

ALAN V. WASHBURN

3427 O STREET, N.W.

WASHINGTON, D.C. 20007

(202) 338-0519

May 11, 2011

FAX to
202 727 60722011 MAY 11 PM 1:53
FEDERAL BUREAU OF INVESTIGATION
U.S. DEPARTMENT OF JUSTICE

D.C. Zoning Commission
441 4th St., N.W.
Washington, DC 20001

Re: Case 10-32, Georgetown University Campus Plan

Dear Commissioners:

I OPPOSE THE 2010-2020 CAMPUS PLAN OF GEORGETOWN UNIVERSITY (GU), as I summarize below.

I have resided in Georgetown since 1963. I have owned and lived in a house at 3427 O St., N.W., two blocks from GU's main gate, since 1969. I have suffered extensive harm as a result of noise caused by GU students living off-campus, and have also experienced problems of trash and rats resulting from acts and omissions at nearby residences occupied by GU students. There is compelling evidence that GU's claimed efforts to minimize such harms are at best a Potemkin Village.

I stress that GU students are individuals, and I do not lump them as a group. Some of them have been excellent neighbors. Others have been the opposite. My concern here is to provide evidence that GU makes empty claims rather than genuine efforts to deal with harm caused by GU students living off-campus.

A key aspect of GU's claims about supposed efforts to alleviate problems caused by students living off-campus is the entity called "SNAP," which responds to complaints made to GU's "Hotline." This program, however, operates only three nights per week and only a few hours on those nights. Worse, my experience shows that a call to the "Hotline" SNAP produces at best a few minutes of quiet, with noise resuming after the SNAP volunteers' leave. GU says it imposes sanctions such as a "fine" in serious cases, but the amounts levied seem to be viewed by students as only minor annoyances; the students simply smile, say "Who? Us? We're perfect neighbors" and continue creating harm. Further, GU's efforts ignore situations where there are frequent instances, nearly every day and at any hour, of bursts of shouting, loud TV or stereo, and the like, so, even when these noises occur at a time when SNAP is operating, there is usually nothing untoward occurring when SNAP volunteers arrive.

ZONING COMMISSION
District of ColumbiaCASE NO. 10-32
EXHIBIT NO. 97

Page Two

I will try to limn some illustrations of harms caused by GU students living next to me.

On both east and west sides my home shares common walls with residences zoned "Single Family". Sound is transmitted fairly readily through these walls, though most people living there have caused me no significant problem of noise. Sad to say, however, some GU students have caused extremely serious noise problems.

For at least the last two decades, the house next to mine of the west side (3429 O, NW) has been rented to GU students for nearly every August-May and sometimes during summers. Some of those students have been exemplary neighbors, some the opposite. *E.g.*, during one academic year in the late 1990's, the residents held extremely noisy parties one or both nights many weekends, from around 7 PM until 7 AM or later. My calls to GU produced no improvement. One of the residents of 3429 threatened to beat me up if I made any more complaints. When I informed GU of this threat, the only response I got was the bland statement, "We don't encourage such behavior."

This present academic year, the residents of 3429 have been a cause of frequent and serious harm. Soon after arriving in early Summer, 2010, they began having frequent parties and, even more frequently, slamming doors, shouting, and making other loud noises between 1 and 4 a.m. One party began in early morning and lasted almost continuously nearly until midnight. Around late morning I went to 3429 O and complained. One of the tenants of 3429 O then came to my house and told me that, he and his housemates were paying \$4,500/month and so were entitled to be as noisy as they wanted and whenever they wanted. I disagreed, saying that the law barred noise of the degree they were creating and that, in addition, a term standard in most leases of D.C. residences expressly require tenants to avoid disturbing neighbors including, specifically, by noise. I also pointed out that they had paid a lot to live in GU dorms, and neither GU nor other students living in the dorms would have tolerated such levels of noise. The tenant said he thought I was crazy, but that he would tone down the party. There ensued only a slight reduction in the noise, but it increased again after about ten minutes and continued to increase to a deafening level, with many people both inside the house and outside in 3429's patio.

On another occasion these residents of 3429 O started a party around 7 p.m. The party continued, with shouting, laughter, and stereo "music" all at levels making it impossible for me to read, listen to TV or the radio, much less to sleep. Around 11 p.m., I got out of bed, dressed, went to 3429 O, and asked to speak with a tenant. I explained in detail the harm the noises from 3429 O were causing. At that time there arrived at

Page Three

the porch of 3429 O a fellow in a guard uniform (I had not contacted anyone about the noise and in no other way had summoned this fellow.) After listening to my comments to the tenant, the guard said to the latter, "You need to shut the party down." The tenant's response was the single word, "Why?"

Disruptive noises from 3429 O this past year have not been limited to parties. Nearly every night, between 1 and 3 a.m., people in 3429 slam doors, shout, and run up and down stairs and along their second floor. Some of these episodes have been so violent that books and other items are knocked out of bookshelves in my bedroom.

I haven't called the police about these or any other disruptive neighbors, because I prefer to keep the police free for other duties. My experience with the "Hotline" is that calling it is futile. Because GU had recently claimed to be making greater efforts to deal with noise, however, I did call the "Hotline" a couple of times to complain about the current tenants in 3429 O. These calls produced only a few minutes of quiet. Further, on two such occasions, the tenants of 3429 O seemed to "act out" in retaliation for the brief interruption of their partying: around 3 a.m. each time there was extensive yelling, running on the stairs and along the second floor, as well as hitting the common wall I share with them.

The problems caused by these tenants have not been limited to noise. Their handling of trash has been poor for significant periods. Since the current tenants of 3429 arrived, the neighborhood has seen a resumption of serious rat problems, which had largely been minimized in the preceding academic year (2009-10) by a strong and concerted effort of many residents along the 3400 block of O St. NW and the 1400 block of 35th St. NW. One indication of the scope of this renewed rat problem is that several times as I have gone outside my house in the early morning, I have seen rats jumping out of 3429's trash cans, on which the lids have not been tightly secured (usually because the volume of trash inside extends above the level of the lids).

Another matter that is relatively minor but that is emblematic of the apparent attitude of the current residents of 3429 O towards the neighborhood is that on several occasions guys have urinated in the patio of 3429 O (witnessed by another neighbor). Such activities made my patio smell like a latrine.

I believe that the neighbor living in the house immediately north of 3429 O has written GU about these problems and has not received any response whatever from GU.

I have tried to get the rental agent (Schlosberg Properties Inc.) and the owner of 3429 O to address these problems. These efforts have had limited success, and I have been considering

Page Four

going to Court over the nuisance 3429 O has been, and seeking abatement and perhaps award of monetary damages.

I brought just such a suit about a decade ago because of persistent and unreasonable nighttime noise from 3425 O St., the house next to me on the east side. For two years 3425 O was occupied by four GU students. The Court granted an injunction aimed at abating the nuisance. A jury later awarded me monetary damages from the tenants and their owner/landlord. The jury expressly found that the students and the owner/landlord had not only been negligent but had intentionally caused harm to me. The monetary damages were not great, but that may have been caused by factors that may not be present in any future case.

There was extensive evidence that the tenants in 3425 O were responsible for bursts of noise of various sorts (occasionally parties but very often shouts, laughter, hitting walls, stairs, etc.) almost every night, and that the landlord/owner, although an experienced real estate agent, took almost none of the steps a landlord should take to investigate and to deal with complaints about noise. One of the tenants at 3425 O testified that the owner/landlord had even urged the tenants to have MORE parties. The owner/landlord also was said to have told the tenants that their response to any complaint about their noise was that the complainant was trying to violate the rights the tenants had as students. There was also evidence that the landlord/owner wanted to buy other houses in this row such as home and the home (3423 O) just east of 3425 O; indeed, the landlord/owner did buy 3421 O and tried to obtain a "right of first refusal" on 3423 O.

I repeatedly complained to the "Hotline" about noises from 3425 O during that period but without any noticeable result. In addition to the general futility of calling the "Hotline" there was an underlying issue, mentioned above, that SNAP's focus is on loud parties with continuous noise. SNAP is not suited to handle a situation where noises erupt periodically, such as—in the case I relate here, where the noises commonly occurred several times a night, every night. Despite these limitations of SNAP, GU could have done far more. *E.g.*, GU refused, despite my request, to verify the validity of my complaints by contacting the fellow who lived at 3423 O, which shared another common wall with 3425 O. He was reluctant to initiate contact with GU because he was trying to maintain good relations with the tenants, but he was willing to respond if GU contacted him. He testified at trial that he and his aged, infirm mother experienced the same sort of noises in 3423 O, and with the same frequency, as I did.

GU was involved in providing responses to requests for information in the lawsuit. Based on experience of several decades as a trial lawyer, I am confident in saying that GU did not act as a disinterested entity, but repeatedly threw up roadblocks in ways biased toward the students and owner/landlord.

Page Five

Noises from 3425 O and 3429 O, such as I summarize above, have had a serious impact on my life. The nighttime noises have caused massive loss of sleep, severely harming my ability to carry out normal daily activities and impairing my health for long periods. During my waking hours, the noises have often made it very difficult for me to concentrate, to read, or just to listen to radio/TV/stereo.

There are compelling reasons to believe that, far from using best efforts to deal with noise, trash, and rat problems caused by students living off-campus, GU is quite insouciant about such problems. For example, at a large meeting last fall about the GU Campus Plan, many residents talked about the severe harm they had suffered. Dean Olson and Associate Dean Lord were among the GU representatives there. I saw and heard not one expression of regret by any such representatives over the severe harm that had been related, nor was there any effort to get contact information so that there could be follow-up with the people who aired their grievances. I trust that such senior GU representatives are aware of doctrines of the Roman Catholic Church regarding steps to be taken to redress harm: the people responsible should accept accountability, apologize, and make amends fully.

There should be a prompt end to GU's policies that effectively toss students off campus in their junior/senior years and do little or nothing to prevent those students from seriously harming neighbors. This is not the place for numerous or lengthy recommendations. Merely as examples, I respectfully urge the Commission to require GU to take the following steps to minimize some of the harmful effects GU has on the neighboring communities:

- > Require that GU obtain wide neighborhood participation in the presentation, oral and written, that GU claims it makes to all students living off-campus for the first time. The presentations should (1) fully detail the various moral and legal standards against harming neighbors; (2) be explicit about noise limits, not in sterile ways such as "decibels," but on a practical level: what would be unacceptable in a room in a GU dormitory, or to take another example, the noise that would be unacceptable if it reached the Jesuit residence on campus.

- > Require all students living off-campus to give GU contact information about the owner/landlord/rental agent for their housing. GU should promptly notify these persons/entities of any complaint. GU should also determine who is the formal lessee of any student-occupied house and should notify that person/entity of any complaint with a reminder that DC law as well as most DC leases prohibit the conduct said to have occurred.

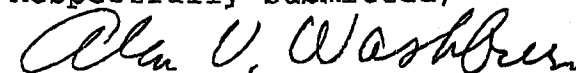
Page Six

> Instead of using students in "SNAP" roles, GU should deploy the toughest of GU Department of Safety people. GU should hire additional DPS personnel if necessary.

> Arrange that DC officials responsible for proper handling of trash and for fighting rats will, at least monthly, make random, unannounced, tours of each area where there is more than one house of GU students, and issue violations as appropriate.

In conclusion, GU's claims about its seriousness to address problems created by students living off-campus remind me of the story, perhaps legend, about the "bug letter": A passenger wrote the British Railway complaining about a cockroach seen in his compartment. He received a quick reply, offering abject apologies and saying that the car he occupied had been identified, taken out of service, and extensively fumigated. Attached, obviously inadvertently, to the reply letter was a Post-It note from the railroad executive instructing his secretary to "Send this crank the bug letter." Sad to say, GU's efforts fall far short of the recognition of responsibility pretended by the "bug letter."

Respectfully submitted,


Alan V. Washburn