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D.C. OFFICE OF ZONING

August 30, 2006

2006 AUG 31 PM 2: 06

Carol Mitten, Chairperson
Zoning Commission of the District of Columbia
441 4th Street NW, Suite 210 South
Washington, DC 20001

RE: Zoning Commission Cases #06-11 (Special Exception Application for a Campus Plan by The George Washington University), #06-12 (First Stage PUD and Related Map Amendments by The George Washington University), and #06-19 (Related Text Amendment to Define FAR Changes)

Dear Ms. Mitten:

I write as Advisory Neighborhood Commissioner 2A 04.

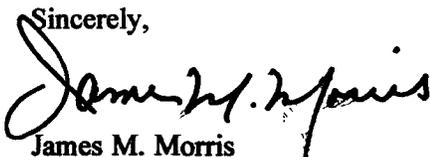
As you know, at its meeting on August 16, 2006, the Foggy Bottom/West End Advisory Neighborhood Commission (ANC 2A) voted 4 to 1 to oppose the application and related amendments referenced above. I am the commission member who cast the single vote against the letter of protest.

After the August 16 meeting, I was asked by Julie Westfall, a reporter for the *Foggy Bottom Current*, why I did not support the protest. I sent her the long statement of reasons that I have enclosed with this letter. The initial paragraphs in the statement, as flagged, may be of interest to you. I question whether the ANC should properly have considered the GWU application and related amendments without our first having rescinded or amended a resolution we passed on November 16, 2005 (a copy is enclosed, with the relevant portion noted): "ANC-2A opposes any consideration of further development of the GWU campus until GWU comes into compliance--through an independent audit--with its student headcount limits." That audit was not complete on August 16, 2006.

Mine was the only vote cast against the November 2005 resolution, because I thought it would restrict our freedom to discuss the university's plans--the most urgent issue facing the neighborhood. And my fears were realized: for the past nine months that widely circulated November 2005 resolution has been used to keep discussion of the university's development plans from the agenda of every public meeting of the ANC. On August 16, 2006, the ANC voted to defeat my effort to have the November 2005 resolution amended or rescinded. The ANC then went ahead nonetheless to consider the GWU development issues cited in the letter of protest. *Under the circumstances, with the earlier resolution still standing, I continue to wonder about the validity of the recent protest vote.*

I am grateful for your attention to this matter.

Sincerely,



James M. Morris
Advisory Neighborhood Commissioner 2A 04
Secretary ANC 2A

Enclosures

ZONING COMMISSION
District of Columbia

CASE NO. 06-11
EXHIBIT NO. 27
ZONING COMMISSION
District of Columbia
CASE NO. 06-11
EXHIBIT NO. 47

August 21, 2006

TO: Julie Westfall
Foggy Bottom Current

You asked why I voted at the August 16, 2006, ANC meeting against the ANC's letter (I'm not sure you're supposed to call it a resolution) protesting GWU's campus plan. For many reasons.

First of all, I'm not sure that the GWU campus plan should have been on the agenda without the ANC's having first amended or rescinded its resolution of November 16, 2005, that the "ANC opposes any consideration of further development of the GWU campus until GWU comes into compliance, through an independent audit--with its student headcount limits." Commissioner Michael Thomas may read the restriction as applying not to the ANC but rather to the Zoning Commission. And that may even have been what was intended. But it's not what the resolution says. Blame the careless drafters. The resolution came out of the leadership of the Foggy Bottom Association, in an attempt--successful--to hijack the agenda of the ANC. Perhaps that's why Vince Micone was so eager to rule me out of order the other night for seeking to amend or rescind it. To have done so would have been a slap in the face of the FBA--in reelection season. Mr. Micone's recourse to an "interpretation" of Robert's Rules of Order to put me down was pure uninformed desperation. There's nothing to interpret. The relevant sentences are unambiguous, and I'll be happy to share them with you.

I voted against the letter of protest because for nine months nothing having to do with the university's development plans has been on the public agenda of the ANC. Of course, there have been any number of behind-the-scenes meetings (called "briefings")--with university representatives, with developers, with the leadership of the FBA--from which the public and the press have been excluded. That's not the way I think an ANC should do business. But the resolution of last November appeared to keep the development issues from the public agenda. If you were at last month's meeting, you may recall my asking, at the close, how we were finally to discuss those issues when the earlier resolution was still on the books. Mr. Micone said that the matter would be dealt with at the start of the August 16 meeting. I leave it to you to decide whether that happened. If the earlier resolution was never a hindrance, as we're now supposed to believe, why was public consideration of the development issues repeatedly delayed--until more or less the eve of the zoning hearings?

I voted against the letter of protest because I find inherently problematic an up/down vote on something as complex and far-reaching as this campus plan. The vote will be spun as opposition to the plan, plain and simple, or as support, plain and simple. The nuances of a "yes, but" or a "no, but" will be subsumed and lost. Won't the headline in the *Foggy Bottom Current* read something like "ANC Opposes (Slams?) GWU Campus Plan"? I don't want to be a part of that headline.

I voted against the letter of protest because I have seen no indisputable evidence that the university is not in compliance with conditions of the current campus plan--except perhaps for the condition that calls for an advisory committee made up of university and community representatives. The university's willingness to form that committee met resistance from the leadership of the FBA and the ANC.

I voted against the letter of protest because what seems to me the most problematic part of the university's plan--its fundamental reliance on a new, untried, two-stage PUD process--did not originate with the university but with the Office of Planning. So the university was instructed by a city government agency to go the two-stage PUD route. In fact, the entire plan rests on that foundation. Those on the ANC who are troubled by the PUD process, or merely have questions about it, should have been expressing their doubts and putting their questions all along now *to OP personnel--in public, at ANC meetings*. But university development issues have had no place on the ANC agenda since last November.

I voted against the letter of protest because the draft was not shown beforehand to representatives of the university. It's my understanding that Mr. Micone once promised university representatives that he would share with them in advance of a meeting the draft text of any important resolution, so that they would not be blindsided. Perhaps that's why he was so insistent the other night, as you heard, that the document not be called a resolution. He may think that by framing it as a letter he was off the hook. (Nor did Mr. Thomas want the document to be shown, by the way.)

I voted against the letter of protest because of Mr. Micone's disingenuous introductory remarks about how often this ANC has sided *with* the university. Sided on what? Small walls and lanterns in front of various university buildings? *We took the university's side on nothing major, because nothing major came before the commission--all the development issues were never on the table.* Were you present for the School Without Walls discussion a couple of meetings back, when only aesthetic and architectural aspects of the school's renovation were to be considered? The new university dormitory proposed for the adjacent site that the school sold to GWU was, in every sense, off limits.

I voted against the letter of protest because Mr. Micone's initial expressed public objection to it the other night had to do with *concern about the make-up of an advisory committee*--and that to me was mind boggling. A document of great reach and ambition, open to challenge for several weighty reasons, a document on which many intelligent and conscientious GWU staff members have worked for many months, in a process that they made admirably transparent, and Mr. Micone's first concern is the composition of an advisory committee? Was that supposed to be taken seriously? Not seriously enough, I guess, for it to have made its way into the body of the protest statement, which was written not by Mr. Micone but by Mr. Thomas.

I voted against the letter of protest because I do not favor the use of Square 54 for dormitories and academic structures--at a loss of significant amounts of tax revenue to the city and a significant amenity to the community--when there are other locations on the campus to accommodate those needs.

I voted against the letter of protest because I find statements like "there's just about no air margin left on 23rd Street" simply comic--and refutable everyday by walking on 23rd Street. If Square 54 is developed commercially, will no one be able to get to it? Will the bodies of those who make the attempt litter the sidewalks? Will approaching the hospital actually put you in need of the hospital? On the other hand, if the site is developed on a grand scale for academic purposes, is the absent air no longer an issue? Perhaps asphyxiated students would be regarded as an amenity to the neighborhood.

I voted against the letter of protest because I regard as little more than a red herring the newly introduced notion of additional satellite campuses for the university. Would students from the satellites be bused for some purposes to the main campus, as is now done with students from the Mt. Vernon campus? And if that were to be done, wouldn't it increase traffic in the neighborhood (including 23rd Street)? A letter written this past year by an FBA lawyer contended that, because of their buses, Mt. Vernon students pollute the neighborhood *even more* than Foggy Bottom students. By the way, the underlying presumption--indeed prejudice--in that statement is breathtaking: *All students pollute the neighborhood.*

I voted against the letter of protest because I want to distance myself from the local fundamentalists who live only to obstruct and who feed on past grievances against the university as if they were mother's milk.

I voted against the letter of protest because I believe that at every stage in the long planning process the university has acted more honorably than its detractors.

I voted against the letter of protest because no one made a persuasive argument to vote *for* it.

Finally, *and perhaps most important*, I voted against the letter of protest because I don't have to leave my own building to find people who are not opposed to the university's plans, who are excited by the prospect of what may happen on Square 54, and who resent the FBA leadership's representation of itself as *the* voice of the community. It may be the loudest voice, and the best funded, and the most intransigent when it comes to university issues. But it's not the only voice. Mine was a vote for those other voices.

James Morris
ANC 2A 04

**THE FOGGY BOTTOM AND WEST END ADVISORY NEIGHBORHOOD
COMMISSION (ANC-2A) PASSED THE FOLLOWING RESOLUTION #05-11**

***Resolution Pertaining to George Washington University Plans for the
Redevelopment of Square 54, the Old GW Hospital Site***

WHEREAS, George Washington University (GWU), a non-profit educational institution, is one of the largest landholders in the District of Columbia after the United States Government; and

WHEREAS, GWU's academic and hospital uses are not by-right developments and are allowed to operate in a residentially-zoned neighborhood only under the D.C. zoning regulations with an approved campus plan following the Special Exception provisions of DCMR Chapter 11 regarding colleges and universities; and

WHEREAS, GWU's Campus Plan includes total student population (headcount) and building density limits for the protection of the Foggy Bottom/West End residential host community; and

WHEREAS, GWU's development activities under its campus plan may also not be inconsistent with the Comprehensive Plan of the National Capital; and

WHEREAS, on September 16, 2005, Judge Louis Oberdorfer of the U.S. Court of Appeals D.C. Circuit upheld the GWU Campus Plan 2000-2010 (Board of Zoning Adjustment Order No. 16553); and

WHEREAS, according to its required filings with the U.S. Internal Revenue Service, the GWU has been out of compliance with its total student headcount limit of 20,000 students at least since the Fall of 1999; and

WHEREAS, GWU has created admittedly adverse neighborhood impacts—including but not limited to the inappropriate use of the PUD development tool—due in part to its unfettered growth in violation of the policies contained in the Comprehensive Plan and now recognized by the federal Court of Appeals decision in its upholding of the BZA Campus Plan Order 16553; and

WHEREAS, GWU has never presented to ANC-2A an overall plan for housing its students within its current campus boundary or for developing its overall academic program and has adopted an “ad hoc” approach as demonstrated repeatedly by its development over the last 10 years and its current Square 54 proposed plan and related development “wish list” for other portions of its campus; and

WHEREAS, it is in the public domain that GWU has spent the last two years building a case to develop— through the use of the PUD tool—its old hospital site, the entirety of Square 54, which is located inside its campus boundary, for non-university uses and far beyond its overall current density limits and in direct contradiction of its campus plan; and

WHEREAS, GWU's plans also include at least an additional 2 million square feet of development within other parts of its campus which would effectively exceed the FAR (density) limits of the campus plan process, render the campus plan process meaningless, and establish an improper citywide precedent; and

WHEREAS, neither the Zoning Regulations for a Campus Plan nor the Zoning Regulations for a PUD state that a PUD is permitted under a Campus Plan, and absence of a reference in either the Campus Plan regulations or PUD regulations does not imply permission to use the PUD tool; and

WHEREAS, under the Campus Plan regulations, an applicant university or college already is provided significant flexibility of development and possible bonuses in exchange for the submission and approval of a Campus Plan; and

WHEREAS, GWU has repeatedly asserted that its students want to reside in close proximity to the academic “Campus Core” area (Squares 56, 77, 79, 102, 101 Lot 879, northern portions of Square 80, and Square 103 Lots 27, 28, 35, 40, 813, 814, 816, 817) which is located wholly within its current campus boundary; and

WHEREAS, GWU has, in fact, created extremely large and densely populated dormitory facilities abutting non-university, non-campus residential property and is migrating its academic core southward, as recorded in testimony from the Office of Planning and noted on the record by the Zoning Commission during the GWU Campus Plan 2000-2010 hearings; and

WHEREAS, in a December 9, 1999, letter to the Director of DCRA, the DC Department of Health Director explained his department’s decision to allow the new GWU hospital to proceed without an EIS, with the caveat “But there is essentially no remaining air resource margin in the 23rd Street corridor just South of Washington Circle. This area will experience peak CO concentrations that are just below the applicable health standard.”

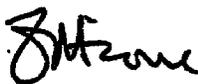
THEREFORE, BE IT RESOLVED THAT, ANC-2A opposes any consideration of further development of the GWU campus until GWU comes into compliance—through an independent audit—with its student headcount limits;

THEREFORE, BE IT FURTHER RESOLVED THAT, should GWU come into compliance with its campus plan, ANC-2A opposes any further development of the GWU campus, without consideration of the following:

1. A full Environmental Impact Statement of any future development, including Square 54, of its campus;
2. No further use of the PUD zoning tool—an inappropriate and unneeded tool for Campus Plan development—within the Campus Plan boundaries;
3. No further development of GWU’s campus beyond its remaining 550,000 square feet of developable rights contained in the 2000-2010 Campus plan and no increase in FAR;
4. Development of academic and residential facilities only within GWU’s remaining 550,000 square feet of developable rights.

DATE: November 16, 2005

SMD	AYE	NAY	ABSTAIN	ABSENT	MOVED	SECONDED
01 Lehrman				X		
02 Price	X				X	
03 Savage	X					
04 Morris		X				
05 Miller	X					X
06 Micone	X					



Chairperson