

Statement of Ellie Becker, Z.C. Cases 06-11 & 06-12

September 28, 2006

Mrs. Mitten and members of the Commission: I originally signed up to testify solely on the subject of the proliferation and overuse of Planned Unit Developments in our city. In it I state my strong opinion that the original intent of PUDs is being prostituted, and that the amenities mandated in our neighborhood have been ridiculous, even silly, totally out of proportion to the benefits to the developer, and completely inadequate in compensating the community for the damages done. I am submitting my original statement; it is rather short, and I hope you will read it. I am asking that you start to "just say no" to them, beginning with those requested by GW in this and its other cases before you.

Mr. Jeffries on Monday evening asked a witness what he expected when he moved into this neighborhood. That brought back to me my early years here, beginning in 1963, when I moved to be near my work and my church. For the first 10 or 15 years, one hardly realized a university even existed right next door. That most certainly is not the case now. Then I found myself in a true urban neighborhood, came to know and care for many of the people, and decided it was worth working for. There followed years on the Foggy Bottom Association Board, and 18 years as editor and circulation manager for the FBNews. It saddens me to realize many of my efforts as the News editor to foster a neighborhood spirit have been trashed by a university which seems to care only for its cash flow.

I have sadly seen many of the people who lived in and loved Foggy Bottom driven out by a small minority of students who do not know how to behave, who trash our streets and disturb our peaceful existence. And by a university which closes its eyes to any considerations but its own. Last year I wrote a paper on GW, and I found it interesting to read it again today. I am enclosing it as well in case it will provide some perspective, even if just a little biased.

As I watched the juggernaut of witnesses for the university on Monday, it also saddened me to realize that less than 20 years ago this was a united and caring neighborhood, when we could produce a respectable turnout for important hearings. It's not so easy now, as our houses and apartments are occupied by students, and by many folks from other cities and countries who are parttime or temporary, not real residents who give a fig for their neighbors. It is no longer a neighborhood which attracts permanent residents. I would never move here now.

GW tries to absolve itself of the blame for harming our neighborhood, but in my book, and I hope in yours, that absolution will not be forthcoming. Please place a heavy rein on GWU's unfettered growth. Thank you.

ZONING COMMISSION
Attachments (2)
District of Columbia

CASE NO. 04-11
ZONING COMMISSION
District of Columbia
EXHIBIT NO. 194
EXHIBIT NO. 194

**Before the Zoning Commission, September 25, 2006
Cases # 06-11 and 06-12**

My name is Ellie Becker, and I am a 40-year resident of Foggy Bottom. Although I have concerns about George Washington University and its so-called 20-year Campus Plan, I appear today to talk about the proliferation of planned unit developments in Washington, and especially in our neighborhood.

In my opinion, and I don't think I'm alone, PUDs are overused in this city and their original intent is being prostituted. And I believe this Commission should be able to refuse to grant them.

As I understand it, they were originally a tool for increased density, resulting in more income and, theoretically, a more interesting project. But many of us believe it is time for you to "just say no" to the escalating number of applications for this tool which, let's face it, makes a mockery of the protections supplied to residents by the city's zoning.

Developers, especially such pervasive entities as George Washington University, the World Bank, and its affiliates, have employed or are planning to employ this tool to gain their aims. In the past several years, the compensations to the community (called amenities) have bordered on the ridiculous.

For permission to erect a mammoth international office building on non-taxed property, we were promised certain funds, all of which came from a budget largely supported by our own tax money. In return for the loss of taxed property, increased traffic, air pollution, and dead streets at night, trees were to be planted which died because they were never watered, unneeded and unwanted street benches were installed, as well as feeding programs instituted which failed or which provided discounts to some needy but also many well-to-do seniors. We're just plain running out of sensible and worthy amenity projects.

Those in the Wyndham Hotel case seemed to me less silly than many offered in the past several years. Yet Commissioner Jeffries is quoted as being uncertain "about the level of benefits ... to the District," and Commissioner Mitten agreed that they seemed meager. The word "meager" seems eminently appropriate to most amenities, including GWU's offering to provide student housing as an amenity when that is not only their mandate but their obligation.

Rather than debate the adequacy of amenities being foisted on the community, I suggest that their use be severely curtailed. Just say no, and let the existing zoning and its protections to residents stand.

9/25/06

Square 54

The “Tipping Point” for Foggy Bottom?

By Ellie Becker

GW's goal is to become “a great university,” according to a 1999 letter from President Trachtenberg. He went on to say that “a modern university needs bricks and mortar to house its students, faculty, books, computers, classrooms, and laboratories.”

A worthwhile goal, but seen from the residents' perspective, the university is now placing its emphasis on tuition dollars and business income, increasing enrollment exponentially, well before providing on its campus adequate “bricks and mortar” [otherwise known as dormitories and classrooms] for the students it is mandated to serve.

GWU and Square 54

Square 54 is the latest major land use issue in the long history of George Washington University's occupation of and encroachment into the Foggy Bottom neighborhood. Starting small many years ago, it has grown and taken over more and more real estate, by actual ownership and by its students' ownership or rental of private residences.

Square 54, the site of the former GW Hospital, is the largest and perhaps last piece of vacant developable real estate within the campus boundaries. Instead of using this prime property to directly serve its student body, the university has decided it should be used to generate income. It is seeking permission from the D. C. Zoning Commission to erect office buildings, condominiums and retail establishments (no doubt another Starbucks or CVS).

In the 2004-2005 academic year, there was not only a serious shortage of student housing but of classrooms as well. For example, The GW Hatchet reported that due to classroom shortages there were close to 100 students who were denied Spanish classes, undeniably a crucial subject in this day and age.

One recommendation for Square 54 calls for 800,000 square feet, with about 500,000 square feet of rentable office space and 108,000 for condominiums. The condos will compete with almost 1300 apartment units which have newly opened up nearby or are under construction. Providing retail on Square 54, in many residents' opinion, will not

compensate for not using this space for academic and student housing purposes.

There is also real concern that the Washington Circle area, already with a minimally compliant air quality rating and with horrendous traffic problems, can't help but degrade when hundreds of condo residents and office workers are added to the mix. And it's a dream to think they will all travel by Metro!

To offset its intention to use Square 54 for non-university purposes, GW is bargaining for greater height and density in other parts of the campus. Parts of the interior of the campus consist of two- or three-story buildings. Newer buildings, especially those adjacent to the Foggy Bottom residential area, have been considerably bulked up.

The "need" for greater density is a largely self-inflicted wound. GW cannot fulfill its housing and other academic obligations under the campus plan. And why: because this very large piece of property will not be used for housing or other academic needs; and because GWU neglected for years to construct dormitories within its campus.

It seems to be time to counteract with truth the terribly sad song GW has been singing for so, so long.

GWU and Its Campus Plan

The 2001 GWU Campus Plan mandated certain conditions. Many have been met; others exist somewhat in limbo. Some have been held captives of litigation; others have been delayed by courts or zoning officials. Following are comments on several conditions and their status.

Condition 2: Redrawing the Campus Boundary. The boundaries were redrawn to include buildings within the plan which were privately owned and taken over by the university. These included the Dakota and Riverside Towers. Newer buildings (e.g., the Elliott School) also became part of the stretching of the campus area, in some cases enveloping private apartment buildings with noise and other offensive student-related activity. In reality, as part of a zoning amenity, 1957 E Street was mandated by the city to be residential housing; it is now a dormitory and classrooms.

Condition 3: Advisory Committee. The specified community organizations were reluctant and declined to sit down with the University while
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several legal suits were pending. They also were reluctant because of the absence of compliance with past agreements. Over the years myriad GW-community meetings have been held, with negligible positive results for GW's neighbors.

Condition 5: Adverse Impacts on Periphery Residences. It is interesting to note that the newest buildings on the periphery are large (one can be termed massive), and generally loading docks face private buildings rather than those of the university (see the medical school, the hospital and New Hall). Despite years of complaints, the hospital loading dock continues to daily violate D.C. regulations and those the hospital agreed to in its zoning order. Trucks arrive and idle before loading hours (some as early as 5:30 a.m.), block the street, and most importantly block the sidewalk, forcing pedestrians (some in wheelchairs) onto a very busy 24th Street.

Condition 8: Enrollment Cap. There seems to be no end to the back and forth on the numbers. Especially harmful are the large freshman classes enrolled, despite the lack of adequate housing and classroom facilities for their numbers.

Condition 9d. No new construction approvals were to be granted prior to GW's compliance to house 5600 students on campus plus one bed for each student over 8000 (now delayed until 2006). Buildings with 50% housing were excepted, yet several appear to have been permitted during 2004 and 2005 which do not meet the 50% housing component.

Office of Planning Weighs In

Over the years the D.C. Office of Planning has commented unfavorably about GW's proposals.

In 1965: "... further expansion should be accommodated through more intensive uses of land rather than through horizontal spread."

In 1995: "Continuing pressure from the university ... is of great concern...."

In 1999: "The University must be sensitive to the surrounding residential neighborhood."

In 2000: During the Campus Plan hearings Andrew Altman, Director of the Office of Planning, said that there was "insufficient housing within the boundary of the campus and new housing will be needed. If GW continues to purchase land outside the campus plan area, and the number of students living in the Foggy Bottom community continues to increase, the residential community will reach a 'tipping point' where the Foggy

Bottom community simply transforms into a 'University area.' (Emphasis added.)

It is now the time for the university to comply with all the provisions of the Campus Plan, and for the city to step up to the plate and do its job by using all its enforcement powers if GW does not fulfill the legal mandates of the Plan. The Foggy Bottom Association has sent the Mayor and other city officials a strong request for that enforcement.

GW and the 1984 Comprehensive Plan

As far back as 1984 concerns were raised regarding GW's negative impact on Foggy Bottom and were specified in various sections of the Comprehensive Plan of the District of Columbia.

Section 1325.3: "Loss of the housing stock is also a critical problem in Foggy Bottom/West End, aggravated by the lack of dormitory construction on the George Washington University (GWU) campus, a lack of construction of new housing, and the attractiveness of the area to non-residential users."

Section 1326.1 (b): "George Washington University continues to expand its operations in the Foggy Bottom area. Therefore, the University must work closely with the Foggy Bottom community on developing a campus plan. The campus plan should include sufficient dormitory space for the student body on campus to alleviate some of the pressure on housing by students."

Section 1358.1: "Intense student pressure on Foggy Bottom's housing stock outside the campus ... has had a negative effect on residential FB. The University must continue to construct student dormitories to alleviate the pressure on the housing stock outside the boundaries of the campus plan."

Following this 1984 document, with its rather specific statements and mandates, the University's first new dormitory (New Hall) was opened in 1996. In the interim, and until New Hall, additional housing for its increased enrollment was supplied, not by new on-campus dorms, but by purchase or lease of off-campus hotels and apartment houses. Included are the Dakota,

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City Hall, Riverside Towers, HOVA, the Aston, Pennsylvania House, and Columbia Plaza. Prior to New Hall which opened in 1996, GW last built a dorm in 1936.

Selected Quotes About GW

Turns Education Into Speculation

Wolf Von Eckhardt, The Washington Post, took GW to task for "going into the real estate business." He continued that the university's new master plan calls for "the destruction of most of the Victorian townhouses, old dormitories, apartment houses and neighborhood stores that give Foggy Bottom its easy, small-town charm and the campus its lively urbanity," and "about half of the proposed agglomeration of concrete boxes are either high-rise parking garages or large office-type structures" to be leased out. He called the proposed construction "as unnecessary as it is sad ... this sorry fancy of cost-benefit minds who would turn tax-exempt higher education into profitable real estate speculation." (1)

It May Be Legal But Is It Right?

Richard Sheehey, former ANC Commissioner and GW graduate, at the February 2000 ANC-2A meeting said: "It's not about what you have the legal right to do. We've brought this up in the past. The University is working with the ANC, it's working with the community, but it's failing, it's failing, because there is a failure of the University to recognize that there's a difference between what is legal and what is right. . . .

"It was not right for the University to evict my friends from these houses [on Square 43] which they had been living in for a number of years six months before they graduated." (Emphasis added) (2)

Unabated Townhouse Removal

"The removal of townhouses [by GWU] continues unabated, however, and one can expect that only a handful will survive to remind the observer of the once-substantial residential neighborhood that graced Foggy Bottom." Smithsonian Institution brochure. (3)

Is Anyone A Match for Them?

"It has been said that unpaid community volunteers were no match for the universities' economic and political resources, their full-time professional management, outside legal counsel and publicity machine.

1) The Washington Post, February 26, 1972

2) Foggy Bottom News, April 2000

3) "Washington on Foot" Walking Tour #7, Foggy Bottom, Smithsonian Institution, 1992

The day may soon arrive when the District itself will be no match for them."

"While GM [General Motors] buys its resources at market prices and pays taxes, university use of the city's scarce resources is tax exempt, highly subsidized.... Whereas the optimum size of a business is determined by the discipline of the capital market ... there are no such constraints on the size of a university."

"Will Washington claim its rightful place among the nation's top livable cities, or continue to be known primarily as a city of institutions, museums and monuments for tourists, visitors and students? At stake is whether untaxed private institutions shall be allowed, chiefly for their own benefit, to continue to expand without limit into scarce land to accommodate visitors and short-term residents, or whether the city would be better served by laying down the groundwork for a healthy core of commerce and a tax-paying base of permanent residents. The outcome, however, is nothing short of a litmus test of who actually runs this city -- its elected officials, or powerful institutions acting in their own self-interest."

Sol Shalit, MBA, Ph.D., Professor Emeritus of Economics & Finance (4)

It Was Deceitful

"The lack of appropriate student housing is due to several different factors, the most prevalent I can think of being the size of the past two freshman classes. Just by accepting a surplus of 2000 students for the class of 2008, GW has once again let its greed for profit run over the comfort of students It was deceitful of the University to accept such a large freshman class when it can't accommodate the current students it has." Jen Nedea (5)

The Two Faces of GW

In a 1999 letter, President Trachtenberg extolled GW's record of good deeds. He mentioned concerts and basketball games; rose gardens and parks; scholarships for D.C. students; and encouragement of community service on the part of its students.

Are not all of these an ordinary part of a university's activities? Are they an excuse for problems caused the residents?

Are They Worth It?

Residents do take advantage of university resources -- the library, cultural activities, and it no doubt adds to their quality of life. The question

4) "Growth and Expansion of Private Universities in the District of Columbia: The Case of George Washington University, An Economics Primer," June, 2001, published by the University of Wisconsin - Milwaukee, School of Business Administration

5) GW Hatchet, March 3, 2005

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remains, however, does the use of these resources by residents offset the decreased quality of life for those whose homes are taken over by students or who must live cheek-by-jowl with the ill-mannered students (probably a minority) who disrupt their lives? Even a minority can make one's life a living and continuing nightmare.

Increased undergraduate enrollment, with little or no increase in on-campus housing, encourages speculators/landlords to rent or sell to students and/or their families. Many houses and apartment buildings are student-occupied, discouraging rental and ownership by long-term, tax-paying residents who wish to make their homes here and contribute to Foggy Bottom and the city. Who wants to move into a trashy and noisy dormitory area?

Lawyers and More Lawyers

GWU's tendency is to sue, sue, sue, delaying and delaying the enforcement of the campus plan. (GW's 2003 legal costs were \$2.3 million.) The current campus plan runs to 2009, and parts of it have been delayed to 2006. Already multiple years of the campus plan have gone by with important provisions postponed indefinitely or perhaps for good.

Since the original zoning finding, GW has been involved with several suits and appeals in regard to the campus plan. One of the latest is the request to continue housing freshmen in HOVA until 2006, which was approved. In October, 2005, GW's suits appealing several aspects of the campus plan were denied.

GW's Demolition Derby

Square 43 was designated in the earlier approved campus plan as a "buffer" between the campus and its neighbors. Despite this designation, GWU systematically acquired most of the buildings, including some very typical charming Foggy Bottom townhouses. They have been replaced by the mega-dorm at 23rd Street & Virginia Avenue. This is an example of what many call the university's bad faith.

Prior to their demolition, pleas were made to President Trachtenberg to save and perhaps incorporate the houses into the new construction, but to no avail. Similar pleas to discontinue destroying area townhouses were made in early 1972 to President Lloyd Elliott (Feb. 1972 Foggy Bottom News), and probably other times as well.

Note Richard Sheehey's statement above about GW's eviction of its own senior students from Square 43 houses. The houses were razed in February 2000 and two years later only an empty lot was to be seen.

Was it necessary to turn them out at that particular time? And since it was their senior year, where were they to find housing in Foggy Bottom for six months?

The University's land survey, in preparation for building on Square 43, found an adjoining house to be eight inches over the property line. The university neglected to inform the owner, and designed and built the building to overhang his property. When GW prevailed in the owner's suit, the judge assessed the owner with court costs, and the university took the unusual, unnecessary and decidedly unneighborly step of attaching his bank accounts.

D.C. Tax Losses Proliferate

The purchase of the Howard Johnson Hotel has meant the loss of (1) real estate taxes, (2) hotel taxes, and (3) sales taxes on purchases by hotel guests. The loss of hotel and sales taxes also applies to the leased City Hall dormitory and perhaps other buildings under GW control. The amount of sales tax generated by students pales in comparison with that of the visitors formerly housed in these two large Foggy Bottom hotels. Add to this the loss of tax revenue from 1957 E Street, the Dakota, Riverside Towers, and the takeover of Square 43 and lots in Square 58.

The Zoning Commission's record shows that the majority of GW's faculty and employees live outside D.C. and pay no D.C. income tax, that GW's purchases do not come from D.C. vendors, and that a majority of its ever-present construction workers do not pay D.C. taxes.

GW: Make It A Great University

Zoning Commission: It's Up To You

Some thoughts about the results if the Zoning Commission (and indeed the leaders of this city) allow GW to use this land as they propose:

1. The university will again be out of compliance with the campus plan in the near future as to student housing, and will certainly be denying those students adequate faculty and classrooms which are desperately needed. (This semester, according to the GW Hatchet, foreign language students are again denied classes.)

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2 All the claims about buildings down the line do not resonate with students, faculty or residents. The students are sitting on the floor, the faculty has many issues, and the residents are still stuck with messy and noisy student neighbors.

3. Who knows what the effect will be on the rest of the campus when the construction cranes again arrive, traffic is disrupted, and noise and dirt filter into every student's life? (The president of GW has stated his desire to have ever-present construction on the campus.)

4. An office complex will generate increased congestion on 23rd Street and Pennsylvania Avenue, as well as nearby streets, which are, to say the least, more than overloaded.

Build a Great University

While the presence of a major university in this part of the Nation's Capital is supportable and desired by some, will there be a time anytime in the future when GW's leaders, including its Board of Trustees, realize that:

- (a) the campus boundaries must stay definable as at present;
- (b) bigger is far from better, an old but true axiom; and
- (c) GW needs to put itself on an enrollment diet, with concentration on fewer students and upgraded faculty.

That, Mr. Trachtenberg, is how to make a "great university."