

RECEIVED

D.C. OFFICE OF ZONING

2006 AUG 15 PM 3:10

Kenneth Durham
909 26 Street NW
Washington DC 20037

August 14, 2006

Sharon Schellin
Secretary, Zoning Commission
441 4th Street NW, Suite 200 S
Washington DC 20001

COMMENTS
Case Number 06-11 and 06-12
GWU - Campus Plan & PUD

Dear Zoning Commission Members:

Below are my comments and recommendations on the George Washington University Campus Plan and PUD application.

As way of background, I have been a Foggy Bottom resident for the past 35 years. I enjoy living next to the University but in the last five years my neighbors and I have had many sleepless nights because of the large number of students who rent townhouses and hold noisy parties between 12 midnight and 3 a.m.

When the City and Zoning Commission approved the 2000-2009 Campus Plan (and the Courts upheld it) with limits on the University's expansion into the Foggy Bottom neighborhood, I was hopeful that GWU would change its ways and that the quality of life in my neighborhood would improve.

Unfortunately, the quality of life in the Foggy Bottom residential neighborhood continues to deteriorate and GWU continues, in a variety of ways, to undermine the intent of the 2000-2009 Campus Plan. The new Campus Plan includes a few positive initiatives but a closer look at the details and the conditions clearly indicates that the University is still trying to undermine the City and Zoning Commission's efforts to limit the University's unbridled expansion into the Foggy Bottom residential community.

My comments & recommendations below highlight seven specific problems:

ZONING COMMISSION
District of Columbia

CASE NO.

06-11

EXHIBIT NO.

ZONING COMMISSION
District of Columbia

CASE NO. 06-11
EXHIBIT NO. 39

Problem One

The Campus Plan Does Not Alleviate GWU's Negative Impact on the Foggy Bottom Neighborhood

GWU is requesting Zoning Commission approval of its new Campus Plan and a PUD. Before a new Plan is considered, the Zoning Commission should evaluate whether the current Campus Plan has achieved what the Zoning Commission intended when it set conditions on the last plan. GWU acknowledges this fact in its submission to the Zoning Commission. (See PUD Document, Section 2.1)

"The DC Board of Zoning Adjustment - prompted in part by concerns about University expansion outside the Campus Plan boundaries - imposed several conditions in connection with its approval of the existing Campus Plan. These conditions include maintenance of faculty, staff and student population caps established in 1985 and a stringent undergraduate student housing requirement."

Despite the Zoning Commission's good intentions, the University's negative impact on the Foggy Bottom residential neighborhood has increased and the University's on-going real estate practices will continue to undermine the Zoning Commission's intentions. For example:

- 1. The proposed new Campus Plan will still have large numbers of students living off-campus.**

The University has a total enrollment of 20,000 students. Currently less than 30% of the University's student enrollment can live on-campus. Over the 20-year period of the new Campus Plan, the University only plans to add beds for an additional 5% of its student enrollment. As a result, very many, too many, students have to live off-campus.

- 2. Student noise in the Foggy Bottom residential neighborhoods is excessive because too many students have to live off-campus**

My neighbors and I have had to experience many sleepless nights because of student parties held in rented townhouses between 12 midnight and 3 am.

- 3. The University refuses to develop an effective mechanism for dealing with off-campus student noise.**

The proposed Campus Plan (See Condition #17) indicates that GWU will do nothing until there are numerous instances of early morning student noise by the same persons. In contrast, Georgetown University will immediately send a University representative to warn students about the consequences of continued disruptions. GWU has repeatedly rejected requests for a similar program in Foggy Bottom

4. Students utilize a disproportionate number of parking spaces leaving inadequate parking for homeowners.

Increasingly, Foggy Bottom residents cannot find parking near their homes and have to walk long distances to even find paid parking. GWU students and staff park, frequently illegally, in the residential neighborhood because there is insufficient parking on campus. Despite this situation, in the new 20-year plan, the University does not make any commitment to provide any additional on-campus parking

5. The University wants to continue expanding the number of on-campus properties that are used for non-campus uses.

Under the current circumstances allowing the University to use another on-campus property (Square 54) for non-campus uses further undermines the goal of limiting the University's growth to its campus boundaries.

Recommendations for Problem One:

1. Increase the number of on-campus bed.

The University wants to grow, but it does not want to provide a sufficient number of on-campus beds for its students. First, they delay building new dormitories, then they try to place them off-campus, and, finally, they try to use definitions that allows it to significantly undercount the actual number of students and staff on campus.

Other Universities require all its undergraduate students to live on campus. The University's negative impacts will only be ameliorated if it is required to provide beds for many more students than the current or proposed Campus Plan provides.

The current Campus Plan does not have on-campus bed for 1,400 undergraduate students and, none for other 11,000-12,000 enrolled students. That means 12,000 - 13,000 students have to live off-campus. The Zoning Commission should require 1000 additional bed for every five years of the 20-year plan.

2. Increase the number of University provided off-street parking spaces and require that all undergraduates with vehicles park their vehicles in University lots.

Over the 20-year period of the new Campus Plan there are no commitments to provide additional parking spaces even though there is every reason to believe that the number of people visiting the University will increase as it builds its new facilities. The new Campus Plan indicates that the University has options for providing additional parking

spaces. The Zoning Commission should require the University to utilize those options and make additional spaces available.

Problem Two

The University's definitions undercount the number of people on the Foggy Bottom Campus.

The Zoning Commission mandated caps on the University's population to:

- minimize the University's negative impact on its surrounding community; and
- assure that there is not excessive traffic in the Foggy Bottom area and that the Metro station has adequate capacity.

Rather than carrying out the Zoning Commission's mandate, the University attempts to exclude as many classes of people as possible.

-It excludes from the campus count all faculty and staff whose primary office location may be immediately outside the campus boundaries (thereby encouraging the University to purchase or lease properties in and around the Foggy Bottom neighborhood and still claim it has not increased staffing on the Foggy Bottom campus).

-It excludes all contract employees (thereby encouraging the University to outsource jobs and functions thereby expanding its workforce while claiming to be under the Zoning Commission cap.

-It excludes from its campus count most Mount Vernon campus students even though it operates a robust shuttle bus schedule transporting Mount Vernon students to the Foggy Bottom Campus at all hours of the day.

-It excludes people who attend University functions who are not full time students. As the University expands its offerings it will attract large numbers of non-students for conferences, seminars, and other special programs from across the DC area

Recommendation for Problem Two

The definition for determining GWU's compliance with the caps established for students, faculty, and staff should be carefully examined and the number of exclusions should be limited.

Problem Three

GWU plans to continue buying properties in the Foggy Bottom neighborhood

In my 35 years as a Foggy Bottom resident, I have witnessed GWU purchasing one property after another and thereby change the character of the Foggy Bottom neighborhood. It has even razed buildings on weekends before anyone knew what was happening. There were blocks of residential townhouses that have disappeared and then, after the fact, GWU requested approval to expand its campus boundaries or change a building's use.

The proposed Campus Plan (See Condition #8) indicates that GWU will continue to buy properties for "investment purposes." Given the University's past practices, one has to view with suspicion the University's intentions.

These tactics can undermine the city's and the Zoning Commission's intentions to assure the long-term viability of the Foggy Bottom residential neighborhood. If GWU is allowed to continue to use this tactic with impunity, the Foggy Bottom residential neighborhood will probably not exist 35 years from now.

Recommendations to Problem Three

The Zoning Commission must make approval of the Campus Plan contingent upon the University NOT purchasing any additional properties in the Foggy Bottom residential area. The University can purchase properties in other area for investment purposes.

If the Zoning Commission cannot legally impose such a condition, it should not approve the Campus Plan.

Problem Four

Zoning Commission requirements are undermined by Non-Compliance.

The proposed Campus Plan (See Condition 7) allows the University too much wiggle room in NOT "fully" complying with the Campus Plan and other Zoning requirements. The University has a history of not fully complying with requirements it does not like and/or attempting to redefine definitions and compliance parameters.

Let me cite just a couple of examples of non-compliance that are indicative of the way GWU operates.

- 1) Illegal parking around the hospital loading dock, and
- 2) Illegal parking of GWU service vehicles on the I Street Pedestrian Mall.

Previous Zoning and City requirements prohibited such use. The University's non-compliance, however, continued for years after the initial requirements were imposed.

Over the years many members of the community filed complaints with the University. I personally filed numerous complaints with the University several times a week for over a year. Although my complaints were cordially received and the problem decreased for a day or two, the University did not take sufficient action to assure compliance with the Zoning requirements.

A couple of months ago the University finally took the necessary actions to correct the problem. After years of non-compliance, the compliance occurred, coincidentally at the same time the University filed its request for the new Campus Plan. Once a new or revised campus plan is approved, will the University revert to its past practice of non-compliance?

Another example of non-compliance is the Zoning Commission's mandate for the University to establish an Advisory Committee to increase the University's responsiveness to community concerns. The University did NOT comply with this mandate.

The new Campus Plan proposes the establishment of an Advisory Committee, and it assigns the Advisory Committee the critical function of reviewing compliance with several complicated and controversial Campus Plans conditions. Unfortunately, the University undermines the independence and effectiveness of the Advisory Committee in the following ways:

- the University wants to name 50% of its members.
- it does not provide the Advisory Committee any staff or resources to carry out its functions
- it does not provide Advisory Committee members a per diem for the hours of work that they must do to prepare for meetings, attend meetings, analyze University reports, interview University staff, and obtain community input.

The University's unresponsiveness to the Zoning Commission's mandates may be because the "Standard" for compliance is too low.

The proposed Campus Plan indicates:

"No PUD application filed by the Univeristy for second-stage review under the Foggy Bottom Campus Plan: 2006-2025 may be granted unless the University is in substantial compliance with Conditions 1-15 set forth herein . . ."

The standard of "substantial compliance" is too low to assure compliance. Moreover there is no effective monitoring mechanism and no effective way for citizens to report violations so that the Zoning Commission will have a record of the level of compliance before it considers future Zoning applications.

Recommendations to Problem Four:

- 1. GWU should be required to fund the establishment of an independent monitoring entity to assess compliance with Zoning Commission requirements.**
- 2. This monitoring entity should be publicized so that citizens know how and where to report non-compliant behavior. This entity should periodically file reports for public and Zoning Commission review.**
- 3. The standard for being allowed to file new Zoning Commission applications or amendments should be "fully" compliant rather than just "substantially" compliant. A "fully" compliant standard will still allow for a limited number of exceptions.**
- 4. The Zoning Commission should require that the University refrain from selecting the Advisory Committee members and provide a more independent way to selecting members.**
- 5. The Zoning Commission should require that the Advisory Committee be provided staff, funding, and per diem so it can adequately carry out its functions.**

Problem Five

The University's Threat of Litigation Poisons the Deliberative Process

The DC Office of Planning has made an admirable attempt to counsel the University into embracing the goals and requirements of the existing Campus Plan. The Office of Planning made some progress, but it is clear from the University's threat of litigation (page 13, #3) that not all of the Office of Planning's proposed additional conditions were incorporated into the University's new Campus Plan that is now before the Zoning Commission.

It is further revealing that the University decided to include its threat of litigation in the proposed Campus Plan. I am hoping that the Zoning Commission will not let such threats affect its deliberations or rulings.

Recommendation to Problem Five

The Zoning Commission should insist that the Office of Planning submit ALL of the conditions that it discussed with the University including those that the University did not include in its proposed Campus Plan.

The Zoning Commission should have the benefit of all of the Office of Planning views, not just those that the University agrees with. It is not in the public's interest for a City Agency to have secret or private agreements with organizations requesting regulatory approvals.

Problem Six

**I Street Pedestrian Mall is threatened
by provisions hidden in GWU's massive document.**

GWU is proposing the establishment of an I Street Retail Corridor. Its maps indicate that they plan to include part of the Pedestrian Mall between 23rd Street and 24th Street as part of the retail corridor.

The City and the Community negotiated with GWU the establishment of the Pedestrian Mall under a separate agreement. The intent of the Pedestrian Mall is to provide

residents and workers a place where pedestrians can quietly sit away from the noise of car traffic or commercial establishments.

For years the University tried to use the pedestrian mall as a parking lot for its service vehicles. Only after many complaints did the University finally comply with the Zoning and easement requirements regarding the proper use of the mall.

Commercial establishments, restaurants, and/or a café means delivery vehicles would again have to use the mall. In addition, late night use would add unwanted noise to residents who live less than a block away.

The only indication that the University wants to change the status of the I Street Pedestrian Mall is a little red line on one of its maps. It leaves one with the impression that the University wants to change its use without fully informing and involving the community.

Recommendations to Problem Six:

- 1. The Zoning Commission should request that GWU highlight any other changes in use that are buried in the hundreds of pages of its submission.**

The Zoning Commission may also want to provide the ANC additional time to determine if there are other issues that need to be given more visibility and public discussion before the Zoning Commission rules.

- 2. The use of the I Street Pedestrian Mall should not change until the city conducts a separate hearing exclusively on that subject.**

The I Street Mall is an important community amenity that should not be changed by having it buried within the massive Campus Plan document.

Problem Seven

Traffic Studies analyzed the potential for congestion ONLY during normal traffic conditions.

GWU's traffic consultants analyzed traffic in the GWU area during normal traffic conditions. Gridlock, however, is a common occurrence in Washington Circle whenever there is bad weather, an accident on any of the Potomac River Bridges, in Georgetown or on the Rock Creek Parkway, or during emergencies

Even though the traffic may be acceptable during normal circumstances, the City should be concerned about the impact of added traffic during times of gridlock. This is especially important for Washington Circle because it is the main route for ambulances to go to the George Washington Hospital and the National Decontamination Facility located at the hospital.

The traffic consultants also did not examine the advisability of placing another Metro entrance across the street from the current Metro entrance in Square 54. The excavation of Square 54 will provide a unique and cost effective opportunity to built such an entrance. Currently large numbers of people have to cross 23rd Street to get to the Metro entrance slowing down traffic on this vital street and risking a pedestrian injury as impatient commuters frequently cross against the light.

Recommendations to Problem Seven:

- 1. The University's traffic consultants should be directed to conduct traffic studies during a time of gridlock.**
- 2. The traffic consultants should forecast how the University's added traffic under the proposed Campus Plan, especially traffic that will be generated by its proposals for use of Square 54 for non Univeristy uses, will impact access to the hospital and/or the need to evacuate the city in a time of emergency.**
- 3. The traffic consultants should be directed to examine the desirability of a Metro entrance in Square 54. The Univeristy should also work with Metro on developing a cost estimate.**
- 4. The Zoning Commission should consider requiring the University to build Metro entrance in Square 54 as part of its approval process**

CONCLUSION

I have learned to love and hate GWU at the same time. That is because the Univeristy has a split personality.

On one hand, there is the education side of the University that we all admire and support.

On the other hand, there is the real estate side of the University that has unrelentingly and ruthlessly pursued the goal of accumulating properties and undermining the City's desire to limit the growth of the University in the Foggy Bottom neighborhood.

Unfortunately, GWU plans to continue to use the same real estate tactics it has so successfully used over the past 35 years. The real estate side of the Univeristy continues

to take a variety of actions that undermine the goals of the Campus Plan. It says it will honor the student and faculty caps, but then establishes definitions that will allow it to significantly exceed those caps. It says it wants to "build up and not out," but plans to continue purchasing properties in the residential areas of Foggy Bottom.

The University is a great asset to the City. We all want it to prosper and continue to be a world-class University. I enjoy living next to the University, but the quality of life in my neighborhood has significantly diminished over the last 10 years because of the University's real estate practices and its unwillingness to fully address the problems that it creates when it adds an excessive number of students, faculty, and staff to the Foggy Bottom residential area.

Unfortunately, GWU's unwillingness to house a greater proportion of its student's on-campus will mean that the quality of life in my neighborhood will continue to diminish. Moreover, GWU's unwillingness to immediately deal with disruptive off-campus student behavior means that my neighbors and I have to continue experiencing many sleepless nights.

The new Campus Plan speaks eloquently of the University goals and, on first glance; you get the impression that the University has finally decided to change its real estate practices. A closer look of the details and the conditions (Appendix Y) clearly indicates that the University is still trying to undermine the City and Zoning Commission's efforts to limit the University's unbridled expansion into the Foggy Bottom residential community.

Thank you for this opportunity to share with you my comments, recommendations, and concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Ruckelshaus". The signature is written in a cursive style with a large, prominent initial "K".