have
5 some issues that we need to work out as far as development
6 standards and controls, and I think there's a lot that needs to be
7 ironed out.

8 And I'd like to recommend that we reach some kind
9 of consensus. I mean, this is a major project. The university is
10 like a community. There needs to be some clear-cut issues decided
11 on what the issues are, be clear on them, and then develop some
12 standards and control that would benefit the community and the
13 university.

14 But planning recommendations here are some basic
15 good guidelines, but I think we need to develop some clear
16 guidelines that will set conditions on this campus plan amendment
17 that will be clear-cut. Right now I just don't see that, and I'm
18 recommending that we develop these.

19 We get with the Officer of Planning and sort of go
20 over these things and wait to get the survey information on the
21 amount of students before we can actually move forward.

22 To me, I'm just lost right now. I just wanted to
23 put that on the table.

24 CHAIRPERSON REID: I think that it goes back to the
25 Office of Planning report, and while there are differences of

1 opinion about this report, I think that, again, what works for me
2 is to be given an analyses, as I said before, and given the
3 premises -- the premise for reaching recommendations and
4 conclusions, and some conditions that would basically achieve with
5 Mr. Moulden is saying, and giving us a direction as to what you
6 want to see and how you want to see it happen.

7 And understand I'm not criticizing the report. I'm
8 just basically giving some suggestions as to how it could best
9 work for us because -- for me, and I can't speak for all of the
10 Board members -- because we need to use this as a basis for making
11 decisions, and as such, it has to be put in a format that we can
12 get our arms around more easily.

13 Because, like I said, it is so voluminous, and it's
14 so -- it has just a vast amount of information in it, that we need
15 for it to be more condensed. I guess that's the word.

16 Now, the other thing is my question is what
17 approximately do you estimate the Foggy Bottom -- what percentage
18 of Foggy Bottom do you estimate to be occupied by George
19 Washington University?

20 I want to know from the standpoint of the school
21 itself and then with the housing. Because I want to understand
22 this concern about, you know, the creeping commercialization of
23 the community.

24 SECRETARY PRUITT: Mr. King, yeah, you need to talk
25 into the mic.

1 MR. KING: What we can't do right now is give you
2 an absolute percentage.

3 CHAIRPERSON REID: No, no, I just want to be able -
4 -

5 MR. KING: What we will be able to --

6 CHAIRPERSON REID: -- an estimate as to the
7 percentage.

8 MR. KING: Well, I would say that part of that
9 depends on how you define the Foggy Bottom area.

10 CHAIRPERSON REID: Yes. Well, my understanding was
11 you said N Street over to 19th Street and then to the park here,
12 the --

13 MR. KING: Yeah. Well --

14 CHAIRPERSON REID: -- down to the -- is it Eastern?

15 MR. KING: Constitution to Virginia. In any event,
16 just from appearances here, it looks like it's at least 65 or 75
17 percent of the university, of the campus itself. When you add in
18 HOVA, when you add in -- Helen, you're going to have to help me
19 here -- well, a certain percentage of Columbia Plaza.

20 PARTICIPANT: A substantial portion of --

21 CHAIRPERSON REID: Well, I guess what I'd like to
22 see is something more definitive as to the percentage -- an
23 estimate of the percentage that occupies and was it 1990, 1992
24 when they have the last campus plan?

25 MR. KING: '88.

1 CHAIRPERSON REID: Was it '88?

2 MR. KING: It was '88. '88 was when your final
3 order was issued.

4 CHAIRPERSON REID: Okay.

5 (The Board conferred.)

6 CHAIRPERSON REID: Okay. The last order to the
7 amount of the increase over time.

8 MR. KING: We can definitely provide that to you,
9 Madame Chair, and would it also be helpful to provide to you going
10 back further in time?

11 CHAIRPERSON REID: Un-huh.

12 MEMBER RENSHAW: Yes.

13 MR. KING: For example, looking at -- I know this
14 is a concern that Mr. Sockwell had, but looking at --

15 CHAIRPERSON REID: I'm assuming it can be done on a
16 graph, you know, in graph form.

17 MR. KING: Exactly.

18 CHAIRPERSON REID: So that we could, you know, kind
19 of like get an idea of the trend.

20 MR. KING: Exactly. I think that would be a useful
21 trend to show you, again, to address Mr. Sockwell's concern,
22 looking at from the beginning of the campus in 1912 till today,
23 how that's expanded, how the percentages have changed. I think
24 that would be a very useful graph.

25 CHAIRPERSON REID: Okay, and then my other question

1 was in regard to -- and that particular exhibit where you show the
2 areas outside of the campus proper that have been purchased by
3 G.W. The areas in the pink where you say that there's student
4 housing, you think. You're not sure. My question is do you think
5 there are students living in Foggy Bottom that don't go to G.W.,
6 but go to other schools?

7 I'm hearing yes and no, yes and no.

8 MR. KING: We don't know. One of the concerns, one
9 of the issues here is that we don't know.

10 CHAIRPERSON REID: Because I'm wondering --

11 MR. KING: There may well -- there may well be.

12 CHAIRPERSON REID: Yeah. When you say "students,"
13 you know, I know for a fact that we have students from different
14 schools living all over the city. So I'm wondering if, in fact,
15 all of the students who are in Foggy Bottom actually at G.W.
16 students or is there any way we can get that or you can request
17 that from the university?

18 We need to have more definitive --

19 DIRECTOR ALTMAN: Well, you've hit on the issue,
20 which is the one we've struggled with throughout this process,
21 that Mr. Moulden pointed out, which is that when you're trying to
22 look at the issue, of how many students actually live at Foggy
23 Bottom today, that in order to understand what the impact will be
24 over time of the potential increase in enrollment, we don't know
25 what that baseline number necessarily is today because there is

1 not, at least that we have that's been shared, any information
2 that says we've done the documentation of how many students live
3 in this neighborhood.

4 So that way we can --

5 CHAIRPERSON REID: So what's the problem with that?

6 DIRECTOR ALTMAN: That way that's the basis. To
7 reference another case, we were able to -- when we had that
8 information, for example, which George Washington University had
9 some approximation of that based on surveys, we were able to
10 suggest to the Board that there was an approach based on the
11 number that were there, but we didn't have that tool with respect
12 to G.W.

13 CHAIRPERSON REID: I don't understand. Why is that
14 so --

15 MEMBER RENSHAW: Madame Chair, Mr. Barber is here.
16 Could he answer the question as to where the data is?

17 CHAIRPERSON REID: It's just a matter of looking at
18 the computer, isn't it?

19 (Laughter.)

20 CHAIRPERSON REID: It's right from the computer. I
21 mean, you have the addresses of everyone who goes to George
22 Washington. That's not anything too difficult, I don't think.

23 VICE CHAIRPERSON SOCKWELL: Mr. Barber, just a
24 quick question. You don't have to keep local addresses for
25 students merely to be able to track them for emergency purposes --

1 MEMBER RENSHAW: Send their grades.

2 VICE CHAIRPERSON SOCKWELL: -- or anything like
3 that? In other words, if they pay, that's all that matters.

4 CHAIRPERSON REID: Can he answer? We may allow him
5 to answer.

6 (Laughter.)

7 MR. BARBER: We've looked at this issue over the
8 last few months. Yes, we do keep local addresses, and we have
9 some estimates of the number of people and where they live. There
10 is not solid data because of this.

11 As we've gone increasingly on the Internet people
12 can get grades, registration, and so forth increasingly on the
13 Internet. So while we keep Mom and Dad's address real well
14 because that's where the bill goes, and we do ask students to
15 update their local address, quite frankly, as students move
16 around, they have not done a real good job about keeping us
17 informed of their local address, and it has not been necessary for
18 them to do so.

19 They could register and so forth and get their
20 grades without having a good local address.

21 Based on the data we have, we can say of about the
22 25, 2,700 students, undergraduates that we don't house, we'd say
23 about two-thirds of that live out of the Foggy Bottom area. So
24 only 1,000, about a third, live in Foggy Bottom.

25 That's our best data. We think that's reliable

1 data. We do understand that we have an obligation to provide more
2 precise data, and we have a commitment to do so starting this
3 spring. You have to tie it to registration, and then you have to
4 have procedures to make sure that it is correct, telephone
5 surveys, auditing the information they give you.

6 We have data. It is not perfect data. We do think
7 the data that has been thrown around about specific buildings is
8 highly inflated. I mean, we've checked with landlords on the
9 addresses that have been presented where they say it's over 50
10 percent, and the landlords report fewer students.

11 But I will go back to the issue about, you know,
12 are they students. Are they G.W. students? The landlords are not
13 going to know how many G.W. students are there. They may know if
14 there's a student as they move in, but if the students lose their
15 student status, they don't report to the landlord so that even the
16 landlord's information is going to be inflated.

17 I will say in Columbia Plaza, we do know, and I
18 think Steve Mendelbaum used the number there was 1,000 students in
19 Columbia Plaza. That's totally wrong. We know there's 400
20 undergraduates in Columbia Plaza. So, you know, 440 when you add
21 the graduates. So we know that's wrong. So we know the numbers
22 are inflated.

23 But we do concede that we don't have precise data.
24 We will have that data, you know, by next year.

25 VICE CHAIRPERSON SOCKWELL: One of the things

1 that's obvious is that the community doesn't believe that your
2 data is good data, and since you can't substantiate it with
3 generally accurate figures about the rate of swing that you'd get
4 in a Gallup poll or something, you're not able to convince them
5 that whatever your impact is is A, B or it could be D.

6 MR. BREWER: I appreciate that, and we have an
7 elaboration on our proposal that would address that tied to the
8 counting, but also matching our beds and students as we go
9 forward, one of the issues raised here tonight.

10 I think we can try to address that. That's tied to
11 accurate numbers, and we're going to present that on rebuttal to
12 address that particular issue.

13 CHAIRPERSON REID: Okay. Thank you, Mr. Barber.

14 One other question. The issue that came up in
15 regard to George Washington housing students in areas other than
16 on the Foggy Bottom campus, wasn't that something that was
17 proposed by George Washington to do that?

18 PARTICIPANT: No.

19 MR. BARBER: I'm sorry. What we have said is we've
20 done that like six months ago. Mount Vernon, and probably the
21 problem about doing that is you kind of export the problem. Who's
22 to say we have this housing program in Capitol Hill or Dupont
23 Circle that you don't have the neighbors in that neighborhood --

24 CHAIRPERSON REID: Oh, no, no.

25 MR. BARBER: -- coming forth.

1 CHAIRPERSON REID: No. My understanding before
2 that --

3 MR. BARBER: I'm sorry.

4 CHAIRPERSON REID: -- they're encouraged to live in
5 other places, not --

6 MR. BARBER: Oh, yes, yes.

7 CHAIRPERSON REID: -- that you would actually
8 provide.

9 MR. BARBER: Yes. I'm sorry. I misunderstood you.

10 CHAIRPERSON REID: No. Encouraging them to take
11 advantage of the Metro --

12 MR. BARBER: That's right.

13 CHAIRPERSON REID: -- and living in areas outside
14 of the Foggy Bottom area. I thought I did see that --

15 MR. BARBER: I'm sorry.

16 CHAIRPERSON REID: -- that proposal from the George
17 Washington.

18 MR. BARBER: Yes. One of our proposed conditions
19 is, particularly for juniors and seniors, as we house freshmen and
20 sophomores, is that we would advise them of housing opportunities
21 outside the Foggy Bottom area. We would have the Metro check
22 program to make travel easier, and we said if they're not -- if we
23 can identify a group of students who are not on a Metro, we would
24 put a shuttle in place to have that travel easier.

25 So, yes, we would take actions to encourage

1 students to live outside of the Foggy Bottom area if they're going
2 to move off campus, yes.

3 CHAIRPERSON REID: Does that include engaging a
4 leasing office or leasing services to identify specific buildings
5 or houses or apartments in other parts of the city for the
6 students?

7 MR. BARBER: It could. It could.

8 CHAIRPERSON REID: Okay. That would be good if we
9 did that.

10 And let's see. Lastly -- now, in regard to -- I
11 just wanted to make one other comment, and that is in regard to
12 this particular case. I think that we all recognize the
13 significance and the importance of this case, but I think that we
14 should be mindful of the fact that while it is very important,
15 that all of these campus plans that come before us are important,
16 as is many of the other cases that we have to hear.

17 And I don't think that -- we should be very careful
18 about giving any more credence to one big, significant case over
19 another. I don't deem this to be the most important case that has
20 ever come before this Board. I think that it is one of the many
21 very important cases that we have to decide on and that we have to
22 make decisions upon, and we should consider it as such.

23 Thank you.

24 MEMBER RENSHAW: Madame Chair, I'm not going to ask
25 for equal time because the clock is ticking on, and my colleagues

1 have expressed themselves quite uniquely and quite thoroughly.

2 But I do have just some reflection and some summary
3 points that I would like to make because I think that it might be
4 helpful to us and to the Office of Planning.

5 And I do commend the Office of Planning for a very
6 thorough report, albeit it might not be the quick grab that we are
7 used to.

8 But I just want to say that to me this whole case
9 revolves around restoring balance to a community, and the
10 community is both the university and the neighborhoods.

11 Mr. Altman talked about the tipping point. I
12 prefer to call it, again, restoring the balance. Right now we're
13 looking at an unfair situation, I think, where we've got muscle
14 that is on one side and not on the other side, and the muscle has
15 to be returned in an even fashion to the community.

16 On the university side, we've got the money and the
17 real estate and the numbers and the power block, and the community
18 is at a loss because it doesn't have that muscle.

19 So through this resolution of the campus plan, we
20 are going to -- at least I am going to -- be looking to restoring
21 the muscle to the community, restoring the balance to the area,
22 and I think it will be for the better of everyone in the Foggy
23 Bottom area and in Washington, D.C. because this has applications
24 to other parts of our city.

25 I just want to say that I am dumbfounded,

1 dumbfounded that the Office of Planning couldn't get out of the
2 university enough data to put its report together as far as just
3 some baseline figures.

4 And, Mr. Barber, you said that we do keep local
5 addresses and have an estimate of where the students live. That's
6 what you just stated.

7 MR. BARBER: Yes, ma'am.

8 MEMBER RENSHAW: And I would like to urge in my
9 summary of what's been going on here that that list of local
10 addresses and your estimate of where people live get over to the
11 Office of Planning by the end of the week.

12 MR. BARBER: We've provided the estimate, the best
13 data we have.

14 MEMBER RENSHAW: Provide the best data that you
15 have to the Office of Planning. Maybe it's something that has
16 come to them. Maybe it is new stuff, but perhaps it is something
17 that you can use. We'll see.

18 Now, in listening to all of this, I understand that
19 we are asking, Madame Chair, the Corporation Counsel to look into
20 this fair housing and look into the Human Rights Act. Am I
21 correct in --

22 CHAIRPERSON REID: Is it asking Corp. Counsel?

23 MEMBER RENSHAW: I am -- yes, that we, the Board of
24 Zoning Adjustment, will ask the Corporation Counsel to give us a
25 review of the Fair Housing Act and the Human Rights Act vis-a-vis

1 this case.

2 And then the Department of Health was brought up
3 for information on pollution vis-a-vis traffic. Ms. Mitten asked
4 the question about whether or not we can get this data so that we
5 can find out if the hospital part can be -- what shall we say? --
6 developed. Am I --

7 CHAIRPERSON REID: Well, you can request. I think
8 they said they would request from --

9 MEMBER RENSHAW: Who's requesting? The Office of
10 Planning?

11 CHAIRPERSON REID: Office of Planning is going to
12 request from the Health Department. I don't know if it would be
13 the environmental impact statement per se, but to have them weigh
14 in to see what their position is.

15 I know that the environmental impact statement is
16 something that is handled by an altogether different regulatory
17 entity.

18 VICE CHAIRPERSON SOCKWELL: Yes, Madame Chair. The
19 environmental piece -- the lead agency for the environmental piece
20 is DCRA.

21 MEMBER RENSHAW: But their is an environmental --

22 VICE CHAIRPERSON SOCKWELL: The technical agency is
23 Health.

24 CHAIRPERSON REID: So --

25 MEMBER RENSHAW: There is an environmental unit

1 within the Department of Health.

2 CHAIRPERSON REID: Mr. Altman, who is the -- what
3 entity is the correct entity to be able to ascertain some type of
4 read on that particular site as to the impact on the environment?

5 DIRECTOR ALTMAN: We can certainly request from --

6 CHAIRPERSON REID: No, this is --

7 DIRECTOR ALTMAN: -- Ted Gordon from the Department
8 of Health -- he's the Chief of Environmental Health, the Deputy
9 Director of that department.

10 CHAIRPERSON REID: This is just for the hospital
11 site, right?

12 MEMBER RENSHAW: Un-huh.

13 DIRECTOR ALTMAN: And he would be the appropriate -
14 -

15 CHAIRPERSON REID: For the old hospital site.

16 DIRECTOR ALTMAN: Yes, related to environmental
17 impact report. That is the person who is the lead on that. DCRA
18 also has a role, but I think Ted Gordon ought to be the one
19 directly.

20 MEMBER RENSHAW: And you can also ask Mr. Gordon
21 for any pollution information vis-a-vis traffic because he has
22 sensors in various parts of town, and he can give you a reading.

23 CHAIRPERSON REID: Who is this?

24 MEMBER RENSHAW: this is Ted Gordon in the
25 Department of Health, in the Environmental Regulation

1 Administration. I think that's what it is, and that information
2 can be forth coming.

3 I was just wondering --

4 MR. BARBER: Madame Chair, we'd like to speak to
5 that request when Ms. Renshaw is through.

6 MEMBER RENSHAW: Yes. I just wanted to add that on
7 page 30 of your report, page 29, you say, number four, restriction
8 of off campus housing, and then on the top of page 30, "The
9 university will restrict its purchase." It's not quite clear
10 whether that's the university speaking or whether that's the
11 Office of Planning speaking, but I'd like to make sure that we
12 have the list of properties.

13 It says, "Housing opportunity area defined as
14 existing university residential facilities, properties located
15 outside of the Foggy Bottom area," and I put a question mark.
16 What properties are you talking about?

17 "And properties located in Squares 43 and 122," but
18 if you could make sure that the list of properties you're
19 referring to is, indeed in the report that would be great.

20 CHAIRPERSON REID: Okay. All right. Questions?

21 Oh, I'm sorry. Mr. Barber.

22 MR. BARBER: Well, I wanted to speak to the
23 question concerning the Department of Health.

24 CHAIRPERSON REID: Un-huh.

25 MR. BARBER: You're not likely to be able to get

1 anything useful at this stage. Environmental reviews are design
2 specific. The environmental review that was done on the new
3 hospital site was in response to filing for the permit for that
4 hospital, and so we could tell them how many cars would be there,
5 what the occupancy levels, and so forth, and that is the basis,
6 the data from which they do their environmental assessment.

7 What they did on that site, and looking
8 specifically at air quality, is that they took certain assumed
9 values of where the air quality was, and they calculated what the
10 impact would be from the cars and whatnot, and said, "Well, you're
11 getting close to the maximum, and so any further development we'll
12 have to look at."

13 Two things. One, we think those assumed values are
14 high, and already we've gotten our consultants taking measurement
15 readings today so that the next time we have some development
16 we'll have better data.

17 Two though, that really just affects cars in the
18 new project, and it may be we will have to restrict the number of
19 cars because of air quality concerns. I think that's a design
20 issue that can be taken up before the Zoning Commission at the PUD
21 level. It would be within the campus plan if we have to restrict
22 the number of cars there because of air quality concerns. We're
23 in a campus plan, you know. We will have the challenge of finding
24 other spaces on our campus to place those cars.

25 I don't think, to address your concern, that that

1 is an impediment to developing that site. That's a design issue
2 which we're aware of. It doesn't say you can't develop that site.

3 It means when you develop it, you have to take these factors into
4 consideration, particularly with respect to cars.

5 CHAIRPERSON REID: Okay.

6 MR. BARBER: But if you ask the OH, they can't give
7 you anything.

8 CHAIRPERSON REID: Well, what we'll do --

9 VICE CHAIRPERSON SOCKWELL: Mr. Barber is
10 absolutely 100 percent correct that you can't get data that would
11 be applicable to a project unless a project has been proposed
12 because you don't have car numbers, you don't have unit numbers,
13 and if you had wood burning fireplaces, it would present another
14 issue.

15 But without that, all you can get is the criteria
16 by which such projects would be reviewed, under which
17 circumstances such projects would be subject to review, and Dr.
18 Walks, if he doesn't have a problem with Ted Gordon giving that
19 stuff out, which you can get from DCRA or from reading the
20 Environmental Policy Act, all of which I have, you can do that.
21 It's not big deal.

22 MR. BARBER: I just didn't think it was going to be
23 very helpful to this Board.

24 VICE CHAIRPERSON SOCKWELL: It would be helpful if
25 the Board knows how these things come to pass. I know, but they

1 don't.

2 CHAIRPERSON REID: Well, the fact of the matter is
3 even though Ms. Renshaw has requested it, if it's possible or
4 plausible, then it would be achievable, and if not, it's not. You
5 know, you can't put a circle into a square. Okay.

6 MS. MCCARTHY: Madame Chair, would I just clarify
7 what you were asking for of us? If I understand what you were
8 saying in terms of what you would like to see in the report or in
9 addition to what we had in the report, it's basically if we were
10 to frame as the Office of Planning does in other reports a set of
11 conditions that we would propose the Board impose if it were to
12 approve those.

13 CHAIRPERSON REID: Exactly, because basically what
14 you've done, in essence, is you have embellished the report with
15 the recommendations in each section when you have the proposal and
16 then you analyze the proposal and then you go into the discussion
17 and then your recommendation, or is that the order that you did it
18 in?

19 If you could condense that. Let me see. Wait a
20 minute.

21 Okay. When you went into giving us the proposal
22 from George Washington and then you broke it down into your
23 analyses and then you made a recommendation, I think that's what
24 it was in each of the proposals off the plan recommendation.
25 That's what you did.

1 You did the university proposal, which you
2 analyzed. You did it -- basically you did a very detailed
3 analysis, and what I'm saying to you is usually you condense it.
4 You know, you make your analyses, and then you make your
5 recommendations, and you give us the basis for your
6 recommendations, and then even if you have some, you know,
7 hesitancy about the case being approved, you would then say, "If
8 in fact it's approved, then these would be the conditions."

9 And those conditions are, I think, contained
10 ostensibly in the recommendation that you have in each of these
11 different -- for each of these different proposals.

12 MS. MCCARTHY: Right, right, but I mean, that's no
13 problem. We can take it out of where it's scattered around and
14 just put them in one place so that they're easier for the Board to
15 consider when you're considering conditions. That would not be a
16 problem.

17 CHAIRPERSON REID: I think we can discuss it. You
18 know, if you -- I can give staff some more direction, and if it
19 will be more helpful to you, but I just wanted, you know,
20 something that is more condensed and more easily framed for us to
21 get a clear picture specifically, to look at it and tell us what
22 you are recommending and defend it and give us the basis for your
23 recommendation and conditions thereof.

24 MS. MCCARTHY: Okay, and there was another point
25 that you were making when you were asking for that, and I think we

1 didn't quite get a chance to fully respond because Commission
2 Mitten was asking her questions, but I just wanted to go back to
3 the concern that you had raised about the fact, and it sort of
4 relates to what Mr. Sockwell indicated, too, about considering the
5 fact that the university had been in that location for a long
6 period of time, and the people that are in that neighborhood are
7 cognizant of that.

8 We definitely agree and were very conscious of that
9 when we were doing our report. There was some request from the
10 community, some very strong requests from the community that we
11 either impose a complete enrollment freeze on the university or
12 that we even, in effect, ask for reparations, you know, require
13 the university to go back and either reduce enrollment or to not
14 be allowed to add anything unless or until they had added hundreds
15 of units of housing.

16 We made the decision we were trying to accommodate.

17 We were trying to do the balancing act that Ms. Renshaw was
18 talking about, and that's --

19 CHAIRPERSON REID: Well, it's really a tough row to
20 hoe. There's no doubt about that.

21 MS. McCARTHY: Right.

22 CHAIRPERSON REID: However, I think that I'm trying
23 to understand more clearly the situation, but it's extremely
24 complicated, and one of the things that I find most troubling is,
25 on the one hand, there's demand for the additional student housing

1 on campus -- in the first place, there is no campus. Let's be
2 real. Okay? They just have this area of these buildings that
3 they call a campus, but it's not like a rolling expanse of land
4 where there's a campus. So they're just kind of like nestled in
5 between, you know, these various buildings.

6 And the university is asked to provide additional
7 housing for the students on campus, but at the same time there is
8 a criticism about obtaining more buildings. You know, so it's a
9 Catch-22.

10 So the question becomes how you reconcile that
11 wherein you have to have more space to put the students in, and
12 then if you can get more space, you know, that's creeping
13 commercialization, and it just goes on and on.

14 So that has to be somehow reconciled, and with a
15 give on both sides to allow them to be able to accomplish the
16 objective at the same time without too much imposition on the
17 community and, you know, where that happy balance is, who knows?

18 MS. MCCARTHY: Well, that's that. One of the
19 things that we felt very strongly about, and I think you heard it
20 a lot at the campus round table as well, is that while it's true
21 that everybody is co-existing in Foggy Bottom, campus boundaries
22 have to mean something, and so our notion was the tipping point is
23 partly related to what can people rely on happening in the future.

24 If you're going to buy a condominium in a building
25 in Foggy Bottom, for example, and you're not looking to buy into a

1 dormitory, you need to have some sense of confidence that your
2 investment will be protected because those campus boundaries will
3 mean something and students will be limited to be within those
4 campus boundaries.

5 So our attempt in both of our options is let's make
6 the campus boundaries mean something. Let's say students have to
7 either be -- the university can grow. We'll permit that to
8 happen, but students either have to be housed within that
9 boundary, or they have to be housed someplace where the impact of
10 them being located is not going to be so concentrated that it will
11 be like living in the middle of a dormitory when you're just
12 trying to live in a regular apartment building or buy a
13 condominium unit in Foggy Bottom, and that is basically what we're
14 trying to get to.

15 CHAIRPERSON REID: And that's why we're here.

16 MS. MCCARTHY: Right.

17 MEMBER RENSHAW: Madame Chair.

18 CHAIRPERSON REID: That's -- who -- who's talking?

19 MEMBER RENSHAW: I think Mr. Altman wanted to make
20 a comment, and then I'll add a comment, and then Mr. Sockwell.

21 DIRECTOR ALTMAN: I'll be very brief. I just
22 wanted to reinforce what Ms. McCarthy said, which is for us it was
23 to try to get to look at this as simply as we could to break this
24 down. What kind of simple, straightforward analysis by projecting
25 out how many students in the end, undergraduates, might the

1 university have if it increases? How many beds would they
2 provide? And then to look at that gap.

3 And that's when we looked at that gap on the graph
4 which told us that there could be a big impact here. We want them
5 to grow. We want them to have increases in their student
6 population, but what we want to do is as they grow that that
7 housing that they provide, that they provide the housing in such a
8 way that it doesn't impact the neighborhood, which as you said,
9 has been evolving over time, but it's reached a point that you
10 want to maintain as a downtown residential neighborhood the
11 diversity of the neighborhood and so that it allows them to grow,
12 identifies where that gap is, and figures out how to solve for
13 that gap by providing either one-for-one housing, meaning for each
14 bed provide housing somewhere, or the approach that we took with
15 the baseline, but it was an attempt to kind of break this down
16 very straightforwardly as we could and look at this objectively.

17 Frankly, that's our roll, is for you to look at it
18 objectively, and there is a long history here, obviously a very
19 emotional history as well, and we have to sort of take ourselves
20 out of that and look at what's actually going on in terms of the
21 neighborhood impact not in terms of behavior, which is an issue
22 potentially, but really the issue of the dynamic of how a
23 neighborhood is changing and over time, and that's what really the
24 bottom line of our analysis was, to accommodate those two demands.

25 And we'd be happy to put it in the format that

1 you're speaking to. I understand what you're suggesting, and we
2 can easily do that.

3 CHAIRPERSON REID: I appreciate that. Thank you.

4 MEMBER RENSHAW: Madame Chair and Mr. Altman, in
5 your report to the Board, would you please flesh out this advisory
6 committee that you have, that you speak to on page 32? The very
7 few lines, two and a half lines doesn't do justice to what an
8 advisory committee -- how the shape should be. I think that you
9 need to put a little bit more thinking, give us a little bit more
10 guidance or we'll have to do it for you.

11 And we certainly could do that for you or you could
12 do it, and also that the language in this report be strong enough
13 to give the community the feeling and give us the feeling that
14 there is going to be some muscle behind the words.

15 And we have in number five on page 31 the
16 university will institute a program to encourage its students who
17 do not live in the housing opportunity, et cetera, to live outside
18 of the Foggy Bottom area.

19 I'd like to have something stronger than just
20 instituting a program to encourage its students. That's so soft.
21 Where's the muscle behind that?

22 And I'm looking at Mr. Barber here because I think
23 that if you are in the business of forming world leaders, they
24 will take well to guidance because they're going to have to in the
25 jobs that they will take on in the world, in the community.

1 So we can do it here, and let's be firm. Let's be
2 definite and do more than just encourage and say, "Pretty please."

3 MR. BARBER: Are we look -- just so I understand
4 your point, are you looking for a word like "guidance," or are you
5 saying the university should dictate to its students where they
6 should live when they enter the campus?

7 MEMBER RENSHAW: I thought that you would come back
8 with that, Mr. Barber, but I'm just saying that when we put down
9 the university will institute a program to encourage, say what
10 this program going to be. How are you going to reach these
11 students who do not live in the housing opportunity area,
12 encouraging them to or asking them to live outside. It's not
13 dictating. It's all in the way you shape your position.

14 MR. BARBER: I understand. Thank you.

15 MEMBER RENSHAW: All right?

16 MR. BARBER: All right.

17 VICE CHAIRPERSON SOCKWELL: Three small things.
18 One, I don't want anyone to assume that we think that all students
19 are children, that they can be led around by the nose, because
20 they're not. I mean they're young most often, but not all are
21 children, and so their ability to make decisions on their own, pay
22 taxes, and all the other things is going to determine whether or
23 not they respond to whatever the university promotes such programs
24 with, and we're aware of that.

25 MR. BARBER: I appreciate that.

1 VICE CHAIRPERSON SOCKWELL: One other thing. In
2 the enforcement of baseline numbers issues that the Office of
3 Planning report has, I would prefer that where it states that the
4 Office of Planning will notify the Zoning Administrator that it
5 also inserts "and the Office of Zoning," because we issue the
6 orders. We're the ones that are ultimately not going to accept
7 something that comes to us that's out of form, and we should be
8 right there where we should participate, and it shouldn't be left
9 out that we're the ones you're talking to today.

10 Just like the university may not talk to the
11 community until they come back, we'd like to hear from you.

12 MS. MCCARTHY: We only meant that in the typical
13 way that projects go to the Zoning Administrator to be referred to
14 the Board of Zoning Adjustment.

15 VICE CHAIRPERSON SOCKWELL: Right, but we need to
16 know because there should be no uncertainty as to whether or not
17 something comes before us. It shouldn't have to be a circle. It
18 should come to both of us at the same time.

19 And one other thing. I wanted to make this very
20 clear about my statements on evolution of neighborhoods. I grew
21 up in Adams Morgan. No one would ever have believed that Adams
22 Morgan would have the parking problems it has today with cars
23 parked perpendicular to the curb. No one would ever believe that
24 the restaurants proliferating in that neighborhood would do to the
25 night life what has been done.

1 As well, Georgetown University has a wall around
2 it. Fifty years ago, even 40, that wall might have been partially
3 for protection from what was in the neighborhood. Okay?

4 So take Foggy Bottom. Foggy Bottom today is not
5 what it was back then. I worked in Old Towne Alexandria when you
6 could buy a house there for five or \$6,000, historical Old Towne,
7 100 North Pitt Street. Walk to blocks. It got a little dicey.
8 Okay?

9 The same thing with Capitol Hill. My first job, I
10 went through Capitol Hill and looked at those houses and said,
11 "Boy, it's going to be a great neighborhood one day, but, boy, is
12 it dangerous now."

13 So I'm saying that this is all evolutionary.
14 Universities that have been in the city were in neighborhoods that
15 aren't the neighborhoods they are today. If I ask the people in
16 this audience who live in Foggy Bottom if they lived there 45 or
17 50 years ago, most of you would not be able to raise your hands,
18 nor would you have wanted to be there then.

19 So I am just saying that we must all remember that
20 there are chickens and eggs, and which one came first is something
21 to consider. The solution may not change, but you have to
22 remember from the university's side that you're a contributor.
23 You have to look at from the residential property owner's side
24 that you're a contributor.

25 But if you don't get this together, it's always

1 going to be an adversarial relationship, and we'll solve it one
2 way or the other, and nobody will be really happy.

3 (Laughter.)

4 MR. BARBER: Mr. Sockwell, were you looking in my
5 direction specifically?

6 (Laughter.)

7 CHAIRPERSON REID: Also let me say from a real
8 estate standpoint that it is one of the most highly desirable
9 areas in the city, and the houses are in great demand, and as a
10 matter of fact, it's very difficult to even find something down
11 here to buy because I have people coming to me all the time trying
12 to get into Foggy Bottom, but those houses, people cling to them.

13 It's a very nice community, and I can understand why there's so
14 much emotion attached to it.

15 It's a great location, and lovely, a lovely
16 community down there.

17 SECRETARY PRUITT: Excuse me, Madame Chair. Just
18 for clarification, through this discourse it seems that the Board
19 is requesting that OP do some revised conditions. I want to be
20 sure if that's what you're requesting from them, and are you
21 requesting them in writing, for them to sort of revise their
22 report in reference to conditions to incorporate or to provide the
23 additional information you requested?

24 CHAIRPERSON REID: Yeah, I mean --

25 VICE CHAIRPERSON SOCKWELL: Mine was editorial

1 really, but fundamental editorial

2 CHAIRPERSON REID: But condense it down.

3 SECRETARY PRUITT: There were some specific things,
4 too. So I just wanted to be sure.

5 CHAIRPERSON REID: Give us the conditions at the --
6 you know how you condition to a certain type of thing? You know,
7 you get used to it and this is what you look for? It would help
8 us a lot to have it all together so that we could just look at
9 exactly what you want to see and to try to see what we can try to
10 do to meet that, and we can work together, you know.

11 VICE CHAIRPERSON SOCKWELL: See, if you weren't on
12 computer, this would be a tough question.

13 (Laughter.)

14 CHAIRPERSON REID: That's right. Just move it
15 around.

16 Ms. Dwyer, I'm sorry. I know that you probably
17 have some cross examination questions.

18 MS. DWYER: I do have cross examination, and I just
19 wanted the same point of clarification that staff was asking for.

20 Is there a time deadline for OP to file these
21 conditions? And also --

22 CHAIRPERSON REID: The revised report? I mean the
23 --

24 MS. DWYER: Right. The revised report with
25 conditions.

1 CHAIRPERSON REID: She'll give us a time line at
2 the end.

3 MS. DWYER: Okay. And the opinion from Corporation
4 counsel, is that going to be --

5 CHAIRPERSON REID: Well, it's just informational as
6 to the --

7 MS. DWYER: Because it seems to me this whole --

8 CHAIRPERSON REID: -- the applicability of the Fair
9 Housing and Human Rights Act to this particular situation as it
10 pertains to students and whether or not -- well, you know, I know
11 the answer to the last part of it as to whether or not you can
12 discriminate against students as to whether or not they are able
13 to live in or to lease property anywhere in the city. The answer
14 is no. You cannot do that.

15 MS. DWYER: Right.

16 CHAIRPERSON REID: But as to the other part that
17 Ms. McCarthy has raised as to whether or not they can be
18 incentives given to the students as to try to encourage them to
19 live in certain areas, that's the part that we don't know. We're
20 not sure of if that's a violation as well.

21 VICE CHAIRPERSON SOCKWELL: I recommend that you
22 just establish a --

23 CHAIRPERSON REID: The theory --

24 VICE CHAIRPERSON SOCKWELL: -- dress code for all
25 students living within two miles of the campus. They'll all live

1 someplace else.

2 (Laughter.)

3 MR. BARBER: I understand the jest in that, but I
4 sincerely believe as we extend our code of conduct off campus,
5 that will also have an impact on students who left the campus to
6 get out of university constraints, and when they realize, you
7 know, going to Foggy Bottom they're not going to get away from
8 those constraints, I suspect that might have an impact.

9 CHAIRPERSON REID: Okay. Ms. Dwyer.

10 MS. DWYER: All right. And I do have a fair
11 number of questions for the Office of Planning because they did
12 file two very lengthy reports which you went through and, like the
13 Chair, I had a lot of questions.

14 So I actually wanted to start by going back to your
15 earlier report, your April 21st report, and in that report -- do
16 you have that with you?

17 (Pause in proceedings.)

18 CHAIRPERSON REID: Ms. Dwyer, you've got everybody
19 digging.

20 MS. DWYER: Digging. Let me start.

21 CHAIRPERSON REID: Can you just -- just the
22 highlights of whatever it is.

23 MS. DWYER: If they need to specifically, we can go
24 back to it.

25 CHAIRPERSON REID: Yeah. April, did you say April?

1 MS. DWYER: It was the April 21st report, and on
2 page 2 what Office of Planning said is that it found many positive
3 points in the proposed updated campus plan, and I would like the
4 Office of Planning to list for the record the positive points in
5 the campus plan just so that we have those on the record.

6 MS. McCARTHY: If we can remember, it was the April
7 report, which means it was based on reading the campus plan
8 considerably earlier than that.

9 CHAIRPERSON REID: Well, excuse me. Isn't it --
10 don't you have it right there?

11 MS. DWYER: I have it here, yes.

12 CHAIRPERSON REID: So why make us struggle? Let
13 her look at it.

14 PARTICIPANT: Well, we need those.

15 MS. DWYER: On that particular page, you didn't
16 list the positive points. You just said there were many. So I
17 would like to put on the record what those positive points would
18 be.

19 MS. McCARTHY: I mean, you know, right. If --
20 yeah, go ahead, Julie.

21 MS. WAGNER: A reference to code of conduct, we saw
22 that as a move forward. The hot line and the good neighbor
23 program, we saw all of those as positive steps forward in trying
24 to address some of the issues off campus.

25 MS. McCARTHY: Historic preservations, some of the

1 design, streetscape elements, the traffic mitigation program

2 MS. DWYER: Okay, all right. I just wanted to have
3 some of those on the record.

4 You also stated in that report and, I think, again
5 repeated in your testimony that what the Office of Planning wants
6 is to insure policy of no impact on the community, and my
7 understanding of the regulations is that the test is no
8 objectionable impact, and I got the sense from what you were
9 saying earlier that any impact in your mind is objectionable.

10 MS. MCCARTHY: Well, I think we tried to clarify
11 that in our presentation today, and you noticed in our Power Point
12 presentation, we tried to be very clear about no objectionable
13 impact.

14 MS. DWYER: Okay. So in your opinion --

15 MS. MCCARTHY: Because we thought we maybe had been
16 too broad in how we phrased that in the first place.

17 MS. DWYER: So the test is the objectionable impact
18 as opposed to whether there's any impact.

19 MS. MCCARTHY: Right, right.

20 MS. DWYER: Your report also referenced a Section
21 1358.1 of the Ward 2 element of the comprehensive plan.

22 PARTICIPANT: Which report are you on?

23 MS. DWYER: The April 21st report, although it's
24 referenced again in the more recent report.

25 And if you could just put on the record what that

1 section says about student dormitories. Do you have that section
2 in front of you from the --

3 MS. McCARTHY: Go ahead.

4 MR. KING: Yeah, it says, "The expansion of the
5 university has resulted in the diminishment of housing in the
6 construction of buildings for university purposes. This and other
7 commercial usage is of grave concern to the Foggy Bottom
8 residential community. Intense student pressure on Foggy Bottom's
9 housing stock outside the campus, combined with the impact of
10 university generated traffic has had a negative effect on
11 residential Foggy Bottom. The university must continue to
12 construct student dormitories to alleviate the pressure on the
13 housing stock outside the boundaries of the campus plan."

14 I think that refers --

15 MS. DWYER: All right. Could you repeat that last
16 sentence again?

17 MR. KING: Sure. "The university must continue to
18 construct student dormitories to alleviate the pressure on the
19 housing stock outside the boundaries of the campus plan."

20 MS. DWYER: All right. Now, back in April when you
21 did your report, at that time the university was only proposing to
22 add 426 beds on campus; is that correct? Do you recall whether
23 that was the earlier number?

24 PARTICIPANT: Yes.

25 And today the university is proposing to add 1,350

1 new beds on campus, and in your opinion is that addressing that
2 particular section of the Ward 2 element?

3 MR. KING: No, it's not because what we're getting
4 to, there's a minor move in that direction, but without knowing
5 how fast and how large the university's enrollment is, there's no
6 way of telling how many or what sort of effect those new houses
7 have, those new housing units have.

8 For example, if your enrollment bumps up against
9 your allowable cap, then I think there's actual back sliding that
10 we would see with those 2,000.

11 MS. DWYER: Right.

12 MR. KING: So without knowing what your enrollment
13 figures are, there's no way of really answering the question in
14 the positive.

15 MS. DWYER: But the provision of the beds tied in
16 with the university's commitment to provide housing for 70
17 percent, you don't feel that that operates as a control?

18 MR. KING: No, because we don't see that 70 percent
19 as real unfortunately. We see that as contingent. We see that as
20 contingent on a lot of different conditions to put those bags on
21 line, and we also see the question of 70 percent of what. Is it
22 70 percent of the top of your cap?

23 So, no, we really don't see that as real.

24 MS. DWYER: If the 70 percent were real, if the
25 university were to come back in five years and demonstrate that,

1 in fact, those beds have been constructed, would that be okay with
2 you then? Is your only concern that until the university comes
3 back in five years that there are conditions, and therefore, that
4 percentage may not be real?

5 MS. McCARTHY: You know, in the beginning of our
6 negotiations with the university, the community had proposed an 80
7 percent percentage. The university had proposed -- I don't know -
8 - 60, 65 percent, something like that.

9 What we came to realize over the course of both our
10 negotiations and also trying to put together our plan is that
11 there are so many flaws with the percentage approach, and we ran
12 into some of these problems with Georgetown, too.

13 You may house 70 percent of your students. If some
14 of those then come out of the community into new dormitories, but
15 those spaces are taken up by new students who may have been living
16 in Virginia who move in to take those spaces, you haven't actually
17 addressed the problem in Foggy Bottom.

18 Plus, I guess the basic bottom line was you were
19 talking about 1,350 units, and yet the enrollment went up just
20 last year, I believe, 350, 400 students, something like that.
21 That's three to four years worth of growth that you were talking
22 about over ten years adding those 1,350 units.

23 So we just -- there just wasn't a close enough
24 correspondence between enrollment increase and increase in beds to
25 be able to feel comfortable that there was not going to be an

1 objectionable impact.

2 MS. DWYER: All right. Your report back in April
3 also described the extensive meeting process that the university
4 has been engaged in with the community over time, and can you
5 state for the record when that process began? Do you recall when
6 that was?

7 MS. McCARTHY: Well, I think one of the things that
8 we mentioned to the university when we first got involved with
9 regard to the facilitator, and I remember specifically having this
10 conversation with Mr. Demchuck, is that I was looking at some of
11 the correspondence on the record, and one of them was the letter
12 that Ms. Becker was referring to earlier today in which the
13 university had begun having meetings, but you were getting letters
14 from the community saying, "You're meeting with us, but we don't
15 feel that those meetings include information about the campus plan
16 on the subjects that we want."

17 So I think that's when we said to Mr. Demchuck,
18 "Look. Let's bring in a facilitator. Obviously you may be
19 talking to the facility, but you are talking -- you guys are ships
20 passing in the night. Let's begin the negotiation process and see
21 if we can get a facilitated agreement reached by the time of the
22 first hearing," which was April.

23 MS. DWYER: And do you remember when that
24 facilitation process began? Does it sound like that was back in
25 March?

1 MS. McCARTHY: Yeah, we'd say February or March,
2 probably, yeah.

3 MS. DWYER: And in looking at your April report,
4 you stated in that report that although agreement wasn't reached
5 on the issues, you felt that the process was useful in
6 establishing communication between the university and the
7 community, and do you still agree with that?

8 MS. McCARTHY: Yes.

9 (Laughter.)

10 PARTICIPANT: We win.

11 MS. DWYER: In your April report, and even earlier
12 today, you've mentioned that not all of the impacts on this
13 particular community have been university related, and I was
14 wondering if you could just list some of those for the record,
15 some of the other impacts that have led to a change in the
16 community or a loss of the housing stock.

17 MS. McCARTHY: Your question is historically over
18 time?

19 MS. DWYER: Right.

20 MS. McCARTHY: Historically over time, there have
21 been a number of transportation projects, such as the western leg
22 of the inner loop, the Whitehurst Freeway. So there have been a
23 number of projects for transportation related, some starting in
24 the 1940s, due to military purposes that actually did actually
25 eliminate some of the housing.

1 Another had to do with the urban renewal, the one
2 and only urban renewal effort, and that area happened to be
3 actually Columbia Plaza, where there are over 100 housing that had
4 been replaced.

5 MS. DWYER: And was there other commercial
6 development or major mixed use development that also moved into
7 this area that led to some of the changes in the community in the
8 West End area particularly and that north of Pennsylvania Avenue
9 area that you're considering as part of your boundary?

10 VICE CHAIRPERSON SOCKWELL: Excuse me, Ms. Dwyer.
11 Are you speaking of positive and negative impacts or just --

12 MS. DWYER: Impacts, things that change the --

13 VICE CHAIRPERSON SOCKWELL: Period, just impacts.

14 MS. DWYER: -- character, that change the character
15 of the area.

16 VICE CHAIRPERSON SOCKWELL: Okay. Whether they
17 were good or bad.

18 MS. DWYER: Right.

19 VICE CHAIRPERSON SOCKWELL: Okay.

20 MS. McCARTHY: Well, I mean, there was an impact, a
21 total transformation of most of the West End going from either
22 light industrial warehousing or townhouses to higher density
23 housing. There was probably a substantial net increase in the
24 number of housing units provided there, given the density and
25 given the fact that housing in hotels and some office through the

1 CR zone had replaced the manufacturing and the townhouses that had
2 been there before.

3 MS. DWYER: Well, these are changes that you
4 mentioned earlier were non-university changes that have
5 nonetheless affected or impacted the community.

6 MS. MCCARTHY: Right.

7 VICE CHAIRPERSON SOCKWELL: Ellen, would you give
8 the relative time period for the most extensive of that type of
9 change from industrial, light industrial, if you can think of the
10 range of years just for the record?

11 MS. MCCARTHY: I would say late '60s, early '70s, I
12 still remember a substantial amount of that kind of development in
13 there so that the transformation, I think, took place pretty much
14 from the beginning of the 70s on through the '80s.

15 VICE CHAIRPERSON SOCKWELL: Thirty-five years.

16 DIRECTOR ALTMAN: I would just point out in
17 response to Ms. Dwyer's question that in the 1995 -- on page 4 of
18 our report, the September 8th report, it's identified that
19 actually the expansion of the university has resulted in the
20 diminishment of housing and the construction of buildings for
21 university purposes, meaning that at that point in terms of the
22 impacts on the neighborhood were university related, related to
23 the expansion of the growth.

24 So, in fact, the driving force as we look forward
25 both before and already identified in the comprehensive plan and

1 now with this campus plan are those related to the growth of the
2 university. So it's important to distinguish the time frames.

3 MS. DWYER: Okay. In your April report, you also
4 stated on page 10 that students add to the quality of the
5 community. Can you describe some of the ways that students add to
6 the quality of the community?

7 MS. McCARTHY: I think one has been mentioned by a
8 number of people as street vitality and safety with having more
9 people on the street at night, making it feel and be safer,
10 general joie de vive.

11 VICE CHAIRPERSON SOCKWELL: Excuse me?

12 (Laughter.)

13 MS. DWYER: Okay.

14 MS. McCARTHY: You know, we have always said that
15 we see many positive aspects of the university, and that's why
16 we're trying to just keep the university there, but balance the
17 negative --

18 MS. DWYER: Right.

19 MS. McCARTHY: -- impacts and keep the positive
20 impacts.

21 MS. DWYER: And some of those positive impacts even
22 flow from the students who happen to live in the community.

23 MS. McCARTHY: I was thinking, you know, of the
24 joie de vive of the dormitory residents only, but --

25 (Laughter.)

1 MS. McCARTHY: No. I mean obviously if you're in a
2 university related neighborhood, there are people coming and
3 going, visiting stores, bars, restaurants, you know, whether there
4 are students that live in the neighborhood or not. You know,
5 there's live in Foggy Bottom for sure.

6 MS. DWYER: Okay. In your April report, you also
7 reviewed the campus plan at that time in detail and highlighted
8 the many positives of the plan, and I'd like to just go through
9 that and see if you still agree with your earlier recommendation.

10 MS. McCARTHY: I think I could probably save you
11 time and say I don't believe we've changed any of our earlier
12 recommendations about what we thought --

13 MS. DWYER: Well, I -

14 MS. McCARTHY: -- was good about the campus plan.

15 MS. DWYER: I'd like to put some of those on the
16 record because I think a lot of the focus today has been on this
17 one issue, and I think it ignores some of the other aspects of the
18 campus plan, all of which I think are before the Board for
19 consideration.

20 But you mentioned in your report that the
21 university, the special outreach programs which the university
22 conducted was an impressive list, and I'm assuming you still agree
23 with that statement.

24 MS. McCARTHY: Yes.

25 MS. DWYER: And you also cited as impressive the

1 ways that the university related to the Foggy Bottom neighborhood
2 in terms of the university's physical environment and its special
3 programs.

4 MS. McCARTHY: Just to make this easier, why don't
5 you tell me what page you're on?

6 MS. DWYER: I'm on page 11, I believe, yes, page
7 11.

8

1 E-V-E-N-I-N-G S-E-S-SI-O-N

2 (6:00 p.m.)

3 MS. McCARTHY: Okay. So I'm sorry. And you were
4 asking about?

5 MS. DWYER: On this page you cite a number of
6 positive contributions that the university makes, and I just want
7 to make sure that you still agree with all of these statements.
8 You cited the streetscape and open space improvements, the way the
9 campus related to its physical environment and the neighborhood,
10 and the special programs.

11 MS. McCARTHY: Un-huh, un-huh.

12 MS. DWYER: Okay. Beginning on page 20 of that
13 report, you also highlighted or identified the ways in which the
14 campus plan met the zoning requirements, and without going through
15 each of those, I would like you just to state for the record
16 whether you agree that those requirements of the zoning
17 regulations were met.

18 MS. McCARTHY: I so stipulate.

19 CHAIRPERSON REID: What page?

20 MS. DWYER: On page 20 of the April 21st report,
21 the Office of Planning walked through the zoning requirements.

22 MS. McCARTHY: I was -- our report seems to be
23 missing page 20 here. We go from page 19 to page 21. Mr.
24 Sockwell's report, I see, seems to be missing page 20.

25 CHAIRPERSON REID: Is that Roman numeral five?

1 MS. DWYER: Yes, Roman numeral five on page 20 of
2 the April 21st report.

3 And I think on those pages you felt that the
4 university complied with all of the requirements of Section 210,
5 with the exception of student enrollment, that that was still an
6 unresolved issue.

7 MS. McCARTHY: Eight. Well, and we also said that
8 we believe that the issues of noise and traffic can be addressed
9 through programs proposed by the university. We weren't saying
10 that those problems were solved at the point in time, but we
11 thought that the traffic mitigation plan and others --

12 MS. DWYER: That what the university is proposing
13 would address those issues?

14 MS. McCARTHY: Right. Yes, right. We said as
15 indicated elsewhere in this report the Office of Planning does not
16 believe the issue of increased enrollment and its impact on the
17 adjacent areas is resolved and indicated that further consultation
18 was necessary, yes.

19 MS. DWYER: All right. Then if you turn to page 23
20 of that report, it was on that page, and you mentioned earlier
21 that you had changed your recommendation, but at that point in
22 time, the focus was on agreement on a percentage of housing for
23 undergraduate students.

24 CHAIRPERSON REID: Where are you reading on the
25 page?

1 MS. DWYER: On page 23. It says, "Percentage of
2 undergraduates housed," about halfway down the page.

3 MS. McCARTHY: Right, right. We said another
4 strategy could be to increase the number of students required to
5 be housed in university owned housing.

6 MS. DWYER: Right, and it said that this --

7 MS. McCARTHY: And it was under the title
8 percentage of undergraduates housed, but we were basically saying
9 increasing the number of students required to be housed in
10 university of housing.

11 MS. DWYER: Right, and you went on to say this
12 strategy is, "To work, the parties must agree to the percentage
13 housed and where to house additional students."

14 MS. McCARTHY: Right, and where to house additional
15 students, right.

16 MS. DWYER: Right.

17 MS. McCARTHY: But that was part of our sense. We
18 were saying increase the number of students required to be housed
19 in university owned housing. So that if we were increasing the
20 number of students that were required to live in university
21 housing, then we could be certain we didn't have the problem I was
22 alluding to earlier of if we only specify a percentage, then we
23 don't know for sure where the remaining students are living. If
24 we're requiring students to live on campus, we know where they're
25 living, and they're living in campus housing.

1 MS. DWYER: All right. It just seems to me at that
2 point in time, the concern was really getting the parties together
3 to agree on what the percentage is and where the housing would be
4 and what the university has proposed in response is not only a
5 higher percentage, but also identified areas.

6 MS. WAGNER: May I add one point?

7 MS. DWYER: Certainly.

8 MS. WAGNER: That one of the issues that I think
9 that the university and the Office of Planning and the Community
10 kept getting stuck on was what that percentage is because it was
11 very -- it made a number of people uneasy trying to think through
12 what are the implications of this percentage.

13 MS. DWYER: Right. I realize that. Thank you.

14 All right. Now, leaving the April 21st report and
15 turning to your September report, initially in reviewing that I
16 think we had the same question that the chair had earlier in that
17 you start your report by recommending denial of the application,
18 but then propose two sets of recommendations, and is it my
19 understanding that if the Board were to adopt one of your
20 recommendations, then the plan could be approved? So what you're
21 really suggesting is conditional approval to the Board?

22 MS. MCCARTHY: Well, the reason -- I mean, we
23 carefully considered whether we should recommend approval or
24 denial, and our feeling was that what we were talking about was so
25 fundamental to the campus plan because the university was not

1 looking for any restriction on enrollment and was talking about,
2 you know, a finite number of dormitory rooms and a somewhat vaguer
3 promise about the 70 percent, that our plan was fundamentally
4 different, fundamentally more concrete, and that we were feeling
5 that was one of the reasons why we didn't do conditions, because
6 our feeling was we were not talking about the university's plan.
7 We were talking about not being comfortable with the university's
8 plan and needing something substantially different.

9 MS. DWYER: Right, but if the Board were to adopt
10 what you propose, would that be sufficient for the plan as revised
11 by your conditions to be approved?

12 MS. McCARTHY: Yeah. I mean, right. I mean if you
13 took out all of the stuff that was in the G.W. plan about
14 enrollment and housing, and you put our plan in instead.

15 MS. DWYER: Yes. If on the enrollment and housing
16 issue the Board were to adopt your recommendations, then the plan
17 in all of the other respects at least it appears going through
18 your April report, in all the other respects the plan met the
19 zoning requirements and had all of the other features you could
20 support. It was on this issue.

21 So if on this issue the Board were to agree with
22 your recommendation, then the plan would be approved.

23 MS. McCARTHY: Right.

24 MS. DWYER: All right.

25 CHAIRPERSON REID: Wait a minute.

1 PARTICIPANT: It wouldn't be a plan.

2 CHAIRPERSON REID: Wait a minute. The first
3 question that I asked, I wasn't really -- now that Ms. Dwyer has
4 brought it up again, we need to be very clear on what you want us
5 to do, what you're recommending, what you're saying to us.

6 Are you saying -- I don't want to put words in your
7 mouth. You tell me specifically what you are asking the Board to
8 do as it pertains to this application specifically. Are you
9 saying that you want to deny it?

10 MS. McCARTHY: Yes.

11 CHAIRPERSON REID: If it's denied, then it's just
12 denied straight across the board. There are no conditions.
13 That's just it.

14 MS. McCARTHY: That's right because -- because --
15 because the issue of enrollment targets and university policy with
16 regard to growth and the housing of that growth are so
17 fundamentally sprinkled through the report that it wasn't possible
18 for us to say, "Strike page 3, you know, Paragraph 2. Strike this
19 section. Strike that section."

20 They were really integral to the entire report. So
21 our feeling was it made more sense to say deny the plan. Require
22 the university to go back and rewrite that plan with a different
23 assumption about the importance of the impact of its number of
24 students on the neighboring community.

25 CHAIRPERSON REID: Well, couldn't that be equally

1 achieved with your report with the recommendations and the
2 conditions? Because you took each proposal and you analyzed it,
3 and you made your own recommendations. So if it were modified
4 with the adaptation of the recommendations or conditions that you
5 -- I mean, would that not accomplish the same thing?

6 MS. McCARTHY: Well, remember what we submitted and
7 then responded to in our plan was not the campus plan. It was the
8 university's latest offer that it had put on the table at the
9 beginning of September, and we reviewed that point by point and
10 said what our reaction was to that in terms of pros and cons.

11 To go back, I mean, you've asked us to go back and
12 propose a set of conditions. So we will go back, and we will look
13 at the plan, and we'll see how we could draft conditions that
14 respond to making the kind of changes that we feel would be
15 necessary in the campus plan in order for us to be able to
16 recommend adoption.

17 CHAIRPERSON REID: My suggestion about the
18 conditions were predicated upon your recommendation at the end of
19 your September 8th report in which you recommended a ten-year
20 approval. It's a contradiction there. You can't do both.

21 So that's why --

22 MS. DWYER: Well, Madame Chair, I think what we're
23 saying is what you had mentioned earlier. As you go through the
24 report, since they do comment on and suggest the ways in which the
25 university's campus plan does meet the requirements and in these

1 other areas is okay, and then they offer suggestions on those
2 areas where they disagree. It is, in essence, a set of
3 conditions.

4 So we feel in reading their report it's conditional
5 approval subject to the Board incorporating the language of those
6 conditions.

7 MS. McCARTHY: Right, and we need to be more clear,
8 and I can see that maybe we should have been a little clearer in
9 our report. That section that you're referring to about the ten
10 years was solely responding to number ten at the bottom of page
11 32, duration of campus plan and to that particular issue of how
12 long the campus plan should last.

13 We said at that time on September 8th that we
14 recommended that the Board set the duration of the campus plan at
15 ten years with an automatic five-year status review on the issues
16 of housing enrollment, student impacts, and enforcement.

17 I think it's become clear to us on further
18 conversation with the Office of Corporation Counsel that that's
19 not workable and that really what we need to do is to say, okay,
20 at the end of five years or that the plan should only be for five
21 years because this interim step which we thought would be --
22 originally we thought would be the most workable, we realized,
23 well, what happens. If you've adopted the plan for ten years and
24 at the end of five years you come back and you do this five-year
25 review on the issues of housing and you conclude it's horrendous,

1 what do you --

2 CHAIRPERSON REID: Well, you remember we had the
3 same problem with another case. I think it was Jewish Primary Day
4 School.

5 MS. McCARTHY: Jewish Primary Day School, right.

6 CHAIRPERSON REID: The same thing where the
7 recommendation was that we bring them back for review in a certain
8 amount of time, and we ascertained then that it was not something
9 that was within our authority to be able to do.

10 MS. McCARTHY: Right, and we originally thought
11 that because this was a campus plan and not a use that you were
12 permitting that you would then possibly have to revoke, that we
13 could just say, "Yeah, let's approve the campus plan, but after
14 five years they have to come back and revise that section."

15 Remember, that was an offer that the university had
16 made.

17 CHAIRPERSON REID: Right.

18 MS. McCARTHY: And we were thinking we could
19 accommodate that.

20 The more that we've talked about that with Corp.
21 Counsel, the more we've thought it through, it would leave the
22 campus plan in such limbo, you'd be there with a campus plan you
23 had adopted, but it was out of compliance on the housing part or
24 it was not workable on the housing part. So what should you do
25 with the rest of the campus plan?

1 It just seemed too messy. So that's why we felt
2 when we came back today that we needed to just recommend do the
3 campus plan and approve it for no more than five years if you
4 adopt it.

5 CHAIRPERSON REID: But wait a minute. Remember you
6 said to deny.

7 MS. McCARTHY: Right.

8 CHAIRPERSON REID: Okay. Now --

9 MS. McCARTHY: We're saying to deny. If you chose
10 to approve, it should be for no more than five years. Maybe
11 that's the easier way to put it.

12 CHAIRPERSON REID: And then it would be with
13 conditions. If it were for five years, it would be with the
14 conditions that would be attached thereto, right?

15 MS. McCARTHY: Right. As I understood what you
16 were asking for today, that we should consider if, indeed, the
17 Board decided not to follow our recommendation of denying, but, in
18 fact, wanted to approve, then we should come back to you with,
19 okay, if the Board wanted to approve this, what should be the
20 conditions. Certainly --

21 CHAIRPERSON REID: Because that's the way it's been
22 done traditionally. Other than that, it would mean that we would
23 just upon our own volition make the decision, and you would have
24 no input because you would not have profit to us in your report,
25 any conditions other than the ones that we ourselves decide to put

1 there.

2 MS. McCARTHY: Right.

3 CHAIRPERSON REID: Do you see what I'm saying?

4 MS. McCARTHY: Right. I mean actually we were
5 hoping that the Board would say, "No, this isn't going to fly the
6 way it is. We deny this campus plan, and we recommend the
7 university go back and rethink and come back with a revised plan
8 on this issue, and then we would come back with a more specific,
9 you know, approval with conditions.

10 CHAIRPERSON REID: But rather than taking up so
11 much time, the revised -- the revisions would be for the most part
12 predicated upon your recommendation so that the next time if they
13 came back it could have a better chance of getting approved.

14 MS. McCARTHY: That's right. I under -- yeah,
15 exactly, and I have understood very well that that's what you're
16 asking for now, and so we will go back and do that.

17 VICE CHAIRPERSON SOCKWELL: Is there a possibility
18 that we could look at -- I mean, the way it's been stated, five-
19 year campus plan approval. Okay, fine, but because of the time it
20 takes in the development process to go from concept to in the
21 university's case budgetary approval, scheduling, reconfiguring
22 the student locations for various things should the project take
23 place to replace a building, then you have your period of time for
24 developing your construction documents, getting the permits
25 issued, and getting the thing built.

1 So now you've been down three and a half years to
2 get one building out of the ground, and your campus plan is coming
3 up in another year and a half. At that point it's virtually
4 useless to look much further down the road because you're going to
5 get in the same cycle of having something part way out of the
6 ground or maybe just going into the ground. You're up for campus
7 plan renewal. A lot of things get thrown up in the air.

8 It is a difficult thing to do. Perhaps maybe a
9 recommendation of a one time five-year renewal for campus plans
10 currently coming before a board like this to give time for new
11 rules to get into the system would be perhaps more appropriate.
12 Then we could go back to the ten-year approval cycle once things
13 had been tightened up, so to speak.

14 Perhaps something like that, because it's been left
15 a little loose as to whether or not it's an open ended five year
16 or an open ended this or we don't do that, but I think that we
17 need to have something that's coherent and look at the development
18 process as it actually takes place for the university's sake, for
19 the community's sake, and for our sake up here trying to review
20 these things.

21 MS. McCARTHY: Well, one of the things that I think
22 we have all agreed on is we never ever, ever want to see
23 Georgetown and G.W. and American University all coming back before
24 the Board in the same year.

25 I mean, I know it's been a terrible strain on the

1 Office of Planning's resources and our ability to do anything
2 else. So given that that means we can't take those plans which
3 are all up for this year and give them all ten years and given
4 that I don't think we want to give campuses more than ten years --

5 VICE CHAIRPERSON SOCKWELL: No.

6 MS. McCARTHY: -- somebody has got to be less than
7 that period of time. We felt with regard to George Washington,
8 we're talking about a university where nobody knows for sure where
9 the students are living, and that's going to be a process to get
10 those numbers and make sure that we're confident with those
11 numbers, and we're not at all sure what those numbers are going to
12 show us at the end of that time.

13 So it made sense for George Washington to be the
14 one where we say five years for G.W., you know, six or seven for
15 Georgetown, seven or eight for A.U., whatever we decide to come up
16 with, but --

17 CHAIRPERSON REID: I think that in view of that
18 issue that we have had great discussion about because it certainly
19 has been, you know, very exhausting for us to have all of these
20 campus plans come together, come at the same time, if, in fact,
21 they were staggered, you know, so that you've have or if you do
22 eight, nine, and ten or whatever, that would give BZA or the
23 Zoning Commission time to be able to adequately analyze and to
24 make appropriate decisions, and we see the problems that have
25 manifested as a result of us not having planned ahead.

1 I don't know whose bright idea it was to go all of
2 these at the same time, but I think that the fair thing to do
3 would be to take a look at each university to see how the time
4 constraints affect the university because, again, you have to
5 weigh both sides as far as their funding, as far as the finance,
6 financial investment that it takes to come to this Board and so
7 forth and so on, and then determine what the best time frame might
8 be, given whatever constraints they have to work with.

9 MS. McCARTHY: Right.

10 CHAIRPERSON REID: And I don't want it to be just
11 done arbitrarily, to just pick a number out of the air under
12 consideration.

13 MS. McCARTHY: Oh, yeah. I wasn't talking about
14 arbitrary at all, but it did seem, given the fact that, you know,
15 we didn't know the numbers and the university itself had
16 recognized that five years was a time that it would make some
17 sense to go reassess their effectiveness in meeting the housing
18 targets, it seems --

19 CHAIRPERSON REID: It did? The university did
20 that?

21 MS. McCARTHY: Yeah, the university was the one
22 that originally proposed ten years, but with a time period at the
23 end of --

24 CHAIRPERSON REID: Oh, with that five-year review.

25 MS. McCARTHY: Yeah, at the end of five years.

1 Yeah, it was certainly -- it certainly was a little --

2 CHAIRPERSON REID: That's a little different than
3 the five-year renewal.

4 MS. MCCARTHY: But that -- right, but it could
5 certainly be clear; it could certainly be made clear to the
6 university that essentially what the Board is most interested in
7 at the end of that five-year period of time is the housing and
8 enrollment, and that we were not looking for the university to
9 come back with a major expenditure of time and energy on the open
10 space, the streetscape, you know, the parking, whatever, that we
11 really must focus on the issue.

12 CHAIRPERSON REID: I think that the university and
13 the community and Office of Planning is on the same page as to the
14 accomplishment of that goal. It is basically going from the
15 theories of application in determining the best way to accomplish
16 it. So hopefully we can come up with something that would make
17 some sense with everyone.

18 MS. WAGNER: The five years is not something out of
19 thin air. We actually did quite a bit of research in other
20 cities, and what we found particularly in Boston and spending time
21 with a number of the campus planners up there is that they use a
22 five-year mark to have more certainty and a sense of what really
23 could be a reality within that five years.

24 And in talking with them about our dilemma, their
25 reaction was, "Gee, I can really understand the frustration with a

1 ten-year plan when it's so far out and there's a number of things
2 that are uncertain and what if and possible and perhaps."

3 But with the five years, there is a level of
4 certainty that the planners in Boston found to be incredibly
5 useful.

6 VICE CHAIRPERSON SOCKWELL: Which universities did
7 you look at in Boston?

8 MS. WAGNER: Northeastern, B.C., B.U., Emerson.

9 VICE CHAIRPERSON SOCKWELL: Which ones most
10 represented the issues that we have in Washington?

11 MS. WAGNER: So your question is not related to the
12 five-year campus plan review?

13 VICE CHAIRPERSON SOCKWELL: It's related to
14 relevant university conditions as would be impacted by a five-year
15 plan. You can't take it out of context, and you can't take it out
16 of thin air.

17 MS. WAGNER: We found Boston University and Boston
18 College to be the most relevant.

19 VICE CHAIRPERSON SOCKWELL: Okay.

20 DIRECTOR ALTMAN: I would just add one point in the
21 crafting of the five-year issue. It is important that the five
22 year has real meaning, in other words, that the period of time,
23 what happens in terms of enforcement going back to the certainty,
24 that the question of review versus renewal is an important one, I
25 think, because what it says is what is the result if goals aren't

1 achieved at year five of the housing and enrollment targets.

2 So things that although you always have the further
3 processing issue before you, the question is if there isn't a
4 facility, for example, that requires further processing for
5 another three years after your five years. Then what happens
6 during those three years as impacts are accumulating.

7 So I think that's an issue that has to be very
8 seriously addressed and thought through as we do this.

9 CHAIRPERSON REID: Okay. Thank you, Mr. Altman.

10 Ms. Dwyer.

11 MS. DWYER: In the interest of completing today's
12 hearing, I'm going to hold off on further questions, and what we
13 would like to do is ask Charles Barber to make a few points in
14 rebuttal and then to submit the balance of our rebuttal and
15 closing statement in writing.

16 CHAIRPERSON REID: All right. Now, if you do have
17 additional questions, you know, you can put it in writing to the
18 Office of Planning.

19 MS. DWYER: And I can call to them, too. We've
20 talked a lot in the last few months.

21 CHAIRPERSON REID: We want the response like in
22 writing so that we'll leave the record open to accept that.

23 MS. DWYER: That would be great.

24 CHAIRPERSON REID: And we would have a chance to
25 review it prior to us making a decision. I appreciate that.

1 MS. DWYER: Sure, I will do that.

2 CHAIRPERSON REID: All right. Okay. Mr. Barber.

3 MR. BARBER: I thank you, Madame Chair.

4 Let me just introduce the G.W. mascot. This is a
5 hippo. It's also a stress reliever. I've made great use of this
6 mascot for the last six months, and I hope the mascot will carry
7 us home.

8 I started to give every member of the Board one. I
9 thought they might need it, but I will say this. I thought that
10 might be inappropriate.

11 CHAIRPERSON REID: We could have used one, I'm
12 sure, all of us.

13 MR. BARBER: But members of the advisory committee,
14 people who were going to serve on the G.W. advisory committee, be
15 prepared. Everyone will get one. There will be a rule though.
16 No throwing the hippo.

17 VICE CHAIRPERSON SOCKWELL: I gave away my concrete
18 mixer to one of my co-workers yesterday. It's the same thing.

19 MR. BARBER: Let me try to accomplish several
20 things in the time we have. I want to respond to some specific
21 factual statements that were made, I think, that need to be
22 clarified for the record. I can't respond to all of them, but I
23 want to hit the highlights.

24 I then want to go to, I think, the more pressing
25 issues, and I want to elaborate on the university's proposals and

1 conditions be put forward on student conduct off campus, on
2 housing, and on the moratorium.

3 And then finally I will try to touch upon several
4 issues that have also come up in terms of term, campus boundary,
5 the advisory committee, and enforceability. So it's an ambitious
6 agenda, but I'll try to work through it expeditiously.

7 CHAIRPERSON REID: Just one second, Mr. Barber.
8 Mr. Moulden has to leave now, so he just wanted to --

9 MEMBER MOULDEN: Yes, I have to leave now, but I'll
10 read the record before we make a decision in the case.

11 MR. BARBER: Please do, Mr. Moulden, because some
12 of the proposals that I am going to put on the table address your
13 concern specifically about the lack of information and how can we
14 go forward without this information.

15 So I will be directing that, you know, to your
16 attention. So if you'll read it, I would appreciate it.

17 MEMBER MOULDEN: Okay.

18 MR. BARBER: Thank you.

19 Our good neighbor Dorothy Miller has said that we
20 have violated the campus plan in terms of parking, and the last
21 six projects resulted in a net decrease in parking, and that is
22 incorrect.

23 One of those projects was a law school project, had
24 no impact on parking, didn't add it, didn't take it away, didn't
25 have students. The ANC supported it, BZA approved it, and no

1 impact.

2 The Marvin Center was a renovation project, had a
3 minimal impact on parking. There was some parking loss because of
4 an elevator, but it was more than made up because of valet parking
5 in the Marvin Center.

6 Of the four remaining projects that were built on
7 surface parking lots, three of them had more parking in the
8 structures than they took away. The only project that did not was
9 the hospital project, and this Board spent a great amount of time
10 focusing on the parking for the hospital, and we accepted the
11 university's explanation that that parking would be made up by the
12 200 parking garage addition, which has just been completed, as
13 well as Kennedy Center parking, the 150 spaces that we have the
14 relationship, reciprocal relationship with the Kennedy Center.

15 It ties into the allegation we've violated our plan
16 and that there's no enforcement action by the Zoning
17 Administrator. I mean, that's simply not correct.

18 The Zoning Administrator was asked specifically by
19 this Board prior to the arrival, I think, of a couple of members
20 to verify the university's on-campus parking, and the Zoning
21 Administrator and Dorothy Miller and Barbara Spillinger and I for
22 several weeks this past winter walked the university's parking
23 lots and counted spaces, and the Zoning Administrator produced the
24 report. He verified the number of spaces we had on campus. In
25 fact, he gave us credit because of our valet parking for more

1 spaces on campus than we had claimed.

2 The difference was he did not credit us with the
3 150 Kennedy Center spaces because it wasn't in the original campus
4 plan. This BZA, and we cited the order and we have the order for
5 the Board, specifically approved the Kennedy Center spaces and
6 allowed us to count them within our campus plan. I think it's
7 clear. There was an enforcement action. There was verification.

8 There was a report, and that was done in the context of a further
9 processing case. It arose out of the hospital case.

10 I think there can be enforcement. The Health and
11 Wellness Center, that project was denied by the Board, and
12 contrary to what Mr. McLeod said, it was not because we had some
13 ownership in Square 43 when the Board denied the project and then
14 we brought more property in Square 43 and the Board approved the
15 project. Square 43 had nothing to do with that project.

16 Health and Wellness was rejected because of the
17 impact on the neighboring St. Mary's Church, an historic church in
18 Foggy Bottom. We had to go back to the drawing table and redesign
19 that project, move that project away from the church, do other
20 design changes to get the church's support for that project, and
21 it was only with the church's support that we were able to get
22 that project approved since Square 43 had nothing to do with that
23 project.

24 I've spoken about the housing numbers, the numbers
25 that have been inflated and really on the basis of some of the

1 more draconian measures. We recognize our obligation to get more
2 accurate numbers.

3 Let me go on to student conduct. I really think
4 that student conduct lies at the heart of some of these issues. I
5 mean, although they're framed in terms of students, problems with
6 students as students, I think that's a problem. When you start
7 taking actions based upon the students don't have a right to be in
8 this neighborhood, I think that's a problem.

9 I think behavior is a problem that the university
10 and the students have an obligation to address. I want to provide
11 to the Board the university's statement of its commitment to
12 address student misconduct.

13 It is a compilation of things we put on the table.
14 It tries to elaborate on some of those, and I have one more
15 thought that has come up in today's hearing, given Ms. Brewster's,
16 Mary Brewster's testimony, but let me just identify the six points
17 quickly.

18 The first point is require a freshman and sophomore
19 to reside in university housing, and that provides supervision for
20 the younger students. We've mentioned that.

21 The second point is extending the G.W. code of
22 conduct, student conduct, to undergraduates living in off campus
23 properties in Foggy Bottom and how we're going to act on written
24 reports, again, both by the police and by the landlord-tenant
25 associations and developing this outreach program with those

1 groups to help them make claims under the student code of conduct
2 and report to the advisory committee a summary of the actions
3 taken on a quarterly basis without personally identifying the
4 information which we would have problems under the Buckley
5 Amendment.

6 We're also talking about, I think, a novel approach
7 which would provide people who are thinking about renting to
8 students in Foggy Bottom clearances. So they can come to the
9 university. Does this person have a record of behavioral problems
10 or housing violations? It's like getting a prior clearance from
11 your previous landlord.

12 We will have to work that through the Department of
13 Education in terms of, again, privacy concerns of students, but to
14 the extent that we can implement that, we will.

15 Number four talks about the hot line, both the
16 crime tips hot line and the one which is on an anonymous basis and
17 the one that goes to the university police on a 24 hour basis.

18
19 Number five talks about establishing good neighbor
20 programs for G.W. undergraduates. We've already begun those in
21 terms of doing orientation, particularly with freshmen and
22 incoming students. We think we should expand that to provide this
23 type of information to juniors and seniors as they transition off
24 of the university housing into the community.

25 And finally we said we think we need to make this a

1 three-party effort. So we've said that we will consult with the
2 advisory committee, as well as the G.W. Student Association on
3 ways to improve off campus behavior and to increase the students'
4 service to the community.

5 The one thing I think I want to add, and I want to
6 put it on the table now and I haven't vetted this with the
7 university, which is always dangerous, but I would like the
8 opportunity to confirm it.

9 I think during the lapse between now and the time
10 we change our policies to implement this code of conduct extending
11 off campus, the university should agree to take informal action
12 that it can take now, persuasive action, the kind of thing that we
13 told Ms. Mary Brewster.

14 Mary Brewster shouldn't be the only one to benefit
15 from that just simply because she happened to show up today. I
16 think that working with particularly the Student Government
17 Association, there should be people who can make calls whether
18 it's personally, clearly identifiable information about off campus
19 misconduct that we can contact those students to try to bring this
20 to the attention and, you know, I think the FCC calls it
21 regulation by raised eyebrow. You know, we don't have the stick,
22 but the idea that the university is concerned about this, I think,
23 will hopefully go some way.

24 This is an interim procedure. Again, when we
25 change or code of conduct, then we can take disciplinary action,

1 but in the interim, I think we can at least try to apply
2 persuasion.

3 Again, I think at the core of a lot of this is
4 conduct, and I'd like to believe that with a more aggressive
5 application of this program, that a lot of the conduct issues
6 would be relieved, and a lot of the tension, quite frankly, would
7 be relieved.

8 Let me go on to the housing commitment because that
9 has been a keystone of consideration, particularly for the Office
10 of Planning Report, and I'd like to clarify and elaborate on the
11 university's housing commitment.

12 What we have said is that if the university is
13 permitted to build a substantial number of the proposals, it will
14 have the capacity to house 70 percent of its full-time students by
15 2005.

16 Now, there's two factors in there. Substantial
17 number; we're not saying we have to build all of these houses. We
18 understand their contingencies. We understand that some of these
19 are going to take longer than others. The School Without Walls
20 may come on sooner than later. The Square 54 may come on sooner
21 than later.

22 We don't have to build all of them, but we need to
23 be able to build a substantial number of them. Square 54, we are
24 committed to moving aggressively on. We will pledge that we will
25 file a PUD, at least a first stage PUD with 15 months, and that's

1 starting from scratch and going through what we have to do to get
2 that before the Zoning Commission.

3 So we expect to move aggressively on that. We
4 understand that there are contingencies, but I want to harken back
5 to something that Mr. McLeod said about enlightened use of campus
6 property. I have sat across the table from the many people in
7 this room who over the last six months it says do more on campus
8 housing; do more on campus housing; do more on campus housing.
9 We're proposing to do more on campus housing. That is the
10 keystone of our proposal.

11 I firmly believe not that Mr. Burt says that G.W.
12 can make this happen, but G.W. in combination with the Office of
13 Planning, and some of the groups represented here can make this
14 happen.

15 With their support, and we have a right to expect
16 their support if they're going to push us on this issue, now, it
17 doesn't mean the university gets carte blanche. It doesn't mean
18 there aren't design issues that are not fair game for discussion,
19 and it doesn't relieve the university of the obligation to come
20 forward with a good design, but what it does mean is if we come
21 forward with proposals to do housing on campus, that that
22 principle should be supported and the people in this room should
23 work with us.

24 And with that support, a substantial number of
25 these houses, these units can be built. I would amend Mr. Burt's

1 statement saying, well, the university can get it done. We can
2 get it done, and that was the partnership I was alluding to.

3 Now, I want to go further though because there are
4 numbers that the Foggy Bottom Association and Office of Planning
5 were putting out that says, well, even if you provide 70 percent
6 of the housing without some indication of where your enrollment is
7 going, you could end up with a worse situation. I think Office of
8 Planning's report suggested a 24 increase in students, but only a
9 five percent increase in beds. I'm not sure where those numbers
10 comes from, but I understand the point that you could have more
11 students in beds and, therefore, in their view end up in the worse
12 situation.

13 The second thing we will commit to is that we over
14 this five year period will end up with more beds than students.
15 Now, that acts as a cap itself. We have talked about where our
16 undergraduate enrollment might be in five years, somewhere between
17 8,000 and 8,500. It could be a little bit more if we can build
18 more beds, but it can't be much more if we say in addition to
19 housing 70 percent, we will provide more beds than students
20 because we can't get up to 9,000 and beyond without adding more
21 students than beds.

22 So in addition to the 70 percent, we're saying we
23 will by 2005 add more beds than students. We're skirting the cap.

24 I mean it's clear we're trying to put in place mechanisms to meet
25 their concerns without what we feel is a draconian and inflexible

1 position of you can't go beyond this amount.

2 We think if we provide the beds and we provide more
3 beds than students, that that will limit the impact.

4 The third and final point on the housing, again, an
5 effort to address their concerns, what happens in the meantime?
6 We will commit that during this phase building up to five years,
7 years two, three, four, that the number -- we will have rough
8 parity between where we are today in beds and students.

9 Now, what do I mean by rough parity? We don't
10 house -- we don't provide housing for approximately 25, 2,700
11 students, full time undergraduates today. What we will commit to
12 is that that number will not increase by more than 300 students at
13 any time, and what that means -- and by the end of the day, it
14 will be less than that because we will provide more beds than
15 students.

16 That 300 is not something we expect to end up in
17 Foggy Bottom because, again, our historical experience has been
18 about two thirds of the people we don't provide housing for end up
19 outside of Foggy Bottom.

20 But we are not tying as OP wants us to do, to tie
21 us to a measure of the students only in Foggy Bottom. We think
22 that's the wrong way to go for a couple of reasons.

23 We think that assumes that students are somehow
24 less worthy to live in this neighborhood, that they need to be
25 controlled, that their numbers need to be reduced because somehow

1 they're not as valuable as the good citizens and the good citizens
2 are non-students.

3 We don't accept that, and we can't control that.
4 We can't control where students live when they move off campus.
5 We can try to guide them. We can have procedures in place to try
6 to direct them other places, but we can't tell them, "You can't
7 live in Foggy Bottom."

8 OP would have us governed by a standard that counts
9 the students in a specific area and holds us to a standard when we
10 can't control that standard. What we can control is do everything
11 we can to build the beds, design, seek the approval, go forward
12 expeditiously with that, manage our population in the meantime in
13 order to achieve the desired results.

14 We can't say, "Students, you can't live here," and
15 so to hold us to that standard we just think is unfair.

16 Moratorium. Mr. McLeod brought out a valid point.
17 That is, we had said that we would not purchase residential
18 property in Foggy Bottom as we've defined it, and we're talking
19 about Foggy Bottom. We're not talking about going up to Dupont
20 Circle or the southern half of the District of Columbia. Foggy
21 Bottom is a term generally used in a comprehensive plan. So we've
22 restricted it to Foggy Bottom.

23 But the point Mr. McLeod made was there are several
24 properties that are in commercial zones within Foggy Bottom that
25 we have not covered with our moratorium. We think that's a valid

1 point, and so we would enlarge our moratorium, revise it, if you
2 will, to include those properties and at least three large
3 buildings. 2424 Pennsylvania Avenue is one he mentioned. The
4 Bristol Hotel, I believe, falls into that category which are in a
5 commercial zone within Foggy Bottom.

6 So to be clear on this, we are talking about a
7 moratorium on residential properties in Foggy Bottom and not being
8 converted to university use.

9 Let me speak about the campus boundary and why we
10 have -- we have talked about housing opportunity area. We have
11 put that in, quite frankly, because if all else fails, we need a
12 place to build housing. I mean, that's our commitment, to build
13 housing, but if for whatever reason, you know, we're stymied on
14 these other areas, we need a place to build housing.

15 We were asked, well, the community needs some
16 assurance where your students are going to be. So that was the
17 idea of the housing opportunity area.

18 Ms. Mitten asked, I think, Steve Sher (phonetic),
19 well, why not enlarging your boundaries, and I think you were
20 addressing the northern end of the campus, but it's a valid
21 question on the southern as well. The northern end, I think,
22 Steve Sher gave the right answer. It's just historical. It's
23 been there, the commercial properties. It doesn't really matter
24 whether it's in or out.

25 The southern boundary is different. The southern

1 boundary is residentially zoned, and our thinking was it would be
2 less intrusive to -- it would be more intrusive we originally
3 thought to bring into the campus plan because then you could use
4 it for any kind of university use, not just residential. You
5 could use it for academic. You could use it for athletic,
6 medical, the works.

7 And so we thought it's already zoned residential.
8 The university already owns substantial amounts of the property.
9 We are planning to do, if anything, residential development there.

10 The only ones we have planned now, of course, is Square 43 and
11 122, but that would be the use we would make of it.

12 The university, we are prepared to say our boundary
13 is the housing opportunity area, and we could commit to say that
14 would be residentially a residential use, something that we could
15 not change unless we amended the campus plan. That would be
16 another way of providing the insurance, and that way we would say,
17 well, the moratorium extends to everything outside of the campus
18 boundary instead of outside of the housing opportunity area.

19 We are open to that. We had thought a great deal
20 about their pros and cons. The advantages to the university, of
21 course, is increased FAR. You can do -- you can move your parking
22 on an area basis. The disadvantage, quite frankly, is that
23 development takes longer in a campus plan. I mean it just adds a
24 year or more when we're prepared to do housing, and that's been a
25 problem when we're trying to move quickly to address these

1 concerns.

2 But with that caveat, I think the university is
3 prepared to expand its boundaries to include the housing
4 opportunity area.

5 I should say a note about Columbia Plaza. There's
6 been a lot in the record about Columbia Plaza. Columbia Plaza is
7 not in our housing opportunity area. We're not going to make our
8 70 percent commitment for whoever students are in Columbia Plaza.

9 It's been stated that we are an investor. We're a
10 limited partner. We don't run Columbia Plaza. We are not the
11 management company. In fact, our limited liability would be
12 threatened if we got involved with running the operation.

13 We have a letter to submit for the record
14 clarifying our role with the fact that we had nothing to do with
15 recent rent increases where they were increased or brought back
16 down. Frankly, we read about it in the newspaper. We don't think
17 that's a germane issue

18 I would say as an aside I think it's more than a
19 little ironic that Steve Mendelbaum who made that impressive Power
20 Point presentation -- that was the most impressive thing we've
21 been even of the applicant's presentation, and we're supposed to
22 be the one with the big bucks. He had words flipping around, but
23 unfortunately he based a lot of his information on talking to his
24 friends, and so it was flawed, but Steve Mendelbaum lives in
25 Columbia Plaza. Five months ago he was a student. He is five

1 months removed from being the very person that he's now
2 complaining about.

3 Did he change? Is he a more worthy person now
4 because he's a graduate and lives in Columbia Plaza?

5 No. Steve, if he was a nice guy before, he's a
6 nice guy now.

7 VICE CHAIRPERSON SOCKWELL: It just shows the power
8 of a George Washington University degree.

9 MR. BARBER: Exactly, exactly. So the student
10 status, basing a condition not on behavior, but simply on the
11 status of being a student, we think, is ill advised. Some of the
12 specific proposals that were advanced about how the university
13 would manage the student population in this Foggy Bottom area we
14 do think run afoul of the human rights act, but we think it's a
15 flawed program anyhow. We think it's flawed practically speaking
16 because we can't control that. We think it's flawed
17 philosophically because it assumes that the students don't have a
18 right to be there, and that's not a proposition the university can
19 accept.

20 Advisory committee. Let me say a note about the
21 advisory committee. We think the advisory committee is a
22 worthwhile idea. I sincerely hope it is a mechanism for improving
23 the dialogue. I know the community -- some members of the
24 community share that, and they also look at it as a way for more
25 information sharing, which means the university providing

1 information, which I understand.

2 I don't think we accept Foggy Bottom's full
3 specifications of the advisory committee and how exactly it would
4 work. We do accept their composition and the objectives.

5 There are some concerns we have on what they put
6 forward and operational aspects, but I don't think the Board has
7 to get into that. I think if the condition is addressed that
8 specifies that there be this advisory committee, it meet
9 quarterly, five university representatives, five community
10 representatives, and basically what is general purposes, I think
11 that's sufficient, and the advisory committee should work out the
12 operational aspects.

13 Term and enforceability. A five-year term under
14 the campus plan as we know it would mean essentially within six
15 months after we get the order, we're back in the planning mode.
16 You know, if we're talking about something other than a full blown
17 campus plan review, that's what we are trying to get at with our
18 midterm review, with the round table.

19 I believe that this Board has the authority to
20 implement that and hold the university's feet to the fire, whether
21 for the processing or not.

22 Further processing is something that is going to be
23 coming up. Can this Board reject a project because the university
24 is not otherwise in compliance with a campus plan? Yes, it can.
25 I mean, the parking concerns that came up with the hospital

1 emboldened this Board to require that this count be done.

2 That's perfectly legitimate. The Board has that
3 authority. We understand that importance. We have other
4 projects. You know, the focus of necessity, I understand, has
5 been on housing, but we have a whole community to provide. Now,
6 we're in the business of academics, and so we have academic needs.

7 We are going to be coming back.

8 If you say to the university that you cannot build
9 this academic building because you are not otherwise in compliance
10 with your housing requirements, that's a real threat.

11 Office of Planning's enforcement really goes back
12 to the further processing, the difference where they say, "Well,
13 we can't file for any further processing."

14 Well, whether we can't file, this Board says we
15 won't grant it. I'm not sure it makes much difference, but it's
16 the further processing which acts as a stick, and I think that can
17 be an effective mechanism.

18 Given that, I think a five year midterm review
19 makes sense. We can go back and think about exactly how that is
20 structured. I do not think a five-year term of a plan makes
21 sense. In the university position it should be a ten-year plan
22 with a five-year review mechanism.

23 CHAIRPERSON REID: Mr. Barber, do you have much
24 more?

25 MR. BARBER: I think I've hit my points.

1 CHAIRPERSON REID: Okay. Because Ms. Renshaw does
2 have to leave.

3 MR. BARBER: I'm sorry.

4 CHAIRPERSON REID: I just have one comment, and
5 that is with the advisory committee.

6 MR. BARBER: Yes.

7 CHAIRPERSON REID: Hopefully students will be
8 involved in that, student representation from what is it, the
9 Student Council, Student Senate?

10 MR. BARBER: Student Government Association. I
11 think that's very important.

12 CHAIRPERSON REID: Absolutely. I think that their
13 presence and involvement go a long way in assuring the community
14 that there is some movement as far as relating to the students not
15 just from the administration down, but also among peers, which
16 sometimes can be even more influential.

17 Okay. Ms. Mitten, any comments?

18 SECRETARY PRUITT: Excuse me, Madame Chair. Before
19 Ms. Mitten -- excuse me -- before Ms. Renshaw leaves, I just
20 wanted to raise an issue because looking at our schedule for
21 deliberation, typically, you know, we go to the next meeting.
22 However, the next available meeting for this particular case would
23 be November, in which you're already going to deliberate on
24 Georgetown University.

25 So I'm suggesting maybe you consider a separate day

1 for deliberations on this case only so that -- because it is a
2 very complex case, and it's going to take a lot of time to do all
3 of that.

4 CHAIRPERSON REID: Well, isn't our next scheduled
5 meeting date October 3rd?

6 SECRETARY PRUITT: There's no way they can have a
7 transcript to do findings of fact.

8 CHAIRPERSON REID: Oh, right.

9 SECRETARY PRUITT: I mean, I'm just thinking
10 logically of the turnaround time.

11 CHAIRPERSON REID: Right.

12 SECRETARY PRUITT: The very earliest I would
13 suggest would be something like October 25th, which would allow
14 the transcripts to come in so both the parties and the applicant
15 would have time to read the transcripts and then do findings of
16 fact.

17 CHAIRPERSON REID: All right. Then --

18 SECRETARY PRUITT: That's the very first time, the
19 earliest.

20 CHAIRPERSON REID: What date?

21 SECRETARY PRUITT: I'm sorry. The 20 -- let me
22 make sure I'm in the right month here. It would be in October,
23 yes -- no, 24th you already have a hearing. So it would have to
24 be the 25th, is a Wednesday or the 23rd the day before. I mean,
25 that's up to you all, your preference in how --

1 CHAIRPERSON REID: In October?

2 SECRETARY PRUITT: Yes. That would be the
3 earliest.

4 CHAIRPERSON REID: When is the hearing in October?

5 SECRETARY PRUITT: You have a hearing every week in
6 October.

7 CHAIRPERSON REID: But what's the date? 24th?

8 SECRETARY PRUITT: 24th.

9 CHAIRPERSON REID: We couldn't do it --

10 VICE CHAIRPERSON SOCKWELL: Another -- Oh, I'm
11 sorry.

12 CHAIRPERSON REID: Excuse me.

13 VICE CHAIRPERSON SOCKWELL: I say one time concern
14 we have and not just in terms of the schedule is that Mr. Barber
15 threw out a number of proposals that he said he may address in the
16 interim, something he hadn't shared before about the 300 students
17 and this five-year period or measures they're prepared to take.

18 I mean these are very serious prospects, I mean,
19 that we need to look at when we talk about enforcement and
20 certainty, and for us to evaluate that and be able to incorporate
21 that back into our resubmittal to you. I need to make sure that
22 we get this new information from Mr. Barber to exactly, very
23 precisely what it is that G.W. is proposing so that it is not a
24 matter of conjecture, but real facts that we can evaluate and give
25 to you as part of our resubmittal.

1 So I don't know how much time that will take them
2 to produce, but we have time and the community has time.

3 SECRETARY PRUITT: Once we have a hearing decision
4 date, we can work back from there to accommodate everyone.

5 MS. DWYER: Madame Chair, if we can take --

6 CHAIRPERSON REID: Just one second, please. Ms.
7 Renshaw does have to go.

8 MEMBER RENSHAW: Yes, I have to go, and I'll read
9 the record for whatever thoughts are remaining.

10 SECRETARY PRUITT: Ms. Renshaw, do you have any
11 conflicts then with another date? I mean, because we're going to
12 pick another date now without you being here.

13 MEMBER RENSHAW: Another day than what is on our
14 schedule?

15 SECRETARY PRUITT: Yes, an additional day.

16 MEMBER RENSHAW: What days are you proposing?

17 SECRETARY PRUITT: Well, right now it's kind of
18 open. October 25th would be the soonest.

19 CHAIRPERSON REID: We can't put it on when we have
20 a hearing date?

21 SECRETARY PRUITT: No, because it's too -- our
22 hearing dates are extremely packed and full with a lot of big
23 cases. This case is going to take considerable time to, I think,
24 discuss and give it -- because of it's complexities, I think you
25 need to only focus on that.

1 You already have Georgetown for your November
2 meeting, along with a lot of other cases. October is too soon.
3 So this was my best suggestion in order to allow the full airing
4 of our views and consideration by everybody.

5 CHAIRPERSON REID: Mr. Altman, you had just raised
6 a concern about having enough time to be able to properly receive
7 the information, this new information and to be able to digest it
8 and to prepare a --

9 VICE CHAIRPERSON SOCKWELL: Response.

10 CHAIRPERSON REID: Yes, in addition to your revised
11 Office of Planning report. So what are you recommending? Are you
12 making a recommendation or did you wish to?

13 MS. DWYER: Madame Chair, if I could just say, we
14 could have the information to them by Friday. What we said today
15 does not need to wait for the transcript. So we can get them by
16 Friday the language of the points that Charles Barber made in his
17 testimony.

18 CHAIRPERSON REID: Okay.

19 DIRECTOR ALTMAN: So that would be -- just so I
20 could be clear, what you would submit to us on Friday would have
21 been vetted through the university.

22 MS. DWYER: Yes.

23 DIRECTOR ALTMAN: It would be the official proposal
24 from the university that we would receive.

25 MS. DWYER: Un-huh.

1 MR. BERGER: The only new one is this conduct,
2 persuasion interim measure. All of the other proposals I put
3 forward have been vetted, but we could send you a nice, neat
4 package.

5 DIRECTOR ALTMAN: So there wasn't a proposal about
6 interim housing. It was just related to behavior.

7 MS. DWYER: No, there is, but that's already been
8 vetted.

9 DIRECTOR ALTMAN: Oh, that's --

10 CHAIRPERSON REID: Well, why don't we do it on the
11 morning of October 24th? There are only two --

12 SECRETARY PRUITT: You have an appeal which is
13 going to take at least half a day, at the very least.

14 CHAIRPERSON REID: Where is that?

15 SECRETARY PRUITT: The Potter appeal, which you
16 continued from an earlier meeting.

17 CHAIRPERSON REID: On the 24th?

18 SECRETARY PRUITT: Yes.

19 CHAIRPERSON REID: No, I'm --

20 SECRETARY PRUITT: I'm sorry. The 24th.

21 CHAIRPERSON REID: -- that morning. There are only
22 two cases.

23 (The Board conferred.)

24 CHAIRPERSON REID: Okay. Can you put it on that
25 date, the 24th?

1 SECRETARY PRUITT: Well, you only have three cases
2 here.

3 CHAIRPERSON REID: No, I see only two.

4 SECRETARY PRUITT: Three. You have an afternoon.

5 CHAIRPERSON REID: No, no, that morning.

6 SECRETARY PRUITT: The Phillips Collection we're
7 not sure is going --

8 CHAIRPERSON REID: Okay.

9 SECRETARY PRUITT: The Burke School is going to be
10 a controversial case, we believe.

11 CHAIRPERSON REID: Okay. Why don't we shoot for --

12 SECRETARY PRUITT: Which will take half of the
13 morning.

14 CHAIRPERSON REID: Why don't we shoot for the 24th?

15 COMMISSIONER MITTEN: Madame Chair, I have to
16 object just on the basis of my experience with the BZA, and given
17 the complexity of this case, we are not going to be able to blow
18 through this, and I think it's not fair to the university. It's
19 not fair to the community. It's not fair to the members of the
20 Board --

21 CHAIRPERSON REID: Okay.

22 COMMISSIONER MITTEN: -- to try and do this in a
23 very rapid fashion.

24 CHAIRPERSON REID: No, no, no, I didn't say that.
25 What I'm hearing over here, these other Board members, is that

1 they are not amenable to putting them on a fifth day in October.
2 So I'm trying to see how we can accommodate that. They don't --
3 it's just the time constraints are just so that we have four dates
4 in October already.

5 SECRETARY PRUITT: You have five dates, just to be
6 clear.

7 CHAIRPERSON REID: We have five dates in October.
8 So we're putting on a sixth date is what the problem is. It's
9 just so tight.

10 COMMISSIONER MITTEN: Well, then maybe, Madame
11 Chair, we need to move into November, if that's the reality of it.

12 CHAIRPERSON REID: I think that November is not
13 much better. I think we have five dates already set for November.
14 We have to add a sixth date for November. You see --

15 VICE CHAIRPERSON SOCKWELL: The meetings are based
16 on the number of Tuesdays, period, and that's --

17 CHAIRPERSON REID: Yeah. So --

18 VICE CHAIRPERSON SOCKWELL: Every week there's a
19 meeting.

20 CHAIRPERSON REID: So --

21 COMMISSIONER MITTEN: Maybe, Mr. Sockwell, since
22 you're someone who's -- you know, you come all the time. I don't
23 come all the time. What do you suggest as a way to deal with this
24 problem?

25 VICE CHAIRPERSON SOCKWELL: What I would suggest is

1 that in order to reduce the burden on the Board members is that we
2 work out some sort of swing schedule in between this meeting and
3 the chosen date for that meeting so that everybody gets at least
4 one week off the Board for the purposes of not overloading our
5 schedules.

6 For my case, I'm in private industry. I just can't
7 live here.

8 COMMISSIONER MITTEN: The same here.

9 CHAIRPERSON REID: Ditto for me.

10 All right. So that being the case, we're right
11 back to where we were before, right?

12 SECRETARY PRUITT: You need to determine a date,
13 yes.

14 CHAIRPERSON REID: We are not going to be able to
15 add a sixth day for October or November. I was recommending not
16 blowing through, but the --

17 SECRETARY PRUITT: Excuse me, Madame Chair.

18 CHAIRPERSON REID: -- October 24th, we only have
19 two dates -- two cases.

20 SECRETARY PRUITT: Staff needs to just go on record
21 to really hopefully emphasize that all of the dates have been
22 carefully looked at when we do the schedule. On the 24th, the
23 Burke School is going to be a very big project just like the Field
24 School is going to. If we're very lucky, we can get --

25 CHAIRPERSON REID: What school?

1 SECRETARY PRUITT: The Burke School.

2 CHAIRPERSON REID: Okay.

3 SECRETARY PRUITT: If we're lucky, we'll have half
4 a day on that. That's if we're lucky.

5 In the afternoon, you have a fairly tight schedule.

6 These cases have already been advertised. What has been
7 happening is we have been continuing cases or putting things in
8 front of cases that have been advertised.

9 CHAIRPERSON REID: What's your suggestion, Ms.
10 Pruitt?

11 SECRETARY PRUITT: Is to do another day and to have
12 you all determine -- make sure you have a quorum for all of your
13 meetings, but not everybody have to be here, and therefore, you'd
14 have your time off. The application would be able to go forward.

15 There can be some resolution.

16 CHAIRPERSON REID: Did you say add another day, a
17 sixth day?

18 SECRETARY PRUITT: And then you all determine which
19 days that you will be here so that we can maintain a quorum.

20 VICE CHAIRPERSON SOCKWELL: Yeah, so we swing it.

21 CHAIRPERSON REID: Okay. Then I have no problem
22 with that. As a matter of fact, that had been a suggestion made
23 earlier this year. If you recall, that didn't work out too well.

24 So here we are.

25 You tell me. What date?

1 SECRETARY PRUITT: Well, based on that, as we had
2 suggested, the 25th would be the earliest. That would allow
3 everybody -- afford everybody at least reasonable time to get
4 proposals, and --

5 CHAIRPERSON REID: We all need to be here.

6 SECRETARY PRUITT: -- you may want to check with
7 the ANC. I'm not sure if that helps them.

8 CHAIRPERSON REID: We all need to be here.
9 Whatever date that we decide, we all have to make our schedules
10 mesh so that we can all be here for that, for George Washington,
11 any of these campus plans.

12 All right. ANC, Ms. Spillinger.

13 MS. SPILLINGER: Yes. Thank you.

14 Now, obviously, we have a tremendous interest in
15 the revision that the Office of Planning is going to come up with,
16 and we need time to see it, to evaluate it. We need to see the
17 transcript. When do we have to submit findings of fact and
18 conclusions of law?

19 I mean there's a lot to be done. We really need
20 some time, and we haven't even commented on things that have gone
21 on this afternoon.

22 SECRETARY PRUITT: Realistically, and this is being
23 optimistic with expediting the transcript, we could hopefully get
24 a transcript in here by the 11th of October. OP still has to
25 respond, too. I'm not sure how long it would take Georgetown to

1 give the information to OP. Excuse me, excuse me. I don't know
2 how long it will take the university -- I'm safe -- how long it
3 will take for them to get the information to OP.

4 MS. DWYER: Friday. Friday of this week.

5 SECRETARY PRUITT: Friday. Okay. Then OP still
6 needs time to be able to digest that and then get it back in.

7 Also, you would serve it on the ANCs, correct?

8 MR. BARBER: Yes.

9 SECRETARY PRUITT: And then they would also. If
10 you could get it in Friday then, normally we can give them -- it's
11 a big information. So I would suggest instead of -- yeah. Okay.

12 If you can get it in to the 29th, if we could get responses by
13 like the 13th from the ANC and OP, that gives you two weeks.

14 That's longer than what we normally give for
15 responses, but this is a much larger case and certainly more
16 complex and deserving of more time.

17 Can OP and ANC accommodate that? If you get
18 information from the university by Friday, would you be able to
19 get responses to that information to the Board by the 13th? That
20 gives you two weeks.

21 MS. DWYER: Excuse me. The only thing we're
22 talking about is the language for the additional three conditions
23 that Charles Barber mentioned today in our rebuttal, and that's
24 going to be one page, three paragraphs. So I certainly think that
25 two weeks should be sufficient time for people to respond to that.

1 MS. SPILLINGER: When are you saying the transcript
2 will be ready?

3 SECRETARY PRUITT: We're saying the transcripts
4 hopefully will be ready by the 11th or 12th. Now, we haven't
5 gotten to findings of fact yet. So you still have more time for
6 those.

7 MS. SPILLINGER: Well, yes. Those won't be done
8 until after we get the transcript.

9 SECRETARY PRUITT: Right, and we're hoping that
10 they can get it here on the 11th, and that you could have to the
11 Board by the 19th or 20th, a little bit more like ten days.

12 PARTICIPANTS: No.

13 SECRETARY PRUITT: Okay. So then we need to move
14 the date.

15 MS. SPILLINGER: And we haven't even had time this
16 afternoon to respond to what's been going on here. We have
17 comments, and I don't know what you want to do with that.

18 PARTICIPANT: There's no response.

19 CHAIRPERSON REID: No, there's no provision for the
20 ANC --

21 MS. SPILLINGER: They can't even comment on things
22 that have come up?

23 SECRETARY PRUITT: You can do so through your
24 findings of fact. I mean that's how you get to address them.

25 CHAIRPERSON REID: Both sides will submit findings

1 of fact and conclusions of law. It will give us draft orders, but
2 there is no provision for a rebuttal.

3 MS. SPILLINGER: Can we cross examine?

4 CHAIRPERSON REID: No.

5 MS. SPILLINGER: We can't cross examine the Office
6 of Planning?

7 SECRETARY PRUITT: Madame Chair, Madame Chair, some
8 of what was -- some of what was said by -- and this is an area
9 that I don't think we come across that much. Some of what Mr.
10 Barber was saying was rebuttal, okay, which is different than
11 closing remarks.

12 And I don't know if Ms. Nagelhout could speak to
13 this and give us some advice, but typically in, you know, a court
14 setting if there's rebuttal, then there's the opportunity to cross
15 examine on the rebuttal. So maybe Ms. Nagelhout --

16 CHAIRPERSON REID: A couple of things. One is
17 after the Office of Planning gave their presentation, we asked
18 questions, and I asked for cross examination, for questions. Ms.
19 Dwyer did ask questions, but no one from the ANC or the opposition
20 came forward to ask any questions on cross examination of --

21 MS. SPILLINGER: You didn't even ask us.

22 MR. McLEOD: Madame Chair.

23 CHAIRPERSON REID: I asked. I said, "Are there any
24 questions?"

25 MS. SPILLINGER: You did not ask you.

1 CHAIRPERSON REID: I asked -- hold on a second.

2 Yes, yes.

3 MR. McLEOD: Madame Chair, Jim McLeod, party in
4 opposition.

5 When Ms. Dwyer ended her last question she segued
6 directly to Mr. Barber. Nobody was asked, "Do you want to cross?"

7 No party was asked. The applicant was allowed to. None of the
8 parties were asked that there should be cross examination. Mr. --

9 CHAIRPERSON REID: Okay. Wait, wait.

10 MR. McLEOD: -- Barber --

11 CHAIRPERSON REID: I did -- well, maybe I didn't
12 make it clear when I said, "Questions?" And I said, "Ms. Dwyer,"
13 and I didn't hear from any of you that you wanted to cross
14 examine.

15 MS. SPILLINGER: You didn't ask us.

16 CHAIRPERSON REID: And anyway, if that were the
17 case why didn't you say something before Mr. Barber started to
18 speak?

19 MS. SPILLINGER: Out of common courtesy.

20 CHAIRPERSON REID: If you wanted to cross examine.

21 (Laughter.)

22 CHAIRPERSON REID: I mean, but you're here now.
23 But you're here now.

24 But anyway, nonetheless, if you have some questions
25 you can ask, but you didn't say anything before the closing

1 remarks. You could have.

2 MS. SPILLINGER: We didn't want to interrupt.

3 CHAIRPERSON REID: But before. Okay. All right.
4 Go ahead. Go ahead if you have questions of the Office of
5 Planning.

6 MS. SPILLINGER: I have comments. So --

7 CHAIRPERSON REID: No, you don't have -- you can't.

8 Now --

9 MS. SPILLINGER: I understand.

10 CHAIRPERSON REID: As to rebuttal --

11 MR. McLEOD: I had three questions.

12 CHAIRPERSON REID: Okay. Wait a minute. Let me
13 just answer this.

14 As to rebuttal, there is opportunity for rebuttal
15 if there is any new information, but there is not usually within
16 our proceedings, unlike a court of law -- this does not follow
17 exactly the proceedings of a court of law -- after the closing
18 remarks, that's it.

19 MS. SPILLINGER: And it is only the Applicant who
20 gives closing remarks?

21 SECRETARY PRUITT: Correct.

22 CHAIRPERSON REID: Correct.

23 Thank you.

24 Now, Mr. McLeod.

25 MR. McLEOD: Yes.

1 CHAIRPERSON REID: You have three questions?

2 MR. McLEOD: For the Office of Planning.

3 CHAIRPERSON REID: Sure.

4 MR. McLEOD: I believe Mr. Barber --

5 SECRETARY PRUITT: Mr. McLeod, wait until you're on
6 the record, please, so that we can catch you.

7 MR. McLEOD: James McLeod, party in opposition.

8 I believe Mr. Barber did introduce some new
9 information or at least I didn't understand it totally, but my
10 questions --

11 CHAIRPERSON REID: In his closing remarks he gave
12 his summation, and mind you this was summation of all -- see, this
13 is the second or third day? Third day. Third day -- summation of
14 all of the expanse of the time that they -- they had had their
15 case, put their case on, and he can do that.

16 Your questions are to Office of Planning.

17 MR. McLEOD: Yes. In April, I believe the ANC
18 suggested that 100 percent -- well, beds be made available on
19 campus for 100 percent or equal to 100 percent of all full-time
20 undergraduates. Was that considered by the Office of Planning?
21 And why wasn't that recommended?

22 MS. WAGNER: The Office of Planning did actually
23 consider that. In fact, it was in one of the footnotes, I
24 believe, and one of the things that we had encountered through a
25 number of our negotiations had to do with the ability to deliver,

1 and so there's really two aspects of it.

2 One was we had in question sort of whether the
3 university would have the ability to actually deliver providing
4 100 percent of housing for all students.

5 The other piece in which we tried to address on our
6 second proposal was, in essence, to provide 100 percent beds for
7 all new students above the enrollment number that is today.

8 So in some respects that was addressed, except that
9 we --

10 CHAIRPERSON REID: Wait a minute. There are too
11 many -- excuse me. There are too many ancillary conversations
12 going on in this courtroom. Can you please? Ms. Miller, can you
13 please have a seat?

14 MS. MILLER: Can I just ask him a question?

15 CHAIRPERSON REID: After the hearing because right
16 now we're in proceedings.

17 SECRETARY PRUITT: Actually, it's a reference to
18 the proceedings of this hearing.

19 CHAIRPERSON REID: Well, not at this time.

20 MR. McLEOD: In your evaluation, did you consider
21 conversion of the commercial property on campus that G.W. has 2100
22 block and the 2000 block, for example, for classroom space or dorm
23 space?

24 MS. WAGNER: Are you asking did we evaluate one
25 over the other?

1 MR. McLEOD: Did you -- yeah. Well, did you
2 consider it for either purposes, classroom space to free up other
3 space on campus or dorm space or directly as dorm space?

4 MS. WAGNER: We asked the university to continually
5 look at how to provide additional housing. We did not be specific
6 as to where on campus, except for, I will be frank, one area that
7 we did specifically target was Square 54, that we did see some
8 true opportunities there for housing.

9 MR. McLEOD: Okay. The third question is the
10 discussion of what I call exclusionary zoning. Wouldn't that be
11 alleviated if the university were to build an equal number of beds
12 on campus for the number of undergraduate full-time students?
13 Wouldn't it be more inclusionary zoning that the university would
14 be saying, "We're going to provide housing for our students on
15 campus. They have a home. G.W. is providing for the students."

16 Are there any legal problems with that? Can the
17 university --

18 CHAIRPERSON REID: Wait, wait, wait. Let her
19 answer.

20 MR. McLEOD: Yes, okay.

21 CHAIRPERSON REID: Answer that question.

22 MS. WAGNER: I am not aware of any legal problems
23 with that.

24 MR. McLEOD: So that would be -- and the university
25 wouldn't have a problem if they insisted that only G.W. students

1 lived in their dorms, right, if they're on campus?

2 MS. WAGNER: Correct.

3 MR. McLEOD: Okay. That's all the questions I have
4 for Office of Planning.

5 CHAIRPERSON REID: All right. Now, just to make
6 sure, are there any other cross examination questions for the
7 Office of Planning?

8 MR. THOMAS: Yes, ma'am.

9 CHAIRPERSON REID: Do you have some?

10 MR. THOMAS: Yes, I do.

11 CHAIRPERSON REID: All right. How many do you
12 have?

13 MR. THOMAS: Two.

14 CHAIRPERSON REID: Okay, and is there anyone else?
15 Is there anyone else? All right. Ms. Miller is three and --
16 okay. Just to make sure that no one is left out.

17 And I do apologize if I wasn't clear about the
18 questioning before.

19 Go ahead, Mr. Thomas.

20 MR. THOMAS: Thank you.

21 Michael Thomas with the Foggy Bottom Association.

22 Could I have a statement on the record, because I
23 don't think there is one, as to OP's position on G.W.'s proposed
24 moratorium?

25 MS. McCARTHY: Yes, because we had mentioned before

1 we had concerns about university acquisition of properties as
2 being part of eroding the residential fabric. We certainly
3 welcome G.W. voluntarily indicating that they would not purchase
4 properties.

5 Our feeling was not to put a whole lot of weight on
6 the university's offer as we understood it, at least, because of -
7 - I guess because of three things. One, the university was only
8 promising not to acquire properties that they didn't already have
9 an interest in, and there are several buildings that they have
10 purchased either for investment purposes or where like Columbia
11 Plaza they have a partial interest, and we were thinking that that
12 didn't make much of a commitment because that already excluded
13 several properties from the moratorium.

14 Secondly, I'm trying to remember the details, but I
15 thought there was also some exclusion of some squares immediately
16 south of the university, which -- you're right 58 and 81 -- which
17 were, in fact, two squares that we were very concerned about the
18 university getting any further -- having any further acquisitions
19 in because we felt they were already -- there was very little
20 residential fabric left in those particular squares.

21 And thirdly, it didn't cover any properties that
22 the university might acquire for investment purposes. So we felt
23 the university can easily acquire property now for investment, for
24 example, the One Washington Circle Hotel, which could then easily
25 be converted to housing at some other date, after the moratorium

1 was over, for example, so that the moratorium we didn't -- with
2 the conditions that the university had stated, we didn't feel
3 allayed many of our concerns about university acquisition of
4 property.

5 MR. THOMAS: And this may have gone by me, but also
6 there was a question of Pennsylvania Avenue and north, right? I
7 mean, you were talking about south of the campus, the two squares.
8 I think the moratorium was just in Foggy Bottom, as they defined
9 it.

10 MS. MCCARTHY: Oh, that's right. That's right.
11 That's right, yeah.

12 MR. THOMAS: The other question had to do with
13 something suggested actually by Mr. Barber's rebuttal testimony.
14 He emphasized a couple of times what he thought was really
15 important was the conduct questions and talking about possible
16 objectionable impacts.

17 Could you comment on the question of student
18 conduct versus structure questions in the community and the
19 impacts involved?

20 MS. MCCARTHY: Do you want to answer or me to?

21 DIRECTOR ALTMAN: Yeah, I can briefly, and then you
22 can.

23 MS. MCCARTHY: Go ahead.

24 DIRECTOR ALTMAN: I think what you're asking is the
25 issue was presented as one that the core of the issue is conduct.

1 There may be issues of conduct, but we believe that the core of
2 the issue relates to the cumulative impacts on the neighborhood,
3 and that the Office of Planning's role in looking at, stepping
4 back and looking at the neighborhood and trying to assess impacts
5 based on the comprehensive plan and based on the zoning language -
6 - and it's very clear, I just want to state, because there are a
7 number of assertions made about is one student more valuable as a
8 value judgment.

9 The question really is how to preserve a diversity
10 in that neighborhood. I heard the Commission members discuss
11 this, that we want a diversity, a population diversity in the
12 neighborhood, and within the zoning regulations, it's very clear
13 that it says that when we look at impacts, quote, "a college or
14 university shall be located so that it is not likely to become
15 objectionable to neighboring property because of noise, traffic,
16 number of students, and other objectionable conditions."

17 Number of students reads to me it's not just the
18 issue of conduct. It's the issue of the cumulative impact of the
19 number of students on what that means for the character of a
20 neighborhood, not that it's good or bad. It's not a value
21 judgment. It's a question of retaining that overall character of
22 a neighborhood, and there's a point where that cumulative impact
23 is objectionable in terms of what we're looking at in the
24 comprehensive plan from an overall neighborhood perspective.

25 And I think that is the core of the issue, and

1 fundamentally, what that boils down to is at the end of the day we
2 can talk about 65 percent, 70 percent. At the end of the day,
3 because we don't have that accurate data, projecting out what the
4 cumulative impact will be, not the behavior issue, but the
5 cumulative impact, what might happen in this neighborhood is
6 there's a huge gap between the number of students increased and
7 the number of beds provided, which is what our graph tried to
8 depict, and you can see that that's a big impact on the
9 neighborhood. That's what our concern is. That's what we're
10 trying to mitigate even with the housing construction that's been
11 proposed. There is still substantial impact.

12 That's the heart of our concern and why it remained
13 an objectionable impact that we're trying to address through the
14 approach that we have proposed.

15 CHAIRPERSON REID: Okay.

16 MR. THOMAS: Thank you, Madame Chair. Those are
17 all my questions.

18 While I'm here, if I might just briefly state for
19 the record an objection, I believe that Mr. Barber -- that was not
20 summation. That was rebuttal testimony, and the law allows cross
21 examination.

22 CHAIRPERSON REID: Right.

23 MR. THOMAS: And so my objection is just for the
24 record. I understand.

25 CHAIRPERSON REID: Thank you, Mr. Thomas, and let

1 me clarify that.

2 Mr. Barber, can you come forward, please. Was
3 that, tell me, was that closing -- was that your closing remarks?

4 I thought that you were giving closing remarks or was it
5 rebuttal? There seems to be some question.

6 MR. BARBER: It was both actually. It was my final
7 statement, but I started off by rebutting certain things,
8 statements that had been made, but I was giving closing arguments,
9 closing comments on -- to further address the issue.

10 CHAIRPERSON REID: Okay. Well, for the part that
11 was rebuttal, did you have cross examination question?

12 Okay. Wait one second, Mr. McLeod.

13 Ms. Miller, did you decide not to ask Office of
14 Planning any questions? Can you come up?

15 MS. MILLER: I can't understand what you're doing
16 anymore.

17 CHAIRPERSON REID: Come up.

18 MS. MILLER: I've been waiting all day to hear
19 something about parking and traffic, and I was hoping that they
20 would call Ken Laden up so we could talk about that because
21 parking has not been brought up.

22 CHAIRPERSON REID: In fact, did you have a question
23 for the Office of Planning?

24 MS. MILLER: Yes, that's what I'm saying. I wanted
25 them to ask Ken Laden to come up and talk about parking and about

1 the traffic because it has not been mentioned in the report or all
2 day long.

3 And the other thing is --

4 CHAIRPERSON REID: I think Mr. Laden --

5 MS. MILLER: -- he rebutted what I put, and I've got
6 the testimony which I turned into you all.

7 CHAIRPERSON REID: Okay. Wait, wait, wait. I
8 think that Mr. Laden --

9 MS. MILLER: He waited all day.

10 CHAIRPERSON REID: -- was here to -- to -- to
11 respond to question. I don't think that he was here to testify.

12 MS. MILLER: That was my impression because we
13 asked --

14 CHAIRPERSON REID: Mr. Laden, can you come up.

15 MS. MILLER: I think he's gone home.

16 CHAIRPERSON REID: No, he's right here.

17 MS. MILLER: Oh, he's still here? Good.

18 CHAIRPERSON REID: Yeah, he can speak. He can
19 speak on his behalf.

20 MS. MILLER: Okay. Good. I don't see very well,
21 but I'm still trying.

22 MR. LADEN: Good evening now.

23 CHAIRPERSON REID: Good evening.

24 MR. LADEN: I'm here at the discretion of the Board
25 and the Planning Office as to whether I'm, you know, to answer

1 questions or, you know, for whatever purpose would be useful to
2 this decision process.

3 CHAIRPERSON REID: Mr. Altman, did you -- what was
4 your pleasure as far as Mr. Laden was concerned, which is part of
5 the Office of Planning?

6 DIRECTOR ALTMAN: I think the question really is if
7 there's a specific question that Mr. Laden can answer that you're
8 interested in having him answer, then I think, you know, we'd like
9 him to address it. We essentially had endorsed largely the DWP's
10 recommendations with regard to traffic and parking impact.

11 CHAIRPERSON REID: Okay. Mr. Laden, was there a
12 report, a DPW report?

13 MR. LADEN: Yes, I believe --

14 MS. MILLER: Back in April.

15 MR. LADEN: -- we did send a report back in April.

16 CHAIRPERSON REID: Oh, okay.

17 MS. MILLER: But they changed the thing three or
18 four times and added about ten tons of paper on top of that. They
19 keep changing things.

20 COMMISSIONER MITTEN: Ms. Miller, did you have a
21 question that you wanted to ask?

22 MS. MILLER: Yes, I do. Yes, I do.

23 COMMISSIONER MITTEN: Okay. Maybe now would be a
24 good time to ask the question.

25 MS. MILLER: I'm asking about parking.

1 CHAIRPERSON REID: Wait, wait, wait.

2 COMMISSIONER MITTEN: But you're not asking.

3 CHAIRPERSON REID: Do we have a revised --

4 MS. MILLER: My specific question: how much
5 increase in parking with all of this increase in student, staff,
6 hospital staff and all of the others? There's been no suggestion
7 of an increase in parking.

8 CHAIRPERSON REID: Okay. Wait a minute. Wait.

9 MS. MILLER: And they were short to start with.

10 CHAIRPERSON REID: Wait one second.

11 Mr. Laden, did you submit a revised report?

12 MR. LADEN: No, we have not.

13 CHAIRPERSON REID: Would you?

14 MR. LADEN: If you would like to, we could
15 definitely, yes.

16 CHAIRPERSON REID: Because I haven't seen it. I'm
17 not familiar with it.

18 MR. LADEN: Again, we've submitted a report in
19 April, but we have not received any additional information until
20 just very recently on the revisions.

21 Again, I understand this has been somewhat of a
22 moving target in terms of proposals from the Planning Office and -
23 -

24 CHAIRPERSON REID: Okay.

25 MR. LADEN: -- proposals from the university --

1 CHAIRPERSON REID: Yeah, it is a little confusing.

2 MR. LADEN: -- with respect to housing, parking,
3 you name it, and again, if we're given a set of documents that,
4 you know, are reliably accurate in terms of what's being proposed,
5 we'll look at it and respond to it.

6 CHAIRPERSON REID: Okay, right. Well, then --

7 MR. LADEN: It's hard to respond to this.

8 CHAIRPERSON REID: If you have an updated report,
9 then please submit it to the record. The record will remain open.

10 MR. LADEN: And we do not.

11 CHAIRPERSON REID: I thought you said you did.

12 MR. LADEN: No, there is no updated report. What
13 we have is our April report, and again, if we're asked to comment
14 to a revised university plan or a revised recommendation from the
15 Planning Office, then we'll respond to that.

16 CHAIRPERSON REID: Oh, okay.

17 MR. LADEN: But we haven't received any additional
18 information.

19 CHAIRPERSON REID: Ms. Miller, did you just say
20 that there was a --

21 MS. MILLER: No. You see, the original campus plan
22 stopped at the borders, but you know, the cars evaporate when they
23 reach 23rd Street. They evaporate when they reach the upper part
24 of 24th Street.

25 CHAIRPERSON REID: If you would just answer the

1 question.

2 MS. MILLER: So my question was I wanted to see
3 something of the revision of the parking, and so --

4 CHAIRPERSON REID: Okay. The question -- the
5 question -- the question that you have is not for the Office of
6 Planning. It is for specifically Mr. Laden.

7 MS. MILLER: Well, I was told by Ms. Pruitt I could
8 only get him up here if I asked the Office of Planning to call him
9 up. That's what I was talking about.

10 SECRETARY PRUITT: Officially DPW has always been
11 part of the Office of Planning's presentation. It has always been
12 wrapped in. The Board --

13 MS. MILLER: Not in my opinion.

14 SECRETARY PRUITT: That's your opinion, Ms. Miller.

15

16 CHAIRPERSON REID: Okay.

17 SECRETARY PRUITT: I'm just saying traditionally
18 what has been happening.

19 CHAIRPERSON REID: All right. Here he is. Ask the
20 question, please.

21 MS. MILLER: Well, my question is I want to see an
22 updated parking and traffic report as it relates to all of the
23 things that have been suggested and added.

24 CHAIRPERSON REID: You're requesting that from him?

25 MS. MILLER: I'm requesting that if it has to go

1 through the Office of Planning, fine, but usually it comes from
2 the Department of Public Works.

3 CHAIRPERSON REID: Do you have a question for Mr.
4 Laden?

5 MS. MILLER: Yes. When's the parking going to be
6 increased.

7 VICE CHAIRPERSON SOCKWELL: Before she asks the
8 question, the traffic portion of OP's discussion was minimal, was
9 it not?

10 MS. MILLER: Was what?

11 VICE CHAIRPERSON SOCKWELL: Minimal. So there
12 wasn't a strong piece to be responded to by Mr. Laden. So your
13 question is more or less going to be on the basis of your
14 impression and the things that the community has looked at with
15 regard to traffic.

16 MS. MILLER: Right.

17 VICE CHAIRPERSON SOCKWELL: And whether or not Mr.
18 Laden can answer those in specific terms today will determine
19 whether or not he can add to the report that was previously
20 generated by DPW effectively because he won't have numbers unless
21 those numbers come out of somebody's report.

22 MS. MILLER: And they didn't have them to start
23 with.

24 VICE CHAIRPERSON SOCKWELL: Okay.

25 MS. MILLER: See, everything stopped at the border.

1 Now, as --

2 CHAIRPERSON REID: Don't testify. Ask Mr. Laden
3 any questions that you have.

4 VICE CHAIRPERSON SOCKWELL: Please, please, please,
5 go ahead and ask.

6 MS. MILLER: I want him to update, and I want to
7 know how many more parking spaces are going to be included and
8 where they're going to be located, and they haven't brought up
9 their original parking to the plan they were supposed to have
10 under the last campus plan.

11 VICE CHAIRPERSON SOCKWELL: Is that a question of -
12 -

13 MS. MILLER: That's a question that they violated
14 the last campus plan, and Mr. Barber said I was wrong.

15 VICE CHAIRPERSON SOCKWELL: Okay.

16 MS. MILLER: Well, I have the report right here --

17 VICE CHAIRPERSON SOCKWELL: I think what I'm --

18 MS. MILLER: -- and I sent you all a copy.

19 VICE CHAIRPERSON SOCKWELL: I think what I'm trying
20 to get at, Ms. Miller, is whether or not the question should be
21 raised to Mr. Laden or whether it should be wrapped around to him
22 through a question that G.W. would have to answer. Mr. Laden
23 won't have the numbers unless G.W. gives him the numbers. The
24 numbers --

25 MS. MILLER: They don't give those numbers.

1 VICE CHAIRPERSON SOCKWELL: -- have to come from
2 either something they've provided or a question that you're
3 asking.

4 MS. MILLER: They have not provided anything.

5 CHAIRPERSON REID: Well --

6 MS. MILLER: Nothing. They have said nothing about
7 this enormous increase in staff, increase in students, increase at
8 the hospital.

9 VICE CHAIRPERSON SOCKWELL: Okay.

10 MS. MILLER: Increase in a number of other things,
11 and all of these --

12 VICE CHAIRPERSON SOCKWELL: But generally --

13 MS. MILLER: -- buildings going up.

14 VICE CHAIRPERSON SOCKWELL: -- generally --
15 generally the parking -- let me finish please. No, no, wait,
16 please.

17 Generally, the question is raised when a specific
18 project is referred for further processing as far as real numbers.

19 Now, because they're talking about a certain number of proposed
20 projects, they aren't speaking as directly at something that we
21 can quantify, but I will let you ask the question if you'll do it
22 carefully. If you craft the question well, we'll see what you get
23 from it. Okay?

24 MS. MILLER: Well, I'll try.

25 VICE CHAIRPERSON SOCKWELL: Oh, you'll be good.

1 MS. MILLER: Let's put it this way. They're
2 recommending an increase in students. They're recommending an
3 increase in staff to help them. They're recommending an increase
4 in residential properties and building more units for people to
5 sleep. How are they going to accommodate them on the streets and
6 in the parking areas?

7 That's what I'm trying to find out.

8 CHAIRPERSON REID: Mr. Laden, can you respond to
9 that?

10 MR. LADEN. I'll try as best that I can. First of
11 all, I do think that it would be important with the moving targets
12 that we have with respect to student population, possible
13 employment population, all of the land use decisions that need to
14 occur, the housing, all of these would affect the parking
15 requirements.

16 So we need to have a point in time with a
17 development outline that we can review to determine whether or not
18 the parking makes sense.

19 Parking is a delicate balance in my opinion. On
20 the one hand, you want to have enough parking there for people
21 that do have to drive to get to their employment source or to the
22 hospital or whatever the purpose they have for coming to the
23 campus area, but you don't want so much as to serve as a magnet to
24 encourage people to drive. The parking can't be looked at in
25 isolation. It has to be part of a thorough transportation policy

1 that includes the incentives for mass transit, includes the
2 housing provisions. So I'll do the best I can to respond to a
3 particular set of facts in terms of whether or not the parking is
4 reasonable or not.

5 My general sense is that, you know, this is an
6 urban campus that's well served by mass transit, and what we
7 really should be focusing on is coming up with a mass transit
8 incentive package that encourages both students and faculty and
9 visitors to use mass transit so that there's less burden on the
10 streets.

11 But, again, on the other side of the coin, if you
12 need enough parking so that people who do have to drive are not
13 led to having to park on the streets and clog the neighborhoods
14 with, you know, cars that are there for university purposes.

15 So it's a balancing act. There's no easy yes or no
16 number. There's no fixed point that, you know, 2,700 is too low
17 and 2,800 is just right. It's --

18 MS. MILLER: Two thousand eight hundred?

19 CHAIRPERSON REID: What's your next question or do
20 you have a next question?

21 MS. MILLER: I'd like to first explain something to
22 you.

23 CHAIRPERSON REID: Ms. Miller.

24 MS. MILLER: I have to.

25 CHAIRPERSON REID: All right. We're not going to -

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MS. MILLER: If 100 students try to park --

CHAIRPERSON REID: Ms. Miller, we're not going to be here all night.

MS. MILLER: All right, but I want to tell you.

CHAIRPERSON REID: If you have a question --

MS. MILLER: My question is --

CHAIRPERSON REID: -- you can ask the question.

MS. MILLER: -- why is it the students would rather park on the streets and pay a ticket than to park in a garage at G.W. I'd like to know why.

CHAIRPERSON REID: Who do you -- who do you think is going to answer that question?

MR. MILLER: I'm questioning Mr. Laden, who says 270 cars are enough.

CHAIRPERSON REID: Mr. Laden, can you --

MR. MILLER: The students say they don't have any.

CHAIRPERSON REID: -- answer that question? Yes or no?

MR. LADEN: Can I answer the question?

CHAIRPERSON REID: I said can you answer that question.

MR. LADEN: I would assume that each individual would make their own decision with respect to their class schedule and their ability to find parking on the street, that they can

1 either work around the meter system or work around the
2 neighborhood parking system. It's going to be an individual
3 situation for each student based upon their class schedule and
4 time of day they're there.

5 CHAIRPERSON REID: Thank you.

6 MS. MILLER: He's quite right, and Georgetown does
7 not accommodate them.

8 CHAIRPERSON REID: Ms. Miller, Ms. Miller, thank
9 you very much.

10 Mr. Thomas.

11 MS. MILLER: Can -- can --

12 COMMISSIONER MITTEN: Can I ask a question, please?

13 In the report from you that was attached to the
14 April Office of planning report, Mr. Laden --

15 MR. LADEN: Yes.

16 COMMISSIONER MITTEN: -- one of the last
17 recommendations that you had made was examine traffic and parking
18 impacts of university controlled properties outside of the campus
19 plan area on the surrounding residential neighborhood. Is that
20 something that you were seeking from the university?

21 MR. LADEN: I think that is something that we would
22 need from the university. Again, it's difficult to get at because
23 as I think has been stated earlier, my sense is that the
24 university population is somewhat fluid in terms of where it's
25 residing and how it changes its status, especially on the off

1 campus housing situation.

2 But what we would like to have is some sort of an
3 assessment by the university, by their traffic consultants as to
4 what the impact this new off campus housing is having on parking
5 in the residential community surrounding it.

6 COMMISSIONER MITTEN: So since you wrote this in
7 April or thereabouts, you haven't received a response to that
8 request; is that correct?

9 MR. LADEN: That is correct.

10 COMMISSIONER MITTEN: Okay. Thank you.

11 CHAIRPERSON REID: Okay. Thank you very much.

12 MS. MILLER: That would be helpful to have some
13 update information.

14 CHAIRPERSON REID: Mr. Thomas, would you come
15 forward please so that you could -- I'm sorry?

16 MS. DWYER: I just have a couple of questions. I
17 can wait until he --

18 CHAIRPERSON REID: No, no. Go ahead while he's
19 here. Mr. Thomas wanted to --

20 MS. MILLER: Do you want me to leave?

21 MS. DWYER: Mr. Laden, I just want to understand.
22 When you did your report back in April, that was based on the
23 campus plan document which had all of the staff, faculty, and
24 student enrollment projections.

25 MR. LADEN: Correct.

1 MS. DWYER: And if those faculty, staff, and
2 student projections have not changed since that date in time, then
3 your report is still valid as to those numbers?

4 MR. LADEN: Yes, that is correct.

5 MS. DWYER: All right. Did your office not receive
6 -- I just want to confirm that you did not, in fact, receive
7 anything from the university's traffic consultant on your last
8 point looking at a survey of available street parking south of the
9 campus.

10 MR. LADEN: I think I was shown a document this
11 morning, but I haven't received anything to really look at or
12 examine.

13 MS. DWYER: Okay.

14 MR. LADEN: From what I remember, there was a point
15 in time analysis for one day between six o'clock and seven o'clock
16 in the evening, which I felt was rather limited to determine what
17 the real parking situation was for, you know, throughout a full
18 day period of time, but I don't remember having received any
19 report to analyze.

20 MS. DWYER: Okay. All right. Thank you.

21 MS. MILLER: Can I ask her a question?

22 CHAIRPERSON REID: No. Thank you.

23 MS. MILLER: Are you aware of the places you can
24 park?

25 CHAIRPERSON REID: Ms. Miller, please take a seat,

1 and, Mr. Thomas, can you come up?

2 Mr. Laden, I think that concludes your questioning.

3 Thank you very much for your indulgence today.

4 MR. LADEN: Am I finished?

5 CHAIRPERSON REID: Yes.

6 MR. LADEN: Thank you.

7 COMMISSIONER MITTEN: Madame Chair, it was
8 suggested and Mr. Laden said that if we requested it that he would
9 provide a revised report to the one that he provided in April
10 given the new information.

11 VICE CHAIRPERSON SOCKWELL: That was if there was
12 new information. He did not say there way. He just said if there
13 was new information.

14 COMMISSIONER MITTEN: Well, I guess the point is is
15 that something that we want.

16 VICE CHAIRPERSON SOCKWELL: Do we have new
17 information is the question.

18 COMMISSIONER MITTEN: Well, Mr. Laden, you heard
19 people talk today. Do you feel that there's information that you
20 weren't aware of?

21 VICE CHAIRPERSON SOCKWELL: Quantifiable
22 information.

23 CHAIRPERSON REID: That would require a revised
24 report.

25 MR. LADEN: It seems like most of the discussion

1 we've had so far today has focused on -- and a lot of the back-
2 and-forth has been on the question of housing, and obviously that
3 would make a difference in terms of the traffic impacts and the
4 parking requirements.

5 I hate to throw a monkey wrench into the
6 proceedings, but I guess there's enough monkey wrenches in there
7 already.

8 While we support the Planning Office's notion that
9 the Foggy Bottom community, residential community needs somehow
10 some guarantees as to the level of influence of the university, to
11 the extent that students are encouraged to move into other areas
12 of the region that require them to use automobiles to get to
13 classes, to get to student events that might further complicate
14 the parking requirements, and that might further complicate the
15 traffic situation.

16 We would hope that as the university and the
17 Planning Office and the Board of Zoning Adjustment work through
18 this approach that there would be some attempt to focus on areas
19 that are well served by mass transit and would allow those
20 students to get to the campus without having to drive in single
21 occupant vehicles.

22 So I think that's the main area that might come up
23 as a result of these discussions that could have some impact on
24 the parking and traffic situation.

25 CHAIRPERSON REID: So is your answer yes or no?

1 MR. LADEN: Again, it depends upon, as I see it,
2 the university and the Planning Office, the community, the
3 residential community are going to try to work together over the
4 next couple of days to come up with a proposed approach to deal
5 with the balanced needs of protecting the residential neighborhood
6 and meeting the university's needs, and we would be interested in
7 taking a look at that and determine whether it's positive,
8 negative, or neutral with respect to traffic.

9 VICE CHAIRPERSON SOCKWELL: Ms. Dwyer, a question
10 for determination, if I may. Is there new data that your traffic
11 consultant for the university has prepared that would be different
12 from that which has been submitted heretofore?

13 MS. DWYER: No. The only information that we had
14 was to confirm that area parking had been -- a survey of on street
15 parking in the area neighborhoods had also been included in their
16 analysis, but --

17 VICE CHAIRPERSON SOCKWELL: Was it submitted to the
18 Board as documentation?

19 MS. DWYER: Was that referenced in your report at
20 all?

21 VICE CHAIRPERSON SOCKWELL: The area calculations.

22 MS. DWYER: They did a recent analysis to just
23 further support that, and we did not file that today in the record
24 and have not put that in the record.

25 VICE CHAIRPERSON SOCKWELL: Was there a plan that

1 it was available to be filed? I know that Mr. Slade was here
2 earlier.

3 MS. DWYER: Yes.

4 VICE CHAIRPERSON SOCKWELL: Looking very
5 presentable. So --

6 (Laughter.)

7 MS. DWYER: It was one of the issues that if it
8 came up today and we felt that needed to be addressed, we were
9 prepared to address it, but in the interest of time and our
10 feeling that we could stand on what was in the record, we did not
11 call him as a witness on that issue.

12 VICE CHAIRPERSON SOCKWELL: Do you feel, Mr. Laden,
13 that that information should be analyzed by DPW?

14 MR. LADEN: I think I'd be interested in taking a
15 look at it. As it was described to me and as I just glanced at it
16 before the hearing started, it was an examination of parking on
17 the residential blocks during a specific period of time that was
18 fairly limited and during a one day period of time.

19 That kind of information is anecdotal, and it might
20 be, you know, interesting, but I'm not sure how useful it would
21 be. I also believe, if I remember correctly, it was like from
22 6:00 p.m. until 7:30 or something like that in the evening, of
23 which part of that area is still under rush hour restrictions with
24 respect to parking.

25 So I'm not sure that that particular set of data

1 would be, you know, that useful, but certainly we would be willing
2 to take a look at it and give our judgment.

3 VICE CHAIRPERSON SOCKWELL: Ms. Dwyer, would you
4 have any objection to submitting that data to the Board for
5 passthrough to DPW so they could look at it as anecdotal
6 information?

7 MS. DWYER: No, we have no objection to that, and
8 that --

9 VICE CHAIRPERSON SOCKWELL: Well, we've got to get
10 a copy of anything that goes down. That's all. I mean, they can
11 submit it to him. I mean, we're going to get a copy of it.
12 That's all I'm saying.

13 MS. DWYER: Okay. We would be happy to file that,
14 and we could file that on Friday as well, and I would suggest that
15 any further review by DPW would be limited to that as needed
16 because the campus plan projected a total staff, employee, and
17 student cap, which has not changed, and if anything, what the
18 university has proposed, by providing more beds on campus means
19 that fewer of the total population will be living out in the
20 community and driving.

21 So I don't think that there's anything that we have
22 presented that would change any of the findings and
23 recommendations by DPW earlier. If anything, it would be an
24 improvement.

25 But we would be happy to submit this parking survey

1 as one further piece of information with the opportunity for them
2 to comment on that.

3 VICE CHAIRPERSON SOCKWELL: And the determination
4 of whether a revision to the report is necessary would be in your
5 hands, Mr. Laden. It would not be a requirement, but it would be
6 your determination, having seen the documentation, correct?

7 MR. LADEN: Correct. And, again, to try to be
8 helpful and clarify our comments from our April 21st testimony,
9 what we're interested in figuring out is of those students,
10 undergraduate students living in housing adjacent to the
11 university, how many of them have brought cars into the city and
12 are parking on neighborhood streets, and what kind of impact is
13 that having on the residents' ability to park in their
14 neighborhood?

15 COMMISSIONER MITTEN: I just want to be clear.
16 There's something that's been done, and then that's going to be
17 shared with Mr. Laden, but I guess the pending question is Mr.
18 Laden made a recommendation to us about additional information.
19 This addresses in a very narrow way the issues that he raised. I
20 guess the question for us is: are we going to request based on
21 Mr. Laden's April recommendation that a more thorough examination
22 of traffic and parking impacts of university controlled properties
23 outside of the campus plan area on the surrounding residential
24 neighborhood, whether that, in fact, be made because he was
25 suggesting that was information we should have.

1 It's not even going to be provided with what he's
2 going to be given, you know, that's been already prepared. So the
3 question still remains. Are we going to be satisfied with the
4 information that Mr. Laden has been able to evaluate for us that's
5 been given to him?

6 VICE CHAIRPERSON SOCKWELL: It would be my thought
7 that perhaps even a narrow band study would give him a reason to
8 make a determination that, huh, this is interesting. Maybe we
9 should have more discussion of this or whatever, but I think that
10 at least it had been prepared and was available, and that because
11 the community has raised the issue and because Mr. Laden had
12 unanswered questions, now the documentation is available, that we
13 might as well get to look at it.

14 COMMISSIONER MITTEN: I don't want to belabor it,
15 but I guess what I'm saying is that the documentation that's
16 available --

17 VICE CHAIRPERSON SOCKWELL: You haven't seen it.
18 You don't know what it is.

19 COMMISSIONER MITTEN: Okay.

20 VICE CHAIRPERSON SOCKWELL: Until you've seen it,
21 you don't know what it is.

22 CHAIRPERSON REID: -- as to whether or not he
23 should revise the report once he receives all of the information,
24 and if he does decide to do a revised report, then he will submit
25 to us, and it has to be in by when, Ms. Pruitt?

1 SECRETARY PRUITT: That will be determined once you
2 have a decision date. I mean you have to start from the decision
3 date and work back so that everybody has enough time to respond
4 and everything.

5 CHAIRPERSON REID: Okay.

6 SECRETARY PRUITT: So it's still up in the air at
7 this particular time.

8 MR. THOMAS: Madame Chair, just a point of
9 clarification. I wasn't clear from the discussion. Is Mr.
10 Laden's office also going to look at whether some of these other
11 projects which have some on in very late proposals from G.W. like
12 a 900,000 square foot commercial -- high density commercial -- on
13 Square 54, like a complex on Square 80 might change their
14 conclusions, or is he only going to look at the additional
15 studies?

16 CHAIRPERSON REID: You're asking him?

17 MR. THOMAS: Yes.

18 CHAIRPERSON REID: Okay. Mr. Laden?

19 MR. LADEN: Again, I think my initial comment was
20 if we can get a listing from the university of the various
21 additions, alterations, changes from their -- again, what is
22 currently being proposed, not all of the ideas that have been
23 considered and throw out, but what's currently on the table that's
24 new and different from the original campus plan and the traffic
25 study that their consultants prepared back in -- let me take a

1 look -- back in March; you know, if there's any substantive
2 changes with respect to land use, employment, student population,
3 we'll take a look at it and determine whether or not there's any
4 additional impacts that we hadn't identified in our April 21
5 comments.

6 And, again, we'll try to do that as expeditiously
7 as possible, and we'll provide a comment to the Board through the
8 Office of Planning whether the impacts are nonexistent or whether
9 there's any substantive comments there.

10 CHAIRPERSON REID: All right. Okay. Thank you
11 very much, Mr. Laden. We will -- once we decide on the date, then
12 we can kind of go back and determine what time frame.

13 All right. Okay. Thank you.

14 Mr. Barber.

15 Now, Mr. Thomas, you had questions based on Mr.
16 Barber's rebuttal statements. Right.

17 MR. THOMAS: That's right, Madame Chairman, and
18 strictly from my notes from his statements on rebuttal.

19 CHAIRPERSON REID: Okay, all right.

20 MR. THOMAS: Mr. Barber, in addressing the housing
21 commitment, you said as I had in my notes that you're not now
22 saying that you have to build all of the proposed 1,350 on campus.
23 Your proposal in writing conditioned expressly the 70 percent
24 commitment by 2005 on the three projects, 5480 and 103.

25 Are you amending that expressed conditionality to

1 the 70 percent commitment, and if so, exactly how?

2 MS. DWYER: Madame Chair, Mr. Barber is going to go
3 ahead and answer this, but I think the rebuttal testimony or cross
4 examination rebuttal -- and it was confusing because it was
5 combined with closing -- is limited to any new information that
6 came up in rebuttal, and as Mr. Barber can address this question,
7 but I'm going to object if there are questions that are clearly
8 beyond what should be permitted at this time.

9 CHAIRPERSON REID: Mr. Thomas, you understand that,
10 right?

11 MR. THOMAS: I understand the general point. I
12 don't understand its applicability to this question.

13 CHAIRPERSON REID: Well, my understanding is that
14 while they will go ahead and answer this particular question, that
15 they don't feel that it is within the auspices of the rebuttal,
16 and the questions that you are asking are supposed to be limited
17 to just the -- confined to just the rebuttal segment of his
18 remarks, closing remarks.

19 MR. THOMAS: Well, let's proceed.

20 CHAIRPERSON REID: Okay.

21 MR. BARBER: I'm sorry. Ask me your question again
22 so I can get it clear.

23 MR. THOMAS: Your written proposal that we
24 considered earlier expressly conditioned the 70 percent housing
25 commitment by 2005 on the projects on blocks or Squares 5480 and

1 103 going forward without delay. To night you said that you're
2 not saying you have to build all of the proposed projects. My
3 question to you is simply whether you are amending the written
4 proposal in any way as to that expressed conditionality, and if so
5 how.

6 MR. BARBER: I think it is clarified, amended, if
7 you will. It will probably be reflected in our proposed findings
8 to say it has to be a substantial number of those projects, of
9 those beds be allowed to be built.

10 Again, we feel we can meet our 70 percent
11 commitment without building each of those beds that we propose.

12 MR. THOMAS: Are you prepared to say how many of
13 them you have to build?

14 MR. BARBER: It becomes a calculus of students and
15 beds, as it always has been. I can say one of the two bigger
16 projects, I think, needs to be in there.

17 MR. THOMAS: One of the two bigger projects.

18 MR. BARBER: Right. I'm talking about of the three
19 on campus projects, and two of them are large.

20 MR. THOMAS: I have you saying earlier this evening
21 that in your opinion the Board can reject a further processing
22 project on the grounds that G.W. is not in compliance on some
23 issue on a condition under the campus plan that doesn't relate to
24 the particular parcel in question. Did I understand your
25 statement correctly?

1 MR. BARBER: That is my understanding.

2 MR. THOMAS: All right. Is George Washington then
3 ready to agree to a hold on all further processing cases as an
4 enforcement provision any time G.W. does not meet any of its
5 housing commitments?

6 MS. DWYER: Madame Chair, I'm going to object. I
7 think this goes beyond the scope of cross examination, of rebuttal
8 and new information and rebuttal.

9 MR. THOMAS: Madame Chair, it clearly doesn't. The
10 enforcement proposal that they made in their written submission
11 was simply that the ANC could ask this Board to hold some sort of
12 a review.

13 What Mr. Barber was suggesting this evening was
14 that they agreed with the concept that OP had put forward and that
15 we had put forward, too, which was that enforcement would be
16 effective if further processing cases were held when they were not
17 in compliance, and I was asking whether his testimony meant that
18 they were now accepting that as an enforcement proposal.

19 CHAIRPERSON REID: Oh.

20 MR. BARBER: The answer is no.

21 CHAIRPERSON REID: Okay. How many more questions
22 do you have, Mr. Thomas?

23 MR. THOMAS: I think I just have one more issue
24 which will take a couple of questions.

25 CHAIRPERSON REID: All right.

1 MR. THOMAS: I have you saying in my notes that
2 you believe it is wrong to tie G.W.'s commitments to a number of
3 students, in other words, a census, in the Foggy Bottom area. Did
4 I understand that correctly?

5 MR. BARBER: Yes. I think that's the wrong
6 approach.

7 MR. THOMAS: And you said that the first reason you
8 gave was, I believe, that it implies that they're not as worthy.

9 MR. BARBER: Right. The concept of limiting
10 students in a particular area, it kind of treats students as
11 pariahs. I think you can reach a similar goal by requiring we
12 build campus housing and, therefore, reduce the number of students
13 who need to go outside the campus to look for housing, but to take
14 the approach of identifying an area and, in effect, redlining and
15 saying students should be limited in that area, I don't think
16 that's the right approach, no.

17 MR. THOMAS: At the same time, am I correct you
18 have not withdrawn your proposal to implement programs to
19 encourage retention of students in residence halls?

20 MR. BARBER: No, by no means.

21 MR. THOMAS: And you haven't withdrawn your
22 proposal to encourage student housing choices outside Foggy
23 Bottom.

24 MR. BARBER: No, we have not. In fact, as Ms.
25 Renshaw asked us, we'll take another look to make that more

1 specific.

2 MR. THOMAS: Right, and of course, we certainly
3 don't object to those proposals, and in fact, you also are
4 implementing a program to require freshmen and sophomores to live
5 in residence halls over the next couple of years.

6 MR. BARBER: Yes.

7 CHAIRPERSON REID: This is the sixth question.

8 MR. THOMAS: All right. So I ask you: is it that
9 you think it's unfair to characterize students in order -- in
10 putting together incentive programs or just that the university
11 doesn't want to be bound by a performance standard that is
12 measured by the success of the incentive programs you're perfectly
13 willing to implement?

14 MR. BARBER: Well, I think it's both. I don't want
15 to characterize students that way, and I don't think the
16 university should be held to a performance standard of how many
17 students end up in Foggy Bottom.

18 I think we should be supportive in our efforts to
19 build beds and limit the number of students who have to go off
20 campus anywhere. Now, once they go off campus, to then say they
21 should not be in Foggy Bottom or hold us to a performance standard
22 that would count the number of students in Foggy Bottom and then
23 find us out of compliance with some kind of plan, I think that's
24 the wrong approach.

25 MR. THOMAS: Thank you, Madame Chair.

1 CHAIRPERSON REID: Thank you.

2 MR. McLEOD: Can I just add one issue?

3 James McLeod, party in opposition.

4 Mr. Barber, you mentioned about the moratorium, and
5 my specific issue about the commercial zone, and you seem to draw
6 a distinction --

7 MR. BARBER: You're welcome.

8 MR. McLEOD: You seem to draw a distinction as to
9 residential property. Now, what is the university's understanding
10 of 2424 Pennsylvania House? Do you consider that a residential
11 property?

12 MR. BARBER: Yes.

13 MR. McLEOD: So, in other words, that would be
14 included in your moratorium?

15 MR. BARBER: Yes. The issue I thought you rightly
16 brought up, and I think our condition was phrased residential
17 properties in residential zones in Foggy Bottom. What we are
18 deleting is residential zones because I think as you point out,
19 2424 Pennsylvania Avenue and a couple of others are residential
20 properties in Foggy Bottom that don't happen to be in a
21 residential zone. They're in a commercial zone.

22 So our moratorium applies to residential properties
23 in Foggy Bottom irrespective of whether in a residential zone or
24 commercial zone.

25 MR. McLEOD: And that would be that area that

1 you've designated the less inclusive one than what the Office of
2 Planning and whatever your commitment to Foggy Bottom?

3 MR. BARBER: It's our moratorium area, Foggy
4 Bottom, yes.

5 MR. McLEOD: Okay. I think I finally got an answer
6 I understand to that question. Thank you.

7 CHAIRPERSON REID: Thank you very much.

8 Now, I think, Mr. Barber, you've had closing
9 remarks. So have you concluded?

10 MR. BARBER: Yes.

11 CHAIRPERSON REID: Okay. Then we have to come up
12 with a date for the --

13 SECRETARY PRUITT: Decision, and then we can work
14 back.

15 CHAIRPERSON REID: -- decision, and then we'll work
16 back, and then we'll ask for both sides to submit draft orders
17 with findings of fact and conclusions of law.

18 What date?

19 MR. BARBER: Madame Chair, I did have a speech, but
20 I thought I would save everybody the time and forego the speech.

21 CHAIRPERSON REID: Another one?

22 VICE CHAIRPERSON SOCKWELL: Can you submit it?

23 MR. BARBER: Yeah, I can.

24 MS. DWYER: Yes, we can actually.

25 CHAIRPERSON REID: Thank you.

1 SECRETARY PRUITT: I believe we've determined that
2 any time in October is just not enough time for both OP and ANC.
3 My suggestion would be November 15th. The week of the 13th would
4 be probably the first available time, and the reason I say that is
5 because on the week of the 6th you have election day and a
6 hearing, and I didn't want to overburden everybody with their
7 civic duty with three things in one week.

8 So the week of the 13th would be sort of the first.

9 CHAIRPERSON REID: November 13th.

10 SECRETARY PRUITT: That's a Monday.

11 CHAIRPERSON REID: That's an extra day?

12 SECRETARY PRUITT: Yes. That would be the extra
13 day just for deliberation on this. If you go into the following
14 week, you're into Thanksgiving.

15 CHAIRPERSON REID: All right. That's okay with me.

16 COMMISSIONER MITTEN: I would prefer that it not be
17 Monday because the Zoning Commission has a hearing.

18 SECRETARY PRUITT: The Zoning Commission has a one
19 o'clock meeting.

20 COMMISSIONER MITTEN: Or a meeting, public meeting
21 that day.

22 SECRETARY PRUITT: So it would be -- I believe what
23 Ms. Mitten is suggesting is it be the 15th, 16th or 17th.

24 VICE CHAIRPERSON SOCKWELL: Ms. Mitten, if we did
25 it in the a.m., we might -- if we started at, say, 8:30 or nine,

1 we might be out of here in time for you to have ten minutes for
2 lunch and then go to the Zoning Commission.

3 COMMISSIONER MITTEN: Well, I was going to
4 recommend that we not start the public portion of the meeting
5 until perhaps like 10:30 so that we could spend an hour and a half
6 or two hours, you know, just getting some kind of structure to the
7 discussion in an executive session because we'll be all over the
8 place, and we will not be efficient if we try to proceed with the
9 public meeting without having an executive session.

10 So I don't see this happening in a morning
11 unfortunately.

12 CHAIRPERSON REID: Okay. The 15th, that Wednesday,
13 is it all right with you, Mr. Sockwell?

14 VICE CHAIRPERSON SOCKWELL: It's as all right as
15 any other day.

16 (Laughter.)

17 CHAIRPERSON REID: All right. Is that all right,
18 Ms. Mitten?

19 VICE CHAIRPERSON SOCKWELL: So far as I know.

20 COMMISSIONER MITTEN: I have to check my calendar,
21 but I think so.

22 CHAIRPERSON REID: Okay, and you will so inform Mr.
23 Moulden and Ms. Renshaw.

24 SECRETARY PRUITT: So just for clarification, it's
25 going to be the 15th. The public meeting portion will start at

1 10:30?

2 CHAIRPERSON REID: Why so late?

3 COMMISSIONER MITTEN: Because I --

4 CHAIRPERSON REID: Oh, you mean the public meeting?

5 COMMISSIONER MITTEN: The public portion, and then
6 we would have an executive session that perhaps would go from 8:30
7 to 10:30.

8 CHAIRPERSON REID: All right.

9 COMMISSIONER MITTEN: And then we could get
10 organized.

11 CHAIRPERSON REID: I've got you. Okay. Ten,
12 thirty for the public meeting for George Washington decision on
13 November 15th, 10:30 a.m.

14 SECRETARY PRUITT: Now, working back from there,
15 we'd like to have findings of fact from parties and applicant no
16 later than November 8th. My understanding, just so I can recap,
17 you will have the new information to OP and interested parties by
18 this Friday, correct?

19 We can give then until the 20th of October to allow
20 the ANC and everybody to respond, or actually you can even get to
21 the 27th. Well, we might as well give it --

22 MS. DWYER: It would be better if it was the normal
23 response time because then it's in the record, and then we all
24 have that as we're working on our draft orders.

25 SECRETARY PRUITT: Right. That's why I'm trying to

1 give you enough time before your draft order that the responses
2 need to be in.

3 So if the responses are due on the 8th --

4 MS. DWYER: I mean, remember we're filing a page of
5 three paragraphs.

6 SECRETARY PRUITT: Right. I'm just thinking of
7 more for the -- well, I'm trying to make -- the community had some
8 concerns about being able to make their time frame, and the same
9 thing with OP based on that.

10 So findings of fact due on the 8th. We could do
11 submissions then by October 30th. That gives you like ten days
12 before the findings of fact; the responses from the applicant by
13 the 30th. That would give then everybody about ten days to look
14 at the record before findings of fact are due.

15 MS. DWYER: So this Friday we file the additional
16 information, and then the other parties and the Office of Planning
17 have a month before they respond to it?

18 SECRETARY PRUITT: That's -- yeah.

19 MS. DWYER: And at the end of the month would be
20 when OP's report with conditions is also due?

21 I would object. I think it would be better if we
22 had OP's report sooner than that.

23 SECRETARY PRUITT: Okay.

24 MS. DWYER: With the conditions, because again, it
25 gives us time to think about them and how we incorporate them in

1 any draft order.

2 SECRETARY PRUITT: We could move it to the 23rd, a
3 week earlier. So that give you actually a little bit more than
4 two weeks.

5 MS. DWYER: That would be much better.

6 SECRETARY PRUITT: Okay. So let me just go through
7 this again because I know this has been very confusing.

8 Working back, the Board will make a decision on
9 this or do deliberations on November 15th at 10:30. G.W. will
10 supply to parties and OP additional information by this Friday,
11 which is the 29th.

12 The responses to this new information from OP, DPW,
13 and any parties are due on the 23rd of October, with findings of
14 fact due on the 8th of November.

15 Okay, and I'd like to have Ms. Bailey sort of run
16 through what each -- because I know the Board had asked for
17 additional information from OP to be sure that everybody is on the
18 same page of what should be coming in for the record.

19 MS. BAILEY: The first thing I have on my list is
20 David Burt, who was the Student Government Association President.

21 The vote on the resolution about the campus plan.
22 Mr. Sockwell, I believe, asked for that, the dates the vote was
23 taken.

24 Ms. Miller wanted to submit -- did not get a chance
25 to cross examine Mr. Burt, and she is supposed to submit her

1 comments in writing to him for a response. This, again, is the
2 Student Government Association President.

3 The Applicant is to provide documentation about
4 contacting students at 2537 Queen Ann's Lane. This is a house
5 that's occupied that's off campus, and there seems to be some
6 problems mentioned by the community.

7 Now, the Office of Planning is to provide a revised
8 report. The following things are highlighted, but they're not
9 exclusive to all of the things Office of Planning is to provide.
10 However, they are highlighted for emphasis.

11 A report from the Department of Health concerning
12 potential environmental impacts at the site. This is the old
13 hospital site, and this information should also include pollution
14 controls, if any are in place or necessary.

15 The Office of Planning is to provide --

16 VICE CHAIRPERSON SOCKWELL: Excuse me. Ms. Bailey,
17 would you repeat that last piece because I didn't quite understand
18 what you --

19 MS. BAILEY: This is a request from the Department
20 of Public Works. The Office of Planning is to request --

21 VICE CHAIRPERSON SOCKWELL: No, the Department of
22 Health piece only.

23 MS. BAILEY: A report from the Department of Health
24 concerning environmental impacts, any potential environmental
25 impacts on the site. This is for the old hospital site.

1 Are you still not with me?

2 VICE CHAIRPERSON SOCKWELL: Yeah, I know what
3 you're talking about.

4 MS. BAILEY: And there was also some mention of
5 pollution. In other words, the pollution associated with that
6 site, potential pollution problems associated with that site.

7 VICE CHAIRPERSON SOCKWELL: Where is that in the
8 development process?

9 MR. BARBER: We haven't even started. We haven't
10 put pen to paper on that. There's nothing for them to review.

11 VICE CHAIRPERSON SOCKWELL: That's what I'm saying.
12 There isn't going to be -- the only thing that could possibly be
13 there would be some representation that maybe there are
14 underground fuel tanks that might need to be dealt with or
15 something like that in filing, but the Department of Health isn't
16 going to have any of that information unless it's really cryptic
17 because it just doesn't come in at this time.

18 COMMISSIONER MITTEN: Can I just suggest something?
19 Which is I understand what everyone is saying about how they do
20 these project specific things, but let's have them say that to us.
21 If they have something to say that's relevant, let's ask them.

22 If their response is, "Hey, we don't do that. We
23 do -- if you give us a project, we evaluate it," that's fine.

24 VICE CHAIRPERSON SOCKWELL: Well, I'm telling you
25 because I do this as my business with the District. They don't --

1 COMMISSIONER MITTEN: I'd rather have authority --

2 VICE CHAIRPERSON SOCKWELL: -- have the information
3 unless it's submitted by the Applicant. They have nothing to look
4 at.

5 SECRETARY PRUITT: Mr. Sockwell, we did this
6 because this was a question that was raised in the transcript. So
7 --

8 VICE CHAIRPERSON SOCKWELL: I understand, but it's
9 a waste.

10 SECRETARY PRUITT: -- we're trying to clarify
11 exactly what we need.

12 VICE CHAIRPERSON SOCKWELL: It's a waste of
13 telephone time. You might as well just bring in Ted Gordon and
14 let him speak because he's not going to have any information.

15 MS. BAILEY: Would that --

16 SECRETARY PRUITT: Do you want it in or out?

17 MS. BAILEY: Yeah, do you want it in or out?

18 CHAIRPERSON REID: Be that as it may, it doesn't --

19 VICE CHAIRPERSON SOCKWELL: I don't care. Ask for
20 it. Ask for it.

21 CHAIRPERSON REID: It won't hurt. It won't hurt.
22 So let's just ask for it. Let it just fall where they may.

23 MR. BARBER: Who's supposed to contact the
24 department though?

25 MS. BAILEY: The Office of Planning.

1 Madame Chair, should I continue?

2 CHAIRPERSON REID: Un-huh. Yes, Ms. Bailey, and
3 can you please --

4 MS. BAILEY: Well, Madame Chair, do you want me to
5 go through everything or what do you -- what is your preference
6 here?

7 CHAIRPERSON REID: I would like for you to continue
8 and to get everything that you have to say said so that we can
9 live.

10 MS. BAILEY: The Office of Planning is to provide a
11 written report from the Zoning Administrator to determine if the
12 Applicant meets the current requirements of the campus plan. This
13 is the current campus plan.

14 The Office of Corporation Counsel is to provide
15 documentation on the Human Right Act and the Fair Housing Act.

16 The Office of Planning is to provide additional
17 Guidance in articulating the issues and identifying the conditions
18 addressed in their report, and I think we went over that quite a
19 bit. So unless someone needs for me to articulate a little more
20 on that.

21 Are you clear, Office of Planning, on that?

22 MR. KING: Very clear.

23 MS. BAILEY: The Office of Planning is to provide
24 graphics about how the university has expanded and the percentage
25 ratio of its growth over the last -- since the last campus plan

1 was approved.

2 The Board acknowledges that the university does not
3 have precise data on the number of students who are living within
4 the Foggy Bottom neighborhood. However, the Applicant is to
5 provide its best estimate, estimated number of where students live
6 in the neighborhood.

7 OP is to provide additional information on the
8 advisory committee identified on page 32 of the Office of
9 Planning's report.

10 Office of Planning is to provide stronger language,
11 be more specific concerning an item that's identified on page 31
12 of its report.

13 The last thing, the Applicant is to provide --
14 well, I'm sorry. There are more -- DPW is to determine if a
15 supplemental report is necessary concerning parking and traffic.
16 That report would be provided at the discretion of Mr. Laden, and
17 the additional information is provided by the Applicant.

18 And I think this is the last one. The Applicant is
19 to provide language concerning three points mentioned in Mr.
20 Charles Barber's rebuttal statement in his closing remarks.

21 Madame Chair, I'd be more than happy to provide a
22 list to all of those who may be interested and who would like to
23 have that.

24 SECRETARY PRUITT: Ms. Bailey, may we suggest that
25 we handle it as a memo to the file and then we can provide the

1 list to the parties, but then it would also be in there for the
2 general public?

3 MS. BAILEY: Sure.

4 MS. DWYER: Madame Chair, if I can just make one
5 comment, the request from the Zoning Administrator, I don't think
6 that that is an appropriate request. I think it was to ask the
7 Zoning Administrator to make a determination that this plan meets
8 the requirements of the prior campus plan. I think that's a
9 decision that this Board makes.

10 CHAIRPERSON REID: Who asked? Who made that
11 request?

12 COMMISSIONER MITTEN: I made the request, and what
13 I heard you say is -- this is what I said, and then I don't know
14 if I heard you say that back -- is whether or not the university
15 is currently in compliance with its existing campus plan. That is
16 an opinion that I wanted the Zoning Administrator to render.

17 MS. DWYER: And, again, I don't think that's an
18 opinion that the Zoning Administrator does render. I think that's
19 what this Board decides in the context of this case. If there's a
20 specific piece of the campus plan that the Board wants the Zoning
21 Administrator to look at as they did with the parking survey on
22 campus, that's one thing, but you know, it's this Board that looks
23 at where the university is and determines whether it's in
24 compliance with its prior campus plan and what it is going
25 forward, things like, you know, whether the university has stayed

1 within the 20,000 enrollment cap. This Board has that.

2 CHAIRPERSON REID: We'll look at the figures.

3 MS. DWYER: We've given all of that. The Zoning
4 Administrator has none of that.

5 COMMISSIONER MITTEN: Okay. Well, there are issues
6 related -- well, I don't even know the full content of the other
7 campus plan.

8 CHAIRPERSON REID: Well, Ms. Mitten, we can request
9 a copy and then --

10 COMMISSIONER MITTEN: No, I have it. It's not that
11 I don't have it. It's that, you know, I thought that that
12 determination was the job of the Zoning Administrator.

13 CHAIRPERSON REID: No.

14 MS. DWYER: No, and some of the things are done --
15 most of it is done very much at the BZA level unless they direct
16 certain things be done by others. For example, I mean, one of the
17 things that we had to do within six months of the date of the last
18 order was file a revised campus plan, the revised Exhibit No. 4,
19 those kinds.

20 I mean, the Zoning Administrator has no role in
21 that. There's a specific condition that requires enforcement by
22 the Zoning Administrator and the Board can ask that, but a lot of
23 the general conditions and requirements are issues that this Board
24 decides.

25 COMMISSIONER MITTEN: Well, I guess I've got a lot

1 more reading to do then.

2 CHAIRPERSON REID: Well, yeah, and another thing,
3 too, is typically within the scope of the hearing if there is a
4 violation or they're not in compliance, it comes out. It comes
5 out very vehemently. The opposition will let us know the areas
6 that they've been having problems with.

7 Thank you.

8 Is there anything else?

9 (No response.)

10 CHAIRPERSON REID: Then that will conclude today's
11 hearing. Thank you very much.

12 (Whereupon, at 7:40 p.m., the hearing in the above-
13 entitled matter was concluded.)

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