

ELIZABETH B. ELLIOTT 532 20TH STREET NW APT. 501 WASHINGTON, D.C. 20006 202.783.5480

D.C. Zoning Commission  
c/o Sharon Schellin, Secretary  
441 4th Street, NW  
2<sup>nd</sup> Floor  
Washington, DC 20001

ZONING COMMISSION  
District of Columbia

CASE NO. 06-12

EXHIBIT NO. 1919

**Re: Zoning Commission Case Nos. 06-11 & 06-12/George Washington University Campus Plan**

To the Commissioners:

Having completed my testimony on behalf of the Foggy Bottom Association in the GWU case cited above, I would like to add to the record my following personal observations and experience. Further, due to many local and city-wide community obligations, I have not been able to present as complete a record as I would like. I would appreciate the Commission's willingness to hold the record open for a short time so that I may add some photo documentation and other written documentation that is pertinent to my submission that I may have overlooked due to time constraints.

While I am not a practicing architect, I would like the Commission to know that I have approximately six years of architectural education from the Pratt Institute and Syracuse University. My education and ongoing interest and study of architectural design and planning over the last 33 years gives me an understanding of the issues with which our community is grappling regarding GWU's wish to further expand its already massive physical plant. In my opinion, in conjunction with my extensive community service and my living experience over the past 26 years as a resident of the York Apartments, GWU's application cannot be approved if Foggy Bottom is to remain a residential neighborhood, therefore I am opposed to GWU's above-cited applications.

I would remind the Commission that when GWU—armed with a \$388 million DC Revenue Bond—appeared before our community during the last round of Campus Plan hearings in 2000-2001, it represented to the Board of Zoning Adjustment that it could fulfill all of its academic needs—including housing and academic facilities—within the limits of the 2000 Campus Plan. This new "plan"—which has been brewing for at least three years—for millions of square feet of additional development confirms that this was, at best, another in a long series of unfortunate GWU errors or a clear misrepresentation. Either way, the community will improperly and irrevocably suffer from any further university growth, something this process was designed to prevent.

Additionally, GWU's prior round of requests did not include the huge Elliott School PUD application—located directly across the street from my apartment and originally slated to be part of a private development, including condominium housing—outside the GWU boundary. That PUD project has been very damaging to the residential fabric and nature of this portion of Foggy Bottom as I warned the Commission it would be in the 2001 application when I testified as Chairperson of ANC-2A in opposition to the project. In addition, the so-called amenity package has not benefited the community and the preponderance of the cash portion of it has been filtered back to GWU through its Sodhexo food service at the GWU Hospital. In my experience, there has been only one PUD project—the Columbia Hospital for Women adaptive reuse into condominiums—that has benefited our community in any meaningful way.

One important issue that is being overlooked in this process is that, despite being the largest property owner in the District, GWU does not have a discrete campus. It has an imaginary campus development boundary and all of its properties are abutting public space or other private property. When GWU faculty,

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staff, visitors and students leave GWU property, they are immediately in public space and they must travel through public space and in and around private property to get from one GWU property to another. This renders the "campus core," "on-campus—off-campus," "grow up, not out" debates, slogans and otherwise into meaningless conceits. The fact of the matter is that GWU is completely "in the community's face" and the remaining residents, like myself, are left with the constant burden of dealing with a structural, ongoing objectionable impact. This results from not only the overwhelming numbers of people (students, faculty, staff, visitors, etc.) attached to GWU but also from all of the support services and equipment required to run a small city of 20,000+ population located in a very small neighborhood.

As a nearly 27-year resident of the York Apartments on 20<sup>th</sup> Street, I have been witness to, and repeatedly burdened by, the growth of these negative impacts—particularly in my immediate vicinity—concurrent with GWU's explosive growth in Foggy Bottom. Starting several years prior to the 2000 Campus Plan hearings, the university began to admit ever-larger waves of undergraduate and graduate students, which ultimately converted my building into a de facto "apartment-style" dormitory. Young people, whose numbers were overwhelming and who were clearly not mature enough to be living in an adult situation, are now the predominant tenants.

I have written dozens of letters—I have included only a few samples here and will be happy to provide more—to my management company over these years in an attempt to regain some semblance of quiet enjoyment of my residence, which is now virtually impossible during the GWU school year. While GWU officials are well-meaning in their "outreach" to building management, this does nothing to prevent the after-hours and late-night problems that are now recurrent and structural and with which I have to cope daily. The most distressing aspect of this situation for me is the guarantee that with each fresh crop of undergraduates, the same cycle persists year after year.

After a series of attempted arsons in one of our building's elevators in early 2003, management finally installed security cameras in our building to protect its property. These cameras contain substantial evidence of the negative impacts of too many bodies and too much wear and tear concentrated in too small an area on just one building.

As I reported during my FBA testimony, I now have half the undergraduate GWU student body living within a two-block radius—1500+ living in Square 122 across 20th Street from me—of my apartment building with more to come if this commission grants GWU's application for another inappropriately-scaled dormitory behind the Grant School on F Street.

Furthermore, as Commissioner Mitten and Parsons discussed during the set-down meeting for this case, there is nothing preventing the residential towers proposed for the Square 54 development—or any other private residential building in Foggy Bottom/West End—from becoming this same kind of de facto student housing. The fact that GWU is only required to house approximately 5600 of its captive total student body of 20,000+ was a fact no doubt not lost on GWU's development partners for Square 54. Why would the Commission reward GWU for destroying the southern end of Foggy Bottom by not holding GWU to use Square 54 for university use?

GWU's proffer and characterization of its "hotline" as some sort of community amenity, or even mitigation, is inappropriate and a distraction from the fact that GWU's operations are constantly generating negative impacts. I have used the hotline dozens of times in the last few years and it is helpful for building a record to demonstrate to GWU that there are ongoing objectionable impacts from its physical plant operations that need to be corrected. (I have an extensive log of my contacts with GWU which I have not included here but will submit if the Commission needs evidence of my actions) But it is a completely inappropriate tool regarding student behavior. The bottom line with this feature is that it not

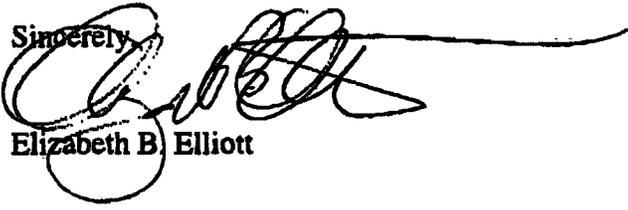
an amenity, it is yet another make-work project for community members that confirms a now-structural, daily objectionable effect with which we have to cope.

In addition to the hotline, I have communicated directly via fax, phone, and e-mail with GWU officials repeatedly (I have included some recent communication) regarding impacts from its fleet of dozens of support vehicles and other sources of negative impact.

In closing, I would like to mention two additional items that I believe are errors and need to be scrutinized. First, there are two small GWU properties at 1916-1918 F Street NW that were not included in the GWU Campus Plan 2000-2009 and which are now included as part of GWU's submission. Additionally, that set of properties does not appear in the DC online property tax database. Both of these errors should be corrected. Second, regarding undergraduate student car and parking issues: I believe that there is a DMV regulation on the books that there is no reciprocity residential parking sticker legally available for out-of-state, undergraduate college student use. This would render concern about student parking moot.

Thank you for your time and attention to these matters.

Sincerely,



Elizabeth B. Elliott

Attachments: (9-9-03/5-4-05/12-21-05/9-17-06—letters to Bernstein Management)  
(10-29-04/4-18-05/5-24-05/1-17-06/3-19-06—letters to GWU)  
(7-24-06/8-2-06/8-3-06/8-3-06—e-mail series to GWU)

**Subj: Re: GWU Impact**  
**Date: 8/3/2006 6:44:54 PM Eastern Daylight Time**  
**From: mik2000@gwu.edu**  
**To: EeofdcANC2A@aol.com**  
**CC: Joy@cambridgestrategicpartners.org, mmolotsky@dccouncil.us**

Elizabeth:

I was able to find out a bit more regarding the carts. According to facilities:

"At this time, our carts are identified by shop name stenciled on the front or side of each vehicle."

While this is not exactly an ID number, it will allow us to narrow down where a specific cart comes from.

I will keep working on the ID number question, but this is a start.

Thanks,  
Michael

BlackBerry service provided by Nextel

-----Original Message-----

**From: Michael Akin <mik2000@gwu.edu>**  
**Date: Thu, 03 Aug 2006 22:16:49**  
**To: EeofdcANC2A@aol.com, Michael Akin <mik2000@gwu.edu>**  
**Cc: Joy Howell <Joy@cambridgestrategicpartners.org>, Michele Molotsky <mmolotsky@dccouncil.us>**  
**Subject: Re: GWU Impact**

Elizabeth:

Regarding point #1 - you are right. The letter we sent to vendors included limits on delivery hours (5AM-10PM). While you and I may have thoughts about these specific hours, the bottom-line is that middle of the night deliveries are 100% unacceptable. As with the 20th Street regulation, our UPD have been instructed to enforce the delivery hours.

Regarding point #2 - Our director of facilities was very receptive when I brought the yellow cart concerns to his attention. I will have a chat with him regarding putting ID tags on the vehicles.

I'm flying out of town tonight unexpectedly to attend a funeral in Boston. I will have limited access to email over the weekend. By all means call UPD at 994-6110 if this truck shows up again.

Let's touch base early next week to swap updates.

Try to stay cool this weeknd (eaiser said than donel).

Thanks,  
Michael

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-----Original Message-----

From: EeofdcANC2A@aol.com

Date: Thu, 03 Aug 2006 17:53:54

To: mik2000@gwu.edu

Cc: joy@cambridgestrategicpartners.org, mmolotsky@dccouncil.us

Subject: Re: GWU Impact

Michael-

I appreciate your getting back to me on this issue. I can't put my hands on the truck licenses and ID at present, but I do have it noted somewhere and will send them on as soon as I find them. The location of these commercial operations and, their related late-night disturbances directly across the street from my residence, have been problematic from the outset of their operation. I have been subjected to numerous instances of this disturbance and have finally reached my limit.

Although I note your commitment to having the Subway delivery trucks comply with the Elliott School building Zoning Order condition that precludes parking and delivery on 20th Street, I do not see a related commitment to legitimate delivery hours in a residential neighborhood--these trucks should not be coming into this area late at night. And while GWU students may not mind the parallel situation of 24/7 deliveries and activity going on at the 7-11 venue around the corner at Mitchell Hall on 19th Street, I do, and I have every right to want it stopped.

One last item on the carts: mid-day today, one of GWU's yellow electric carts was parked on the sidewalk in front of CVS at Virginia Avenue. I searched for some ID on the cart with no success and as I was writing down a number taped to a small insurance tag taped to the inside of the windshield, the driver of the cart came outside. When he began to challenge me, bordering on threatening, I walked away. As I suggested in my e-mails of last week, the university needs to immediately put prominent identification numbers--as you have on your SUVs, vans, shuttlebuses and trucks--on all of these vehicles and, if they are being driven on public roads, they need to be registered and licensed.

Thanks for your attention to these two issues.

Elizabeth

**Subj:** Re: GWU Impact  
**Date:** 8/3/2006 6:17:51 PM Eastern Daylight Time  
**From:** mik2000@gwu.edu  
**To:** EeofdcANC2A@aol.com, mik2000@gwu.edu  
**CC:** Joy@cambridgestrategicpartners.org, mmolotsky@dccouncil.us

Elizabeth:

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**Date:** Thu, 03 Aug 2006 17:53:54  
**To:** mik2000@gwu.edu  
**Cc:** joy@cambridgestrategicpartners.org, mmolotsky@dccouncil.us  
**Subject:** Re: GWU Impact

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Thanks for your attention to these two issues.

Elizabeth

**Subj:** RE: GWU Impact  
**Date:** 8/2/2006 4:49:12 PM Eastern Daylight Time  
**From:** mik2000@gwu.edu  
**To:** EeofdcANC2A@aol.com  
**CC:** joy@cambridgestrategicpartners.org, mmolotsky@dccouncil.us

Elizabeth:

I'm sorry it has taken me a few hours to get back to you. I wanted to track down all the available information before responding. It looks like this is an unfortunate case of the instructions contained in our letter to vendors not yet filtering down to the delivery drivers. There are to be no deliveries on 20<sup>th</sup> Street. Our position on this has not changed and we are making this message very clear to our vendors.

Furthermore, today I have briefed Chief Stafford (UPD) on the regulations relating to deliveries on 20<sup>th</sup> Street. If this happens again, her officers will know that the driver is not to be on the street.

I will not tell you to be patient, because if I was roused from bed in the middle of the night... I would be quite upset as well. This is a very serious issue, and I will work with you until it is solved. Our letters to the vendors should produce a positive result in the very near future.

In your note, you mentioned that this was the same driver who was making late-night deliveries last time. Can you give me any more details about the truck (company name/logo)? This will allow us to target directly the offending driver/vendor.

Thanks,  
Michael

Michael Akin  
Director  
District of Columbia and Foggy Bottom/West End Affairs

<http://www.neighborhood.gwu.edu/>

The George Washington University  
Office of Government, International and Corporate Affairs  
phone - 202 / 994-9132  
fax - 202 / 994-1229

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**From:** EeofdcANC2A@aol.com [mailto:EeofdcANC2A@aol.com]  
**Sent:** Wednesday, August 02, 2006 2:36 AM  
**To:** mik2000@gwu.edu  
**Cc:** joy@cambridgestrategicpartners.org; mmolotsky@dccouncil.us  
**Subject:** Re: GWU Impact

Michael-

After being away for a number of days, I am home again for the evening. At approximately 1:40 am, I heard the noise of a large truck engine and air brakes being set somewhere out on 20<sup>th</sup> Street. When I went to my apartment window, there was the same refrigerator truck parked in front of your Subway venue on 20<sup>th</sup> street NW with its engine running.

I contacted UPD and, after I spoke with Dispatcher Wallace, she sent an officer over there, however, the loading and unloading continues with the truck's running at full blast during a heat wave and in violation of the idling statues in DC nearly an hour later. Additionally, the driver of this truck is deliberately dragging his empty dolly up the steps rather than using the adjacent ramp. I'm cc'ing Michele Molotsky of Jack Evans' office on this since Jack has indicated that he wants to assist with neighborhood/GWU issues. I will also be contacting my

management company about this repeated disturbance which is a gross violation of my right to quiet enjoyment of my domicile.

This situation—including these after-hours commercial deliveries and intrusions in a residential neighborhood--needs to cease and desist, and, as you indicated in your response, any further deliveries need to be confined to 20th Street during legal delivery hours.

Elizabeth Elliott

**Subj:** RE: GWU Impact  
**Date:** 7/24/2006 10:52:25 AM Eastern Daylight Time  
**From:** [mik2000@gwu.edu](mailto:mik2000@gwu.edu)  
**To:** [EeofdcANC2A@aol.com](mailto:EeofdcANC2A@aol.com)  
**CC:** [joy@cambridgestrategicpartners.org](mailto:joy@cambridgestrategicpartners.org)

Elizabeth:

I hope you had an enjoyable weekend. Regarding the unfortunate late night deliveries, the University is sending letters to Starbucks and Subway reminding them that no delivery trucks are to use 20<sup>th</sup> Street. We made commitments in the Zoning Order, and we fully intend to stand by them.

As for the yellow utility carts, I have contacted the head of the department that controls these vehicles. This director will be reminding his drivers to be responsible in their use of the vehicles. Safety must be the number one priority, and the vehicles are not to be driven on sidewalks.

If the deliveries on 20<sup>th</sup> Street continue, or you have future issues involving yellow carts, please contact me.

Thanks,  
Michael

Michael Akin  
Director  
District of Columbia and Foggy Bottom/West End Affairs

<http://www.neighborhood.gwu.edu/>

The George Washington University  
Office of Government, International and Corporate Affairs  
phone - 202 / 994-9132  
fax - 202 / 994-1229

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**From:** [EeofdcANC2A@aol.com](mailto:EeofdcANC2A@aol.com) [<mailto:EeofdcANC2A@aol.com>]  
**Sent:** Wednesday, July 19, 2006 10:57 AM  
**To:** [mik2000@gwu.edu](mailto:mik2000@gwu.edu)  
**Cc:** [joy@cambridgestrategicpartners.org](mailto:joy@cambridgestrategicpartners.org)  
**Subject:** GWU Impact

Michael-

Joy Howell let me know that you had contacted her about any community issues for which the university is responsible and she suggested that I send you my early morning correspondence to Lieutenant Phil Lonciano of the DC MPD. My correspondence regards an ongoing issue with delivery trucks to food venues at the Elliott School complex and GWU's ubiquitous yellow electric carts which are becoming more and more of a nuisance and a hazard in this part of Foggy Bottom.

As I mentioned to Lt. Lonciano, there is a provision in the Elliott School order that prohibits deliveries on the 20th Street side of the project, let alone in the middle of the night. There is a similar truck that delivers on the E Street side to the Starbucks anytime after 11:00 pm. That truck takes about 45 minutes to unload and because it is a refrigerator vehicle, the engine is running constantly. The truck last night finally left--noisily--at 3:30 am after I called MPD a second time.

These are just two issues with which I have to deal regarding GWU's daily impact on my residency here in Foggy Bottom. I am working with Jane Lingo on several other issues regarding the Old Main building across the street from me but getting little satisfaction. I will contact you soon regarding these additional issues.

Elizabeth Elliott

7-19-06

Dear Lieutenant Lonclano:

For the umpteenth time since two food "venues" opened across the street from me, I was woken up at 1:30 am by a refrigerator truck parking in front of, and then making very late night deliveries. Tonight's delivery was to the Subway sandwich shop at the Elliott School at 20th and E. I got dressed and went downstairs to complain to the driver and he ignored me and said he had deliveries to make.

I took down all of the license information (he had Nebraska plates front and back, each with a different number) and returned to my apartment and called #311. I spoke with operator #6755 who sent out a patrol car which arrived on the scene around 2:05 am. Apparently, the officer didn't find anything untoward about this guy making 2 am deliveries in a residential neighborhood. This goes on all the time with the Subway and the Starbucks facing on E Street--all the trucks that deliver to these places are refrigerated and leave their (loud) engines running the entire time they are parked. Additionally, one of the conditions in the final Zoning Commission order on the Elliott School specifically prohibits truck deliveries on the 20th Street side so these trucks are in arrears just parking on 20th Street.

Another troubling GWU issue that is getting worse as the days go by is that of the university's fleet of yellow electric "carts" (GWU has dozens of these vehicles) which are running all over the neighborhood, in and outside of GWU's legal development boundary, on sidewalks and in major roads. I have numerous photos of these carts driving on the sidewalks, parked on the sidewalks and stashed in nooks and crannies all over the place. There is one of these vehicles parked regularly on the sidewalk in front of the E Street CVS while one of the staffers does her shopping there. I almost got clobbered by one of these blasted carts a couple of months ago when a driver rounding the corner at 20th and E Streets didn't even see me. I yelled at him along with some other pedestrians who saw the incident and he high-tailed it up 20th Street. I chased him up the street to get some ID on the cart but nothing was visible and he scooted through the alleys and disappeared.

I reported the incident to GW security and got the usual smarmy hogwash and runaround from that group. These carts need to be numbered like patrol cars and shuttle buses for ID purposes and somebody needs to start putting some limits on them. They're a nuisance and they're dangerous.

As I head off to bed again, I note that the friendly refrigerator truck is still parked out in front of the Subway shop with its engine running almost two hours later. I can't imagine that this is contributing to our air quality here in Foggy Bottom either.

I would appreciate some assistance with these matters.

Elizabeth Elliott  
202-783-5480

ELIZABETH B. ELLIOTT 532 20TH STREET NW APT. 501 WASHINGTON, D.C. 20006 202.783.5480

MR. WALTER L. GRAY  
Director  
George Washington University  
Facilities Management  
2025 F Street NW/Suite 215  
Washington, DC 20052

March 19, 2006

*Re: GWU Electric Cart Incident*

Dear Mr. Gray:

As I was walking Northward on 19<sup>th</sup> Street while returning from a late afternoon walk down to Constitution Avenue, I noticed one of GWU's ubiquitous, yellow electric vehicles heading South on 19<sup>th</sup> Street. As I continued up 19<sup>th</sup> Street, I saw this same vehicle turn right onto E Street and continue West on the street, giving no more thought to the cart.

I crossed over the North side of E street and continued West for the entire length of the 1900 block of E Street, back toward my residence at 532 20th Street NW. Prior to my reaching the curb at the intersection of 20<sup>th</sup> and E Streets (North), I had to stop for activity occurring around the Starbucks and the 1959 E Street dorm. Two female students were talking a pizza from the dorm at 1959 E Street to their car and a pizza delivery driver on motorbike were all blocking my way.

When I reached the curb and the light turned green, I stepped onto the pavement (where the crosswalk should be painted but is not) and was about to take a second or third step, when the yellow, electric cart appeared out of nowhere on my left. Had I finished my step—as opposed to leaning backward as I was forced to do—I would have been hit by the cart. I hit the embossed metal side of the cart with my purse and made a loud bang—the lone gentleman driving the cart looked right at me in his sideview mirror and kept on driving. I then regained my balance and tried to spot a number, license or ID somewhere on the cart but couldn't see anything. Two male pedestrians on the West side of 20<sup>th</sup> Street who had witnessed the incident were shaking their heads and commenting that this individual didn't know about yielding to pedestrians. The incident occurred some time between 5:00 and 5:15 pm.

The vehicle continued North on 20<sup>th</sup> Street and turned left onto G Street, which is where I last saw the cart. I proceeded up to the UPD building at 20<sup>th</sup> and G Streets to report this incident and was referred to your department. This is the latest in a series of close calls that I have had with these carts. I also have numerous photographs of your electric carts—both parked and driving—on the public sidewalks, where they are not legally allowed. I would appreciate your instructing your drivers to obey the laws of the District—including yielding to pedestrians and not driving or parking on public sidewalks—and to identify your vehicles more clearly.

Thank you for your time and attention to this matter.

Sincerely,



Elizabeth B. Elliott

cc: Jane Lingo, GWU  
Paula Neal, Bernstein Management

ELIZABETH B. ELLIOTT 532 20TH STREET NW APT. 501 WASHINGTON, D.C. 20006 202.783.5480

MS. JANE LINGO  
George Washington University  
2121 I Street NW  
Washington, DC 20052

January 17, 2006

*Re: GWU-Related Disturbances and Issues*

Dear Jane:

This letter is a follow-up to my Friday phone message to you and also to Michael Akin regarding noise and disturbance coming from an ad hoc, outdoor construction workshop that had been set up in the driveway entrance behind your "Old Main" building at 1922 F Street NW. It appeared that your contractors were cutting and assembling cabinets and loading them on pickup trucks to be delivered elsewhere in the neighborhood. This activity occurred, on and off, all day Thursday and Friday (January 12<sup>th</sup> and 13<sup>th</sup>). In addition to the fact that it is extremely disturbing and impossible to work when construction activity is going on outside my windows, I believe it is illegal for contractors to be working without some kind of permit. I spoke to two separate contractors and neither had any such permit.

As I have informed you in conversations and letters, the driveway entrance and associated parking lot behind Old Main is located directly across from my apartment, where I work and live. Since GWU's purchase of Old Main and its conversion to a university use property several years ago, the activity—and hence, the disturbance—in and around the building has increased significantly. This spikes prior to the commencement of each semester, when I have witnessed many GWU employees' offices being moved in and out of Old Main to and from other GWU buildings in the neighborhood. In addition, there is random construction maintenance, truck deliveries, trash pickups, and numerous, regular and random noise-generating incidents (e.g. Zipcar/Flexcar pickup and delivery as well as cleaning; parking for Faculty Club events, leaf-blowing into the street throughout the fall, etc.) going on regularly in and around the building. I have my fingers crossed that our two-year attempt to stop the late-night racket and visits from the housekeeping crew has finally worked.

There is another GWU-related disturbance issue that has been going on for some time about which I have not had the opportunity to tell you. For at least the last six months, like clockwork every Saturday and Sunday morning, there is an extremely loud and disturbing mechanical noise that runs from 9:15 am until 10:00 am that I can hear over my stereo equipment, radio and/or television. The noise may be going on during the weekdays also, but there is much more ambient and street noise on weekday mornings that would be mingling with the mechanical noise so I haven't noticed it. This noise is particularly startling and disruptive on the weekend mornings when the students aren't out on the streets yet and there is not the usual daytime/evening noise factor. After some investigation, I've determined that the noise is being created by some sort of mechanical generators/equipment related to HVAC and located behind and between Thurston and Mitchell Hall. I would like to know if my suppositions about the source of this loud and disruptive noise are correct and what can be done to stop it or to render it not disturbing.

Another issue that you and I have repeatedly discussed is that of the ongoing street disturbances caused by boisterous groups of students traversing this area, particularly late at night. It has been extremely distressing to constantly have my sleep disrupted, as well as my quiet enjoyment of my apartment disturbed, by random outbursts of yelling, shouting, and screaming coming from small and large groups of kids at all hours of the day and night. For the first time in many years, I remained in Foggy Bottom for most of the GWU semester break and, other than the ongoing traffic noise and disturbances from nearby construction, it was a blessed relief. With the return of the students over this past weekend, the disturbances have resumed. With opening of the F Street dorm this Fall—which will concentrate even

more students in the immediate vicinity—this problem is bound to become worse. As I have mentioned to you, because of the addition of the Red Cross and the Elliott School buildings so close to 20<sup>th</sup> Street, sound now carries a greater distance and magnifies to a much greater extent. Even normal street conversation can be disturbing, particularly late at night. Just this morning, I was woken up by loud talk around 1:30 am and went to my window thinking it was a student group that I would dutifully report to your UPD. At the SE corner of 20<sup>th</sup> and F Streets was a group of three GWU security personnel laughing and talking for about five or ten minutes. I was about to change out of my sleepwear and go downstairs and ask them to cease and desist when the group broke up with one man heading to his GWU-marked security vehicle and the other two men heading off toward Thurston or thereabouts.

One final issue that you should be aware of is that one of your Mount Vernon shuttle buses is creating a hazardous situation—as well as a nuisance—when it drops off and picks up students in front of the Red Cross sculpture area at the NW intersection of 20<sup>th</sup> and E Streets. I use the E Street Expressway a number of times during the week and invariably find myself right behind one of your buses as I turn left onto E Street to return to my parking garage on 21<sup>st</sup> Street. I now know to move into lane to the left of the bus because it immediately stops to discharge and/or pick up students. This is very dangerous and likely illegal so close to the intersection not to mention the nuisance factor of yet another large, noisy vehicle running through this area all day long. From a pedestrian viewpoint, this same situation is also problematic. Many times, when there are large groups of students waiting to be picked or coming off of the bus, the very narrow sidewalk becomes impassable. While it is convenient for your driver, I would suggest that you rethink this location as a drop-off and pick-up point. I would suggest that it would be much less hazardous for the bus coming off of the expressway to continue down E Street to 18<sup>th</sup> Street where it could make two left turns and return to 1957 E Street where it could discharge passengers much more safely (and legally).

Thank you for your time and attention to these matters.

Sincerely,



Elizabeth B. Elliott

cc: Michael Akin, GWU  
Paula Neal, Bernstein Management

ELIZABETH B. ELLIOTT • 532 20TH STREET NW • APARTMENT 501 • WASHINGTON, DC 20006 • 202.783.5480

MS. JANE LINGO  
George Washington University  
2121 I Street NW  
Washington, DC 20052

May 24, 2005

*Re: Late Night Housekeeping at Old Main Garage, Student Move-Out Disturbances and Related Issues*

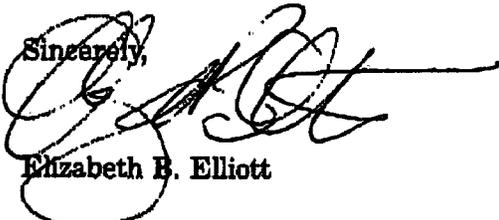
Dear Jane:

Thank you for your phone call yesterday, May 23, responding to my call to the UPD office about students using rolling gray bins to move their possessions in, out, and around apartment buildings and residence halls, resulting in intermittent disturbances, throughout this area. Despite the fact that I could hear the constant back and forth with these carts around the 20th and F Street intersection from late afternoon until I went to bed at 11:30 pm Sunday evening, I made only one phone call to UPD about this disturbance. You should also be aware that this disturbance started intermittently as your students began leaving for the Summer break and has gone on for over a week. At the end of every GWU school year, this neighborhood--both in the hallways of my apartment building and out on the public sidewalks--looks more and more like a refugee camp at the end of semester with storage pods, couches

On another issue that you and I have discussed 5 to 10 times over the last few years, your housekeeping truck has reappeared again behind the Career Center/Old Main building late at night. While the workers are not staying long and are rushing about their chores, as I have said repeatedly to you, that is not the problem. The problem is the late-night and Sunday appearance of GWU's operations staff and the attendant noise from the arrival and departure of the truck. The weeknight visits should be within the appropriate timeframe for commercial activity in a residential neighborhood--not 10 o'clock at night or later, and there shouldn't be any visits on Sunday, let alone late night.

Thank you for your time and attention to these matters.

Sincerely,



Elizabeth B. Elliott

ELIZABETH B. ELLIOTT • 532 20TH STREET NW • APARTMENT 501 • WASHINGTON, DC 20006 • 202.783.5480

MS. JANE LINGO  
George Washington University  
2121 I Street NW  
Washington, DC 20052

April 18, 2005

*Re: Disturbances from Illegal Sunday Construction Work at FSK Hall*

Dear Jane:

At approximately 9:00 am Sunday morning, April 17, the sound of hammering coming from somewhere on 20th St. was clearly audible inside my apartment. Shortly after that, the very unpleasant and disturbing sound of air hammering started up. I went downstairs and walked up 20th St. toward Pennsylvania Avenue from my apartment. At Francis Scott Key hall at 600 20th St., there was a construction crew ensconced out front and working noisily on reconstructing the front stoop of the building. I asked the head contractor why they were working on Sunday morning and pointed out to him that it was illegal to be working and creating a disturbance in a residential neighborhood. I asked to see his work permit, and he stated that GWU was holding the permit and that he did not have a copy of it. He also stated that GWU asked him specifically to perform this work that day.

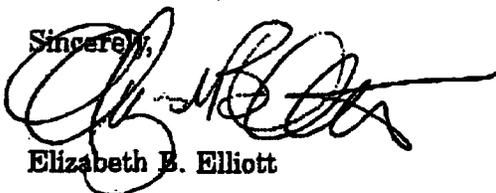
I returned to my apartment and contacted MPD through the non-emergency 311 number and I also alerted your UPD office. The disturbance ceased for a couple of hours, and started up again at approximately 12:00 p.m. I then called MPD again to inquire as to the disposition of my initial complaint. The operator on duty said that there was no disposition listed for my original complaint, and so I asked again for an officer at the scene. After two hours of nerve-wracking, on and off disturbance, I called 311 again at 2:00 pm and was told that a unit would follow up immediately. At 2:30 pm I received a call from the 311 desk asking me to go over to the site of the complaint and speak with the officers. When I arrived, two MPD officers were in the process of ordering the contractor to shut down, stating that there was no permit showing for the work, and, stating that, even if the Crew had a permit to work on Sunday, it should be posted on the site, not somewhere else on GWU's property. The officers apologized for taking so long and stated that they had been tied up for a considerable time with the IMF/World Bank meetings. They were both surprised that the IMF hadn't launched a complaint about the noise since the work was being done right under the shadow of the IMF buildings and could be heard all over the neighborhood.

In the last couple of years, this part of Foggy Bottom has become a free-for-all zone for this kind of disturbance, much of it related to GWU's expansion. I have also noticed other GWU construction work taking place in other locations on Sundays but since it has not affected me directly, I have not reported it to UPD or MPD. This kind of activity and disturbance should not be going on any time on a Sunday and your UPD offices should be aware of that, which apparently they were not. According to my knowledge of the regulations, which was confirmed by the MPD Officers, this kind of work cannot be done any time outside of the 7 a.m. to 7 p.m., Monday through Saturday limitations in a residentially-zoned neighborhood, unless it is a threat to life and limb. I've actually gotten the World Bank and the IMF to both stop late-night and Sunday construction because of this regulation.

You should also know it is impossible to reach someone in authority at GWU at night and over the weekends. It is an exercise in futility to call UPD, which dutifully records my concerns and then does not, or will not, clear up the problem. If UPD is going to be the *in loco administration* during this time, then they need to be much better informed about what is appropriate and legal activity in a residential neighborhood.

Thank you for your time and attention to this matter.

Sincerely,



Elizabeth B. Elliott

cc: Bernstein Management

**ELIZABETH B. ELLIOTT • 532 20TH STREET NW • APARTMENT 501 • WASHINGTON, DC 20006 • 202.393.1227**

MS. JANE LINGO  
George Washington University  
2121 I Street NW  
Washington, DC 20052

October 29, 2004

*Re: Ongoing Disturbance and Issues Related to GWU*

Dear Jane:

At approximately 1:25 am this morning, I called the D.C. Metropolitan Police non-emergency number due to a loud student party going on here at the York in a ground-floor apartment occupied by there was a party during Colonials Weekend at the Alumni House at 1925 F Street, NW on Saturday, October 16. As has been the prior custom, the party did not get into full swing until 10:00 pm and featured a live, loud, Latin band that was set up on the outdoor patio adjacent to the World Bank and could be heard reverberating all over the buildings in this section of the neighborhood.

Once again this year, I went over to the Alumni House at around 10:30pm and spoke with the Alumni organizer—a very pleasant young woman who informed me that the live band was scheduled until 1:00am and that she would attempt to tone the sound down. That did not happen, so I then called your UPD and spoke with Lt. Brittle who said he would attempt to get the musicians inside and tone down the music. The music stopped for a short while and then started up again. I finally contacted the Metropolitan Police at 12:20am and at 12:30am, with an earsplitting finale that could be heard for blocks, the disturbance ended for the evening.

If the yearly Alumni House annoyance were the only GWU-related disturbance with which I had to cope, it would be a manageable—if not unwelcome—situation. Unfortunately, this is just one example of the ongoing disturbance that the university has created here in this East end of the Foggy Bottom neighborhood with approximately 3,000 of its students living in the immediate area. (Judging from my unofficial empirical experience, it is probably more than that.)

If I had the time and energy to write to you about each and every disturbance related to the overwhelming student and university presence in this limited area, I would be sending you daily letters. I have had to call MPD or UPD every weekend since GWU's Fall semester commenced. During the last few weeks, the unruly behavior of numerous groups—large and small—has been extremely disturbing. Some of this behavior was related to the World Series baseball playoff games. There have been kids running, literally screaming, up and down 20th and F Streets, on and off, for hours after the league playoff games and the end of the series this past Wednesday.

There have been many other incidents unrelated to baseball. Following is just one, small example of the kind of drunken and rowdy behavior that occurs repeatedly and has a direct, negative impact on my residency here: At approximately 2:30 am in the early morning hours of Friday, September 18, I was woken up by what sounded like a group of drunken students yelling out on the East side of the 500 block of 20th Street, directly across from my apartment. When I went to my window overlooking 20th Street, NW, I saw only one young man weaving back and forth across the sidewalk and shouting as he was moving Northward on the East side of 20th Street. He staggered into the opening for the back entrance to "Old Main" and proceeded to urinate there. Once he was finished, he continued his shouting and staggering as he seemed to be wending his way back to Thurston Hall. This was just one individual. Because of the many tall buildings now located in this area, even normal conversation can become a problem late at night. You can imagine what it is like when there are groups of people hooting, hollering, and screaming down the streets here.

As I have discussed many times with you in the last five years, this kind of incident exemplifies the late-night, all-night party atmosphere—particularly from Thursday through Sunday—that has been created by the presence of thousands of students living in this small area and that now prevails along F Street from 19th to 23rd Streets and

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spills onto the North-South streets crossing F Street. The 1900 block of F Street North of Thurston Hall is a magnet for thousands of students starting Thursday evening and running on through the weekend. Last night, the screaming and yelling started early and lasted into the wee hours of the morning. I was woken up several times after midnight by loud and boisterous behavior. At one point (approximately 1:30am) I was roused from my sleep by loud voices and horseplay—I saw approximately 5 or 6 kids standing in the middle of 20th Street. In the background walking in all directions, were dozens of kids.

This situation is exacerbated by the Riverhorse Bistro—a drinking establishment we have discussed and that was created for students last Fall and located in the ground floor of your University Club which abuts Thurston Hall. Invariably, very late in the evening and in the early morning hours after students leave the “bistro,” there is loud talk (and on numerous occasions, drunken and rowdy behavior) that can be heard up and down 20th Street and along F Street. As I have mentioned to you on several occasions, the management of this Bistro continues to place commercial signage and tables in chairs on the sidewalk, intruding on the public right-of-way. The University needs to rethink the location (and the 2:00am closing time) of this student drinking hangout in the heart of this last enclave of non-student residences. This type of establishment, along with dormitory residences, would be much more appropriate located at the Marvin Center, away from the edges of the “campus.”

Another commercial venue, Pizza Italia—a non-alcohol-serving establishment located across from Thurston in this same block—also contributes to the party atmosphere in this area. This “venue” has been operating for at least three years running by staying open from Thursday through Sunday until 3:00 or 4:00 am to accommodate students returning from their outings to Adams Morgan, Downtown, and Georgetown, as well as the 1000+ Freshman students residing in Thurston and nearby residence halls, Mitchell, FSK, and 1957 E Street. I realize that the location and operation of this business is not under the purview of GWU, however, the establishment is inside the campus boundary and there should be some adherence to the residential zoning regulations (like no late-night commercial business in a residential neighborhood). Numerous times since GWU classes began this Fall, I have had to call UPD and MPD to stop the disturbance from hundreds of students hanging out, running back and forth to their residences and creating a disturbance throughout this area.

An additional annoying component of this disturbing situation that has developed in the last two years is a mini-rush hour (usually from 11pm to 2am) on 20th and F Streets on weekends. This is created by dozens of cabs cruising the neighborhood looking for student fares headed for the clubs out of Foggy Bottom. When these cabs don't pick up immediate fares, they wind up around the corner from my building parked in front of Thurston. I've witnessed multi-car cab lines out in front with cars constantly idling for hours on end while drivers hob-nob with each other waiting for fares.

During several of our talks, I have also informed you on about the incredibly intense daytime, evening, and conference use of the 1957 E Street building, as well as the disturbances created by the omnipresent GWU support and maintenance crews and their vehicles and the truck deliveries to all of the commercial facilities related to GWU's presence here. All of these are additional negative factors in this area with which I have to cope daily and which have diminished my quality of life substantially.

If this weren't enough, numerous times of the day during GW's school-year operations, it is now impossible to walk in a myriad of locations in Foggy Bottom and not be jostled by students hustling to and from classes, something you and I discussed at the September 14 ANC meeting. I have also been nudged, squeezed, and pushed off the sidewalk on both 20th and F Streets by platoons of visiting prospective students and their families touring through this part of Foggy Bottom. On Friday, October 14, I watched two large groups (15-20 people) of GWU visitors wend their way North on both sides of 20th Street at F Street and push pedestrians—young and old alike—aside in their wake. On numerous other occasions, I have seen three and four large groups simultaneously travelling this same route and disrupting pedestrian traffic and blocking the sidewalks in all directions.

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There are a number of other related concerns that need to be addressed including the loud and drunken student partying occurring regularly in nearby non-University apartments and the subsequent spillover onto the sidewalks and streets; the impact of additional late-night and all-night commercial operations in GW facilities; and all of the university- and student-related moving, delivery, and traffic that has exploded in this area due to GWU's expansion. I will not elaborate here because this letter will become impossibly long but will take these issues up in the near future in a separate correspondence.

You may be wondering why I am writing to you. At an Advisory Neighborhood Commission meeting this past Spring, I reported to ANC Commissioners the latest student and university-related disturbances affecting my residence. Michael Akin, at the time an employee of the GWU Government Relations Office, was allowed to speak to the Commissioners and proceeded to minimize and belittle my concerns—openly insulting me in the process—and stating that he never heard from anyone other than me about any problems related to GW. I later discovered that Mr. Akin had invited a public relations consultant—no doubt later hired by the University—to that ANC meeting. A day or two later, I received an inadvertant e-mail reply from this consultant (Mr. Akin was sharing my e-mail concerns with her), congratulating Mr. Akin on his "handling" of my comments to the ANC and stated that she had a number of suggestions for "changing the dynamic" of our neighborhood meetings.

I would suggest that what the University should immediately focus on is "changing the dynamic" of a very objectionable situation that it has created in this part of Foggy Bottom by concentrating too many students here—GWU's planned dormitory for Freshman will create an even more objectionable atmosphere in this small area. University officials and representatives—none of whom live in Foggy Bottom—need to begin thinking about how to ameliorate this disruptive and improper situation that is depriving me of my right to quiet enjoyment of my residence here at the York. I appreciate your time and attention to these serious matters.

Sincerely,



Elizabeth B. Elliott

cc: Foggy Bottom Association Board  
Bernstein Management

ELIZABETH B. ELLIOTT 532 20TH STREET NW APT. 501 WASHINGTON, D.C. 20006 202.783.5480

MS. PAULA NEAL  
Bernstein Management  
510 21st Street, NW  
Washington, DC 20006

September 17, 2006

*Re: Noise disturbances from York tenants and their guests*

Dear Paula:

At approximately 12:45 am Saturday morning, September 16, as I was in my bedroom area finishing work on my computer prior to preparing for bed, I heard the sound of people walking on uncarpeted floors in hard-soled shoes in an adjacent apartment. This intermittent disturbance kept up for approximately ten minutes as the sound of voices increased. Suddenly, there were loud voices that seemed to be coming from the hallway outside my apartment, and, as I approached my front door to investigate, the volume increased substantially and I could hear a number of people engaged in very loud and disturbing horseplay directly outside of my apartment.

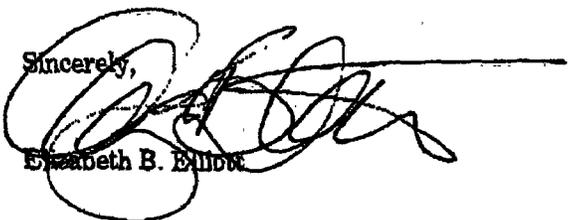
By the time I opened my front door, I witnessed the incredible sight of one of my male next door neighbors pulling a girl backward by her ponytail as she attempted to walk toward the elevator. As she was trying to regain her balance while yelling for him to stop, two other young men were yelling at the top of their lungs as they raced around the corner after the pair. I had to call out three times to be heard over this disturbance and by my third attempt I was shouting for them to knock it off, which they finally did. The group then got on the elevator and left the 5<sup>th</sup> floor. Approximately an hour later, 2:00 am, I was woken up by the sound of someone walking in hard-soled shoes on bare floors, again.

This is absolutely unacceptable behavior. In addition, as I mentioned to you some time ago after this tenant moved in, I realized that there is not adequate carpeting in #503 and, as far as I can tell, that situation has not improved. Anytime there is someone in that apartment, I can hear their activities quite clearly in my hallway, kitchen, and living room area. For example, when I arrived home late Thursday evening, I had to request that the #503 tenant turn his stereo equipment down, which he did. Even with that, I could still hear a background drone unless I stayed in my bedroom area. After I returned late this afternoon (Sunday, September 17) to my apartment, I could hear at least two people in #503 laughing, talking loudly and seemingly engaging in horseplay. Apparently they didn't get it out of their systems the other night.

Due to their erratic schedules, the traffic in and out of the apartment, and the numbers of visitors to #503, I am, once again, being deprived of my right to quiet enjoyment of my residence. You should also be aware that the new tenants in #601—who arrived very late at night on a weekday this past week—also do not have acceptable carpeting and I can hear them walking and thumping around all hours of the day and night above me. Additionally, there are numerous new tenants and their guests on the 5<sup>th</sup> floor who have been talking on cell phones in the hallways late at night. This is extremely disturbing and ranks up there with the new tenants sitting on the front steps of the York, talking, smoking and phoning—all of which has a negative impact on my tenancy—as well as blocking the entryway to our building. I would appreciate your correcting these problems immediately.

Thank you for your time and attention to these matters.

Sincerely,

  
Elizabeth B. Elliott

ELIZABETH B. ELLIOTT 532 20TH STREET NW APT. 501 WASHINGTON, D.C. 20006 202.783.5480

December 21, 2005

MS. PAULA NEAL  
Bernstein Management  
510 21st Street, NW  
Washington, DC 20006

*Re: Partying and Student Tenant Disturbances/Additional Noise and Disturbances*

Dear Paula:

As has occurred repeatedly since August, as the GWU students living here and in the vicinity finished exams and prepared to depart for the Christmas break, this past weekend—despite the cold—turned this section of Foggy Bottom into a free-floating student party zone, both inside and outside the York. The residents in apartments that I have cited before—#408 and #708 were at it again, as well as the residents of #514, whom I could hear for several hours all the way down the hall for hours until late Saturday night.

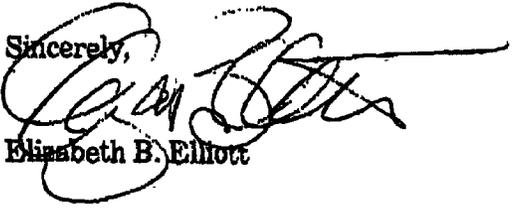
One disturbing incident occurred at approximately 1:30 am (I can't remember whether this happened Friday or Saturday morning and I didn't make a note). I had heard someone outside the building shouting on and off from approximately 1:15 am. At 1:30 am, I got up and looked out my bedroom door and there was a very inebriated male standing at the front of the York and screaming insults at another male who was crossing 20<sup>th</sup> Street toward the GWU E Street dorm. He continued to shout and shuffle around on the landing and then came inside the building a few minutes later. I recall hearing and seeing this same individual over the last few months engaging in this same kind of disturbing and drunken behavior on a number of occasions. The other evening, he was wearing a dark green jacket and a gray hat and appears on the security videos since he came into the building through the front entrance and then rode the elevator. This may be the same individual that I referenced in my December 14 letter to Management.

This individual's repeated transgressions are very troubling and threaten not only my quiet enjoyment of my domicile but also my health and safety here at the York. He is extremely loud and aggressive, and seems very capable, due to his size, of harming someone physically, particularly if he is drunk and/or in a blackout. There is no fulltime security presence in the York building and Management has placed the responsibility of calling MPD or emergency services on the residents to deal with this kind of dangerous and unacceptable situation.

You should also be aware that at approximately 11:55 pm yesterday evening, I heard a clattering and banging on the street. When I looked out my bedroom window, I saw two men carrying a huge WMATA bus stop sign in through the front door of the York. This incident will appear on the York security video and should be reported to MPD.

Thank you for your time and attention to these matters.

Sincerely,

  
Elizabeth B. Elliott

ELIZABETH B. ELLIOTT • 532 20TH STREET NW • APARTMENT 501 • WASHINGTON, DC 20006 • 202.393.1227

MS. PAULA NEAL  
c/o Bernstein Management  
510 21st Street NW  
Washington, DC 20006

March 28, 2005

*Re: Disturbance Related to GWU Students*

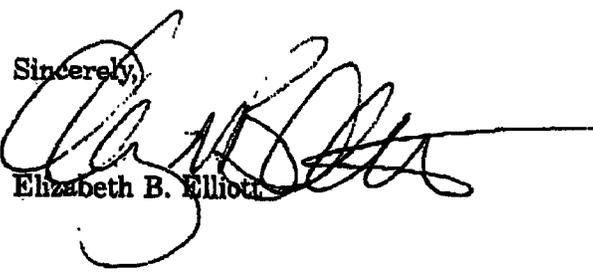
Dear Paula:

This past Saturday, March 26 there was an intermittent, all-day stream of large and small groups of foot traffic—almost all of it GWU-related—outside of the York with attendant outbursts of screaming, squealing, yelling and general horseplay throughout the day and into the late hours. At approximately 1:00 am in the morning on Sunday, March 27, I heard a girl's screaming over the sound of the traffic rushing up 20th Street and then ten or fifteen minutes later, two guys horsing around yelling at one another at the top of their lungs.

At approximately 1:15 am, I had to call out of my apartment window to a group of 10-15 students milling around under my bedroom creating a disturbance to disperse. Shortly after that, I heard a girl yelling up the street and when I looked out my window again, there was a girl in a tank top and jeans, lying on the sidewalk apron in front of the York and vomiting into the hedge at our building entryway with another girl standing over her and two other girls running down the sidewalk toward the York. Another 10 or 15 minutes after that, I heard boys yelling out in the street, and, upon inspection, I saw a car stopped in the middle of 20th Street at the F Street intersection with a green light and kids jumping in and out of the car in some kind of Chinese fire drill. There were additional intermittent incidents until I was finally able to fall asleep at around 4:30 am.

I would appreciate if you would check your security tapes for Saturday night to see if you can determine which tenant (or tenants) was hosting the hordes of students at approximately 1:15-1:45 am, and take appropriate action. I will be in touch with you later in the week about a series of other disturbances both at the York and in the immediate vicinity that seem to go on constantly and are making it virtually impossible for me to have any quiet enjoyment of my residence.

Sincerely,

  
Elizabeth B. Elliott

ELIZABETH B. ELLIOTT 532 20TH STREET NW APT. 501 WASHINGTON, D.C. 20006 202.783.5480

May 4, 2005

MS. PAULA NEAL  
Bernstein Management  
510 21<sup>st</sup> Street NW  
Suite 100  
Washington, DC 20006

*Re: Music disturbance on roof of York, etc.*

Dear Paula:

Sometime within the last two months on a fairly calm weekday evening, the relative quiet was terminated by the sound and vibration of a musical horn coming from an apartment within the York. After visiting several floors, I discovered the source of the music, which was apartment #604. This apartment is up one floor and across the hall from me to give you an idea of how far the sound and vibration traveled.

After knocking repeatedly on the front door for several minutes, one of the male tenants of #604 finally answered and told me that it was his roommate that was playing/practicing his saxophone. The roommate appeared and a discussion ensued wherein I suggested that he find somewhere else to practice his music that wasn't disturbing to other tenants. He stated that he needed to practice regularly and did not have a room in which to perform. I inquired as to how much longer he was going to be playing and he responded that it would be a brief period of time and he promised that he would keep the sound down, so I relented. I returned to his apartment when the sound remained audible and annoying, and made some suggestions as to how he might muffle the sound and that has seemed to work satisfactorily since then as I have not made a return trip to #604.

Monday night, May 2, at approximately 8:00 or 8:30 pm, I heard very loud horn music bouncing and echoing off the back wall of the Red Cross building and into my living room through closed windows. At first, I assumed that someone on the South side of the York or the Statesman was playing his or her stereo way too loudly with the windows open. After making two trips down to the alley South of the York to locate the source of the sound, I realized that the music was coming from our roof deck. When I arrived on the roof, the #604 tenant was wailing away on a saxophone with a headset, plugged into a laptop, on. When I interrupted him and told him he was creating a disturbance, he began justifying his presence on the roof, stating that he had accommodated my prior requests, which was inappropriate and had nothing to do with the situation and hand. He clearly had no intention of leaving or modifying his activities in any way.

I had already started down the steps in frustration, when, hearing the continuing disturbance from his music echoing off of the ARC, I became very angry, and I returned to the roof and spoke again to this young man. He stated that his reason for playing on the roof rather than his apartment was that he didn't want to be in anyone's face with his music. I pointed out to him that, at best, this was a disingenuous rationalization on his part, and at worst, an outright lie. I reminded him that I was fully satisfied with the previous arrangement, and I had not returned to his apartment—nor have I complained to management—after making my original visit many weeks ago.

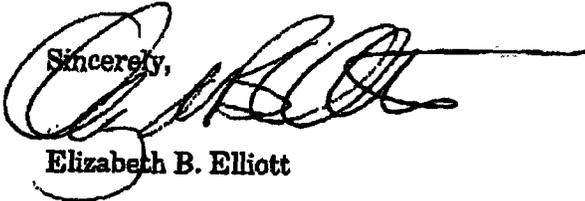
Now that the weather is nicer, clearly, this young man would rather be outside—disturbing anyone and everyone within earshot—than cooped up in his stuffy apartment practicing his music. He couldn't believe that I could hear his saxophone playing in my living room but I finally convinced him to face away from the Red Cross building for his final practice time.

Apparently, this individual repeated this same fairy tale to James—claiming that he was accommodating me and being less disturbing if he's on the roof rather than his apartment—when I asked James to stop his playing on the roof again on Tuesday night. As I said above, I was willing to tolerate his playing in the bedroom of #604 with the modifications that seemed to be working—I am thoroughly opposed to his playing on the roof and he has got to cease and desist. There is altogether too much noise and disturbance going on in the York and the neighborhood in general without adding what is a violation of a tenant's right to quiet enjoyment of their residence. I will check around to see if I can find a practice/music space nearby for this person and will let you know of my findings ASAP.

On a second issue, I took the Western-most elevator to the first floor when I left the building early Tuesday morning for a doctor's appointment. Although the cleaning lady had just finished the elevators, there was a distinct odor of vomit underneath the cleaning solution smell. According to the cleaning lady, someone had gotten sick on the elevator and on the floor in front of the mailboxes late Monday or early Tuesday. It is very disconcerting and troubling to me—particularly after the party blowouts of March recorded on the security tapes—that this kind of incident is still occurring on a regular basis here at the York. I'm particularly concerned that, as the GWU school year comes to a close, there will be one last offensive series of incidents before the thundering herds leave for the Summer. I would hope that Management will have additional security in place for the next couple of weeks to prevent and/or stop these kinds of incidents before they get started.

Thank you for your time and attention to these matters.

Sincerely,



Elizabeth B. Elliott

cc: Apartment #604

ELIZABETH B. ELLIOTT • 532 20TH STREET NW • APARTMENT 601 • WASHINGTON, DC 20006 • 202.393.1227

September 9, 2003

MS. ANOMI WIJESOORIYA  
Bernstein Management  
510 21st Street NW  
Washington, DC 20006

*Re: Continuing Disturbances and Other Problems at York Apartments*

Dear Ms. Wijesooriya:

As I wrote to you in my August 18th letter, the exact same problems that I have repeatedly—over a period of years—complained about to Bernstein Management start all over again each time either a new batch of student tenants begins residency or an old batch returns after vacations or Summer break. Now that the latest batch of transient tenants is somewhat ensconced in our building, the next wave of improper and disturbing activity—including entertaining large groups, almost invariably involving alcohol consumption and late-night/all-night activity—is starting up again.

At approximately 1:15 am this morning, after trying to sleep out in my living room area because illegal after-hours construction work was taking place at the World Bank building, I gave up and went downstairs to the 4th Floor. The #403 tenants, for the third or fourth time since “school” has resumed, had some sort of electronic equipment running at full blast and I went down to ask them to turn it off for the evening. After knocking on the door repeatedly for approximately five minutes, I returned to my apartment and called the Bernstein emergency number and, thankfully, someone answered whereupon I reported the disturbance created by these tenants. Shortly thereafter, the noise and disturbance stopped. Within 15 minutes, the disturbance started up again and I again called the emergency number and asked the operator not to disturb James McKeevie a second time and that I would report this problem to Management in the morning. On a side note, the tenant in #402 stood behind the front door of his or her apartment and started rapping on the backside of that door as I waited for the #403 tenants to answer the door.

When I briefly returned to The York at 10:00 pm Saturday evening, August 30, and left a friend in my car parked across 20th Street while I went to retrieve an item in my apartment, we both noted about 12 to 15 students coming from, going to, and standing in the entryway to the building. By the time I got on the elevator, other students had entered the building and also gotten on, for a total of 12 people. Five of these students got off at my floor and proceeded to Apartment #502 from which the sound of quite audible stereo was issuing. After retrieving the item and dropping off my friend, I returned to The York at approximately 10:30 pm for the night and I noticed hundreds of students swarming in groups and traipsing noisily throughout the neighborhood. As I approached The York, another student group was entering the building and headed for the upper floors. For several hours after, starting around 10:30-11:00 pm, the tenants in one of the 01-03 tier apartments above me were hosting a large and loud group, which, judging from the sporadic group hooting, hollering, floor-stomping and door-slamming which became progressively louder as time wore on, included excessive drinking.

At approximately 2:00 am, thinking the disturbance was coming from #601 or #603, which was not the case, I went up to the 6th floor. I continued up to the 7th floor, where I ran into a group of 6-8 students standing outside of Apartment #703, where I discovered the disturbance was coming from, banging on the front door and hollering to be let in. I returned to my apartment and called the Bernstein emergency number. After sitting on hold for 10 minutes, I finally gave up and called the DC Police, whom I'm sure responded at some point because things finally quieted down after 3:00 am. It appears that Bernstein no longer has a security officer patrolling either of its properties here in Foggy Bottom.

In the meantime, I returned to my apartment and then began to hear a similar disturbance coming from one of the apartments—it turned out to be #403—below mine. A brief trip to the 4th Floor confirmed three or four loud male voices clearly audible from the hall directly in front of the stairwell door. It was then past 2:30 am. These folks were

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not quite as loud that night (until the sporadic door-slamming started up) as the #703 group but the numbers, the volume and the late hour were still very aggravating. Additionally, the #403 tenants have had a large, round, painted tabletop parked in the hallway outside their front door for the past week.

Another problem with #403 and all of these student-occupied apartments that continues to exacerbate and amplify the late-night, group disturbances is their nearly total lack of adequate (and legally required) carpeting. The apartments become echo chambers and when the front and interior doors are slammed (to which the current #403 tenants seem to be addicted), the gunshot-like noise is very distressing. While the new tenant in apartment #503, next to mine, seems to be fairly quiet, this tenant also needs to add substantial carpeting to muffle the stereo and television, which I can hear quite clearly when they are on and I am sitting in my living room.

Time and time again, I have complained to Management that 80% of an apartment's floor area needs to be covered with carpeting and padding (not thin scraps of rug remnants) which might begin to lessen the problem. Most of The York's 01-04 tier tenants are now students with more than one person occupying each apartment. This leads to another trend that I have described to Management numerous times of student tenants splitting the apartments up into smaller rooms, each assigned to an individual tenant. This just adds to the frequency of noise and disturbance problems already occurring because of the presence of too many tenants occupying small buildings like The York. This includes many student—Corcoran as well as GW—enrollees.

The apartment directly above me (which appears to have gained a new tenant or tenants within the last two weeks) does not have any, I repeat any, carpeting. While the tenants are not wearing hard-soled shoes indoors, I can hear every footstep (which at times becomes thumping), every article dropped on the floor, and the frequent dragging of furniture across bare floors of Apartment #601. I would appreciate Management's acting to assist this tenant to come into compliance with the "quiet enjoyment" provisions of the Rental Housing Act by adding the carpeting throughout the apartment. I was working on a deadline all day Sunday, August 31, and it was extremely disturbing to hear the constant walking and running overhead... all day long into the wee hours of the night. I would also request that the #403 tenants add substantial carpeting and lower the volume of their noise-making equipment, be it stereos, computers or the like. They also need to reduce the volume of their equipment as well as their voices and to cease and desist with the door slamming.

Speaking of my right to quiet enjoyment, as The York continues on its path of becoming an almost exclusively transient student residence and, as I have repeatedly reported to Management, that right is being ignored constantly. I was disturbed by the noise of three separate moves on August 31, Sunday, on the Labor Day holiday weekend. The tenant in Apartment #211 spent 5 or 6 hours moving all of her possessions through the first floor front hallway and out the front door of The York, bouncing everything down the front steps with a loud noise, banging the front door each time—a disturbance that I could hear on the fifth floor. Her move was followed by two other departures, the last of which continued on past 10:00pm. At the same time, several tenants in various apartments in the 01-03 tier began hammering on and off throughout the afternoon. There continues to be an ongoing problem of spontaneous outbursts of hammering, all hours of the day and night. If tenants need to be hammering other than to hang something on the wall, they should be required to take their construction or assembly projects to the basement.

Before, during and after the latest student/intern exodus, there were mounds of trash spilling outside of the trash rooms on almost every floor that sat for two days in the hallway, rendering the trash rooms inaccessible and, on three floors, blocking the hallway and constituting a health and safety hazard. There were numerous occasions throughout the past "school" year when the trash rooms were overflowing because of the large population now residing in The York and the constant entertaining going on in student apartments. Apartment #102 seems to be the same kind of party place it has been for the last few years. When I returned home after midnight on Thursday, September 4, there were three girls sitting on the ledges of the open/screenless kitchen windows in #102, smoking, drinking and calling out to people on the streets as well to the numerous people visible inside the apartment.

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Also, with the huge semi-annual influx of students into this area, we are suffering from an overabundance of trash throughout the building and in our dumpster. The new student tenancy recreates the problem of unbagged trash being thrown into the trash rooms at the beginning of each semester and has to be reeducated. There is also the ongoing problem of graffiti and destruction of property going on. Sometime during the night between Saturday and Sunday this weekend (September 6-7), someone has painted a large graffiti picture in the 4th Floor front stairwell.

As GW has drastically increased its undergraduate enrollment, it has dumped at least 1100—nearly 50%—of its Freshman population around the corner from The York at Thurston Hall. This does not include the additional 2000+ undergraduates housed in other GW dormitories in the immediate vicinity, nor the primarily student population living in the 6 off-campus residential buildings (including The York) in this part of Foggy Bottom. GW has recently, in violation of DC regulations, created a “bistro” membership around the corner on F Street for its students that stays open until 2 am seven days a week. This has added to the already existing problem of another improper late night fast food pizza place across from Thurston Hall that results in dozens, sometimes close to a hundred, students creating a disturbance out in front of Thurston until 2:00 or 3:00 in the morning.

Judging from a letter I received this Spring from Robin Smith, management is unaware that GW’s adding this kind of nuisance as well as its enrollment and housing practices, are a violation of City ordinances including the DC Comprehensive Plan. GW’s policies, as well as the Corcoran School of Art’s complete lack of housing facilities for its students, have resulted in the devolution of Foggy Bottom into a noisy, overcrowded party zone, particularly from late Thursday night through Sunday morning. Management also seems to be unaware of its responsibility to all its tenants in combatting this current improper neighborhood atmosphere—which directly and negatively affects our tenancy at The York.

Because this letter is already overly long, I will address some maintenance issues in the building and my apartment in a separate correspondence. I will note that the mold in the front floor stairwell is particularly bad and has spread up to the upper floors in smaller areas.

I would appreciate Management’s attention to these matters with some action as well as the issuance and enforcement of the rules and regulations for the benefit of the new tenants.

Sincerely,



Elizabeth B. Elliott