

**Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3-D
P.O. Box 40486
Palisades Station
Washington, D.C. 20016**

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June 18, 2012

Mr. Anthony Hood, Chairman
District of Columbia Office of Zoning
441 4th St NW # 200 South
Washington, DC 20001
(202) 727-6311

**Re: Georgetown University's 2010 Campus Plan, Zoning Commission Case 10-32
Findings of Fact and Conclusions of Law by Advisory Neighborhood Commission 3D**

Dear Commissioner Hood:

Background

Georgetown University continues to seek Zoning Commission approval of a 2010 campus plan for a special exception under 11 DCMR 210 and 11 DCMR 3104 to operate in a residential neighborhood. The campus, zoned R-3 and C-1, is bounded by Glover Archbold Park on the West, National Park Service property consisting of the C&O Canal National Historical Park and Canal Road on the South, Reservoir Road on the North, and 35th Street, N Street to 36th Street, and 36th Street to P Street on the East. There have been seven hearing on this application since April 14, 2011.

Zoning regulations are designed, among other things, to prevent “the overcrowding of land.” Regulations that apply to colleges and universities in residential neighborhoods focus on preventing objectionable impacts in terms of noise, traffic, and number of students, and in not adversely affecting the use of neighboring property.

Introduction

Advisory Neighborhood Commission 3D applauds the parties who were involved in negotiations between April and June 2012 to develop a consensus among neighborhood representatives and Georgetown University in planning its growth, long-term and short-term. What emerged is an agreement among the participants for the next five years and a framework for 20 years thereafter.

Given that the expressed interest of ANC3D in joining the discussions was dismissed, the concerns of our stakeholders have yet to be addressed—an essential component in providing a comprehensive consideration of issues and a comprehensive resolution. We support the new era in collegiality heralded in media coverage between a premiere educational institution and its neighbors, and we seek to broaden the agreement. Toward that goal, we have remaining issues.

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These issues are the expansion of the university into nearby residential neighborhoods, including the Palisades, and traffic impacts—specifically in reference to lifting the left turn prohibition from the campus onto Canal Road during the morning rush hour for GUTS buses.

Canal Road Entrance to Georgetown University

ANC3D has two boundaries with the Georgetown University campus—Canal Road and Glover Archbold Park. Recommending the designation of Canal Road as the principal entrance to the university is evidence that the institution has outgrown its 18th century setting consisting of more than 100 acres. Growing from its maximum projected 10,000 students in 2000 to 14,000 in 2010 the university has experienced a 40 percent increase—a 40 percent “overage.” We appreciate the university’s desire to plan for housing for students—undergraduate and graduate. With more than 1000 graduate students now living in zip code 20007, the university is seeking to add almost an equal number and looks to acquire housing for them.

Georgetown University’s transportation consultants have recommended lifting the left-turn prohibition for GUTS buses between 6:15 and 10:15 a.m., now considered “the morning rush hour.” In its November 8, 2011 supplemental report on the campus plan, the District of Columbia’s Department of Transportation found no indication of a “significant degradation of traffic operations” by allowing this provision during the morning peak hours, and noted that the action would help relieve bus congestion in the [*Georgetown*] neighborhood. DDOT proposed conditions including control gates and a 6-month trial period, during which time the *university* would evaluate impacts including frequent traffic delays and queues.

The Canal Road entrance to Georgetown University has a history with our neighborhoods, starting with providing public funds and public land [National Park Service property] for a private university.

The Surface Transportation Uniform Relocation Assistance Act of 1987, as amended Public Law 100-17, April 2, 1987, says, in Paragraph (14):

(A) Project Description. – The Secretary shall carry out a demonstration project in the vicinity of the C&O Canal in the District of Columbia for the purpose of substantially improving motor vehicle access at a major traffic generator **without decreasing the efficiency of a Federal-aid primary highway** [*emphasis added*]. The Secretary shall enter into such arrangements as may be necessary to carry out such project with the Secretary of the Interior.

(b) Limitation. – No Federal assistance shall be provided to carry out the demonstration project under this paragraph until private sources dedicate at least 2.5 acres of land as a scenic easement for project purposes.

Public Law 101-164-November 21, 1989, removed “at least.”

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For years this \$7.2 million taxpayer-funded project has caused concern among neighbors west of the university—the Foxhall Community Citizens’ Association, Palisades Citizens’ Association, Advisory Neighborhood Commission 2E (our ANC before the 2000 redistricting returned our neighborhood to Ward 3), and, more recently, ANC3D. In fact, this issue had diminished in visibility before Georgetown University proposed its 2010 campus plan!

In 1993, the President of the Palisades Citizens’ Association wrote to the Federal Highway Administration saying that the proposed project should be cancelled immediately. So great was the expressed concern of neighbors regarding the demonstration project that the Federal Highway Administration’s 1998 Environmental Impact Statement *created* alternative 2(a) specifically prohibiting left turns during the morning rush hour from the university onto Canal Road.

In his testimony of June 2, 2011, Bob Avery, President of the Board of the Foxhall Community Citizens’ Association, noted that when the project was completed in 2007, Georgetown University’s President John DeGioia:

acknowledged the controversy when he said at the dedication: ‘Today’s ribbon-cutting was especially made possible because of the willingness of all parties to compromise. The newly-constructed entrance reflects these compromises—such as prohibiting left turns out of the university in the morning rush hour so as not to impede inbound traffic along Canal Road.’

(*Georgetown Current*, December 19, 2007)

ANC3D believes that the traffic studies by Georgetown University’s three transportation consultants were flawed in their scope of work and, accordingly, flawed in their conclusions, failing to acknowledge cumulative effects.

Limiting the northern boundary of the study to the intersection of Foxhall Road and Reservoir Road, transportation reports concluded that no development is planned within the area. While that premise may be true, just north of the intersection a lot of development is planned and, indeed, has begun. That includes the conversion of the old Brady and Phillips Estates at 1801 Foxhall Road and 2101 Foxhall Road to a high school and junior high school for 440 students and 100 faculty and staff, along with the construction of six dozen houses. Beyond that, the Department of Homeland Security at Ward Circle on Nebraska Avenue and Massachusetts Avenue is planning the addition of 2000 “desks” to complement the

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2500 already there. Given that more than 50 percent of staff members live in Virginia, traffic on Canal Road can be expected to increase as commuters enter the District of Columbia via Chain Bridge and Key Bridge. We have just learned that the Field School, at 2301 Foxhall, is similarly seeking to expand to 400 students with additional staff.

A symptom of the concentration of development in our area is the traffic—that will only get worse with more development. According to the March 15, 2011 analysis of Gorove-Slade, one of Georgetown University's transportation specialists, Canal Road right now is traveled by 36,000 cars a day. Whitehurst Freeway is behind with about 31,000. Foxhall Road, a “minor arterial,” is traveled by 19,800 vehicles daily southbound; 10,700 north of Reservoir Road. Noticeably missing are figures for MacArthur Boulevard.

The analysis notes that Foxhall Road traffic is heavy northbound and southbound in the morning, especially at the intersection with Canal Road. At the intersection of Canal Road and the Whitehurst Freeway, the delay is termed “a significant amount, with long queues exceeding 10 vehicles.” (p.19)

Unacceptable Levels of Service (Gorove-Slade Traffic Study, March 15, 2011):

- Foxhall Road and Reservoir Road northbound on Foxhall towards the Homeland Security office at Nebraska Avenue and Massachusetts Avenue
- Foxhall Road and Canal Road
- **Whitehurst and Canal Road eastbound in the morning**
- **Foxhall and Reservoir is at LOS “F” morning and evening (p.22)**

The analysis assumes minimal growth because of “existing capacity constraints.”

Foxhall Road is a minor arterial that Gorove-Slade says has four lanes. That is the case only in the block above the intersection with Canal Road—for 500 feet, maybe—and just above the intersection with Reservoir Road—for probably 1000 feet. For a brief stretch northbound—between Volta Place and

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Reservoir Road—parking is prohibited on one side of the street, allowing three lanes of traffic, provided that no car is parked illegally. Foxhall Road is basically a two-lane roadway

Transportation Trends in the Immediate Area

According to the *2002 DDOT Palisades Traffic Impact Study*, Canal Road was traveled by about 22,000 cars daily. That means that Canal Road traffic has increased by more than 50 percent in 10 years—well beyond the 1 percent annual growth that transportation consultants predict in reference to the next decade! The prediction does not include computing the effects of the development mentioned above.

We understand that DDOT has consistently denied access to eastbound Canal Road from Arizona Avenue during the morning peak hour stating that the LOS on Canal Road would be compromised by any delay the additional light cycle would cause. Creating an exception for a private organization is inconsistent with a policy that applies elsewhere.

Although the initial proposal is to lift the left-turn ban in the morning to Georgetown University Transportation System (GUTS) buses only, the long-term plan is surely to lift any constraints on the use of this, now signalized, intersection.

At the May 12, 2011 Zoning Commission hearing, Georgetown University responded to a question about the frequency of GUTS buses in the morning—saying that they enter Canal Road every 2-1/2 minutes. If Canal Road traffic is stopped to allow left turns by GUTS buses, delays are very likely to encourage eastbound drivers to detour through neighborhood streets such as Arizona Avenue and MacArthur Boulevard.

We urge **DDOT** to conduct a broad-scale traffic evaluation during the 6-month pilot program and to reimpose the ban in view of negative effects, consistent with the statute that provided for the demonstration project. Now at LOS “E,” the intersection is projected to decline to LOS “F” by 2020. The university’s transportation consultants have noted that the Harbin Turnaround, allowing GUTS buses to enter and exit the campus via Canal Road, will reduce the number of GUTS buses using [*Georgetown*] neighborhood streets 66 percent *without lifting* the left-turn ban in the morning [Gorove Slade report, March 11, 2011, p. 31)

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A limit on trips—a “trip cap”— would provide an operating parameter so that Georgetown University would be accountable for the numbers outlined in its traffic study. In other words, any trips beyond the number cited in the study would trigger new mitigation measures—or in this case, would be reason for DDOT to suspend the “experiment.” This could be part of an overall study and assessment done during the 6-month period. The Zoning Commission has authority to require the university to complete the study as a condition of the plan and to work with DDOT, which would have to approve the scope.

Here’s an excerpt from a *Huffington Post* story republished in the *Georgetown* Patch on Sunday, May 26, 2012 re advice to “Rolling Thunder” entering Washington for the Memorial Day observance:

Whitehurst Freeway and Canal Road: These two roadways are on the D.C. side of the Potomac and offer a nice route in and out of town. The Whitehurst, a relatively short elevated highway above the Georgetown waterfront, has great views of the Key Bridge, the Potomac River and the Kennedy Center. Canal Road, which starts at the Key Bridge, follows the course of the C&O Canal at the foot of a heavily wooded ridge. **You won't even feel like you're in the city.**

Summary Order Proposed on June 4, 2012 by Georgetown University, ANC2E, the Citizens’ Association of Georgetown, and the Burleith Citizens’ Association

Housing for Graduate Students in MacArthur Boulevard Apartments—Likely Effects

This proposal would extend the university into a nearby residential neighborhood—the Palisades, with likely effects on Foxhall Village. It would transfer impacts from one neighborhood to another. As a neighbor has pointed out, allowing Georgetown University to acquire apartment buildings on MacArthur Boulevard and convert them to dormitories—even for graduate students—would negatively affect the neighborhood by 1) changing its character; 2) initiating shuttle bus traffic on local streets; 3) increasing parking pressure in an already congested area; 4) decreasing property values for nearby homes, 5) creating the likelihood of student pedestrian traffic at unusual hours; and 6) eliminating affordable rental housing, especially important for senior citizens and families seeking to enroll children at Key School, a blue-ribbon public school.

In terms of traffic impacts on the neighborhood, shuttle buses could be expected to use MacArthur

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Boulevard and Foxhall Road or the narrow streets of Foxhall Village if there are traffic delays on Foxhall.

Other universities in the city are acquiring apartment buildings for student housing.

Expanding this practice threatens the very survival of residential neighborhoods. We have seen the impact of the growth of George Washington University on Foggy Bottom, history that has been termed “a cautionary tale.” Attached is a story from the March 7, 2012 *Georgetown Current*, “GWU Anniversary Event Features Memories of an Erstwhile Foggy Bottom.” Former resident James Briscoe commented, “We had a village here in Foggy Bottom, without anybody trying to put it together.” The story notes, “Residents who rented their homes ‘had no recourse except to move,’ said [*Washington Post* columnist Colbert] King. ‘Our family owned our house, but there was no reason to stay because what we had as a community was gone.’”

Parties to the Georgetown Partnership

Given that the parties may consist of the university, ANC2E, Burleith Citizens’ Association, Citizens’ Association of Georgetown, Foxhall Community Citizens’ Association, and ANC3D, we recommend inviting the Palisades Citizens’ Association to join, providing a parallel structure for neighborhoods west of the university.

Enrollment

ANC2E had a very logical approach to undergraduate enrollment, endorsed by the Office of Planning: reduce enrollment 25 percent each year until it matches the number of university beds. It’s not clear whether that concept is still a part of the plan.

Kehoe Field

With regard to the view shed, we recommend ensuring its protection by working with the National Park Service and neighbors. Beyond that, we also recommend enhancing the tree canopy by planting good-sized trees, an initiative that will also benefit air quality and provide a green screen for neighbors

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regarding noise and light. It might also be beneficial to shorten the hours of use from 7 a.m. to 10 p.m. in the interest of limiting noise that could affect neighbors.

Conclusions of Law

As ANC2E noted in its supplemental submission of November 8, 2011, the Zoning Commission has the authority to require Georgetown University to obtain approval before acquiring property in zip code 20007. The Zoning Commission also has the authority to require Georgetown University not to expand into an adjacent neighborhood.

On page 12, ANC2E cited the Board of Zoning Adjustment's order, number 10814, of July 11, 1974, "Approval of Georgetown University Master Campus Plan." We quote, "The Order contained, among other things, condition 4 which defined the campus boundary and further stated, the university may not acquire any property beyond this boundary for university purposes without the prior approval of the Board." (Board of Zoning Adjustment Order No 10814 available at http://www.dcoz.dc.gov/orders/10814_.pdf)

On page 13, further quoting ANC2E, "Finally, the Zoning Commission has clear authority to require a university not to expand into an adjacent neighborhood and such a provision is included in the George Washington Campus Plan Order (BZA Oder 16553), which was upheld on appeal by the Court of Appeals. *George Washington University v. DC BZA 831A 2d 921 (D.C. 2003).*"

One more quote from ANC2E's submission—on page 14, "The D. C. Court of Appeals rejected the contention that the BZA must approve the 2000 campus plan unless it is likely to make objectionable conditions considerably worse. We reject such a reading of the regulations as altogether unreasonable." This was the decision in *President and Directors of Georgetown College v. DC Board of Zoning Adjustment*, 837A.2d 58, 6n 7 (DC 2003).

At its meeting on Wednesday June 6, 2012, ANC3D voted 8-0-1 to convey our concerns about elements of the proposed agreement in reference to case 10-32 to the Zoning Commission and parties. We would welcome the opportunity to participate in crafting a long-term strategy for the growth of Georgetown University. As the Comprehensive Plan notes in Policy EDU-3.3.2: Balancing University Growth and

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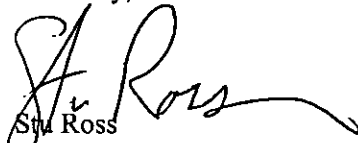
Neighborhood Needs:

Encourage the growth and development of local colleges and universities in a manner that recognizes the role these institutions play in contributing to the District's character, culture, economy, and is also consistent with and supports community improvement and neighborhood conservation objectives. Discourage university actions that would adversely affect the character or quality of life in surrounding residential areas.

A basic concept of zoning regulations is that applicants, not neighborhoods, have the burden to establish that their proposals will not result in objectionable conditions.

Educational institutions of the stature of Georgetown University are going to survive. The question is, "at what price?" Looking ahead to its second 100-acre campus, Georgetown University has a promising future. We would like to help ensure that residential neighborhoods enjoy the same prospect.

Sincerely,


Stu Ross
Chair, ANC3D

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