★ ★ ★ Foggy Bottom and West End
Advisory Neighborhood Commission (ANC-2A)

c/o St. Mary's Court 725 24th Street, NW Washington, DC 20037 (202) 736-1775

April 18, 2000

Ms. Sheila Cross Reid, Chair
Board of Zoning Adjustment
441 Fourth Street, N.W. - Room 210
Washington, D.C. 20001

Re: BZA Application No. 16553 -- George Washington University Foggy Bottom Campus Plan -- Years 2000-2010

Dear Madam Chair and Members of the Board:

Last evening (April 17, 2000) at a Special Public Meeting, duly noticed and with a quorum present, ANC-2A, following discussion among the Commissioners and with community input, approved Resolution No. 00-4F relative to the George Washington University Foggy Bottom Campus Plan.

The BZA hearing on the above application is scheduled for April 26, 2000. ANC-2A respectfully requests that BZA require that GWU have present and available the University's Registrar who should be able to respond in a verifiable way to questions regarding numbers of students and where they are housed.

ANC-2A further requests that two members of the DC government be asked to be present: (1) a traffic expert from the Department of Public Works, and (2) Ellen McCarthy from the Office of Planning, who has considerable knowledge of and expertise in the issues under discussion.

In preparation for the upcoming BZA hearing April 26, members of the Foggy Bottom/West End community have been meeting with representatives of the University, the Office of Planning and a facilitator in an attempt to find common ground on some of the issues that divide us. Although we believe these discussions served a constructive purpose, and may be the basis for continuing communal communication, we were disappointed that on substantive issues we were unable to reach accord.

The Resolution and the Report to which it refers are attached.

Respectfully submitted,

Barbara Spillinger

Barbara Spillinger, Chair
Advisory Neighborhood Commission 2A

Attachments (2)
cc of letter: Sheri Pruitt Williams, Jerrily R. Kress,
Andrew Altman, Office of Planning

BZA
Case No. 16553
Exhibit No. 114

Board of Zoning Adjustment
District of Columbia
CASE NO.16553
EXHIBIT NO.114

THE FOGGY BOTTOM/WEST END ADVISORY NEIGHBORHOOD COMMISSION
(ANC 2A) passed the following Resolution #00-4F
April 17, 2000

WHEREAS, George Washington University ("GWU") has filed with the Board of Zoning Adjustment ("BZA") Application No. 16553 for special exception approval of a Foggy Bottom Campus Plan for the Years 2000-2010; and

WHEREAS, in accordance with 11 DCMR 3115, the BZA has requested ANC 2A's report on Application No. 16553;

BE IT RESOLVED, that ANC 2A adopts the "Report of Advisory Neighborhood Commission 2A to the Board of Zoning Adjustment on Application No. 16553 by George Washington University for Approval of a Campus Plan for Years 2000-2010", dated April 17, 2000, and for the reasons stated in that report recommends that the BZA deny Application No. 16553; and

BE IT FURTHER RESOLVED, that some or all of the following members of ANC 2A will represent ANC 2A at the hearings on Application No. 16553: Commissioners Sheehey, Price, Tyler, Spillinger, Miller, and Mandelbaum.

DATE: April 17, 2000

SMD	AYE	NAY	ABSTAIN	ABSENT	MOVED	SECONDED
01 SHEEHEY				X		
02 PRICE	X				X	
03 TYLER	X					
04 SPILLINGER	X					
05 MILLER	X					X
06 MANDELBAUM				X		

Barbara Spillinger
CHAIRPERSON/~~SECRETARY~~

April 17, 2000

REPORT OF ADVISORY NEIGHBORHOOD COMMISSION 2A
TO THE BOARD OF ZONING ADJUSTMENT ON
APPLICATION NO. 16553 BY GEORGE WASHINGTON UNIVERSITY
FOR APPROVAL OF A CAMPUS PLAN FOR YEARS 2000-2010

This report sets forth the issues and concerns of Advisory Neighborhood Commission 2A ("ANC 2A") regarding Application No. 16553 by George Washington University ("GWU") for special exception approval of a campus plan for the Years 2000-2010.

LEGAL STANDARDS

The District of Columbia Court of Appeals has stated that "the thrust of the [zoning] regulations is * * * to keep universities from expanding into residential neighborhoods without control."[1] The purpose of the Board's review of a campus plan is to evaluate the effect of the campus plan as a whole on the surrounding neighborhoods.[2] A proposed campus plan can be approved only if the Board finds that the plan is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions and, in residential districts, that the plan will not result in excessive density or unreasonable campus expansion.[3] In addition, independent of the Zoning Regulations, the District of

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[1] George Washington University v. District of Columbia Board of Zoning Adjustment, 429 A.2d 1342, 1348-1349 (D.C. App. 1981).

[2] Levy v. District of Columbia Board of Zoning Adjustment, 570 A.2d 739, 742 (D.C. App. 1990).

[3] 11 DCMR 210; Levy, supra, 570 A.2d at 742.

Columbia Comprehensive Plan ("Comprehensive Plan"), as enacted into law by the District of Columbia Council (46 DCR 1441 (1999)), requires the Board to evaluate a proposed campus plan in light of the objectives and policies of the Comprehensive Plan:

> Section 112.6. The zoning impact of the District elements of the Plan is not limited to areas where amendments to the Zoning Regulations are required to eliminate inconsistencies between the Plan and zoning:
>
> (a) The Zoning Commission, the Board of Zoning Adjustment, and other District agencies shall also look to the District elements for general policy guidance;
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> (b) To the extent they are relevant, the objectives and policies of the District elements of the Plan shall be considered in planned unit development, campus plan, special exception, variance and other decisions. 46 DCR 1462-1463 (1999)).

SUMMARY

GWU's proposed campus plan largely ignores the adverse impacts that the University has on surrounding neighborhoods caused by: 1) GWU's failure to build sufficient dormitories to house its students within the campus plan boundaries and GWU's concomitant practice of acquiring properties outside the campus plan boundaries for student housing, and 2) the traffic and parking impacts that spill into the neighborhoods outside the campus plan boundaries. GWU's proposed campus plan also completely ignores the numerous objectives and policies of the Comprehensive Plan that specifically relate to GWU.

It is GWU's unregulated and uncontrolled use of land in the surrounding area outside the approved campus plan boundaries that

most concerns the citizens of the Foggy Bottom/West End residential neighborhood. GWU's expansion beyond the approved campus plan boundaries by purchasing or de facto takeover of property in the residential neighborhood for university use violates the Zoning Regulations and the Comprehensive Plan and makes a mockery of the campus plan process as a land use planning tool.

STUDENT HOUSING AND UNIVERSITY EXPANSION

GWU does not have sufficient dormitory space within the campus plan boundaries to house its students. As a result, large numbers of students seek and obtain housing in the residential areas outside the campus plan boundaries. In addition, GWU has acquired numerous residential properties outside the campus plan boundaries and converted them to student housing.

Housing large numbers of students is an institutional university use that is not compatible, economically or socially, with a viable, permanent residential neighborhood. The Zoning Regulations expressly recognize "number of students" as one of the objectionable conditions that can be created by university use in residential districts (11 DCMR 210). While ANC 2A recognizes that not all students are a burden as neighbors, large numbers of students in a residential neighborhood inevitably include some students who create conditions that are not compatible with permanent residential use. The District of

Columbia is particularly concerned about preserving its permanent resident population and tax base. Student residents displace permanent residents, deplete available housing stock, erode the fabric of the neighborhood, and contribute little to the local tax base since their incomes are usually minimal and their legal residence is usually elsewhere.

ANC 2A has a long-standing policy and goal, as set forth in reports filed in prior cases before the BZA (see, e.g., BZA File No. 15793), that GWU should provide housing for all undergraduate students within the boundaries of the current campus plan to alleviate the deleterious effects of housing large numbers of students in the residential areas outside the campus boundaries. This policy was reaffirmed on September 29, 1999, by Resolution #99-9C, which stipulated that GWU house, at a minimum, 80 percent of the headcount of full-time undergraduates in university-operated housing within the boundaries of the approved Foggy Bottom Campus Plan by the academic year beginning the fall of 2002, and every year thereafter. The Office of Planning recognizes that "a major community goal [in ANC 2A] has been to provide more on-campus student housing [at GWU] to reduce student impacts on the community" (Office of Planning report, dated April 3, 1995, filed in BZA case No. 16036, Ex. No. 27, p. 4).

The Comprehensive Plan includes numerous specific provisions regarding GWU and its impact on the Foggy Bottom/West End

neighborhood. The Comprehensive Plan recognizes the deleterious effects of housing large numbers of GWU students in residential areas outside of GWU's current campus plan boundaries and includes a policy that GWU should provide housing for its student body within the current campus plan boundaries and should stop conversion of buildings outside the campus boundaries to dormitories. Relevant sections of the Comprehensive Plan are as follows:

> Section 1303.7: Institutional growth, commercial expansion, and rising housing costs have lessened the amount of housing available in the Foggy Bottom and West End neighborhoods. The Comprehensive Plan and campus master plans provide the means for institutions and residents to address these issues. (46 DCR 1730 (1999)).
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> Section 1305.1(j): An important element causing housing problems has been the demolition and conversion of housing to provide commercial and institutional buildings, university dormitories, offices, classroom space, hotels, and medical clinics. * * * To improve the housing stock and to prevent further loss of housing, adjustments shall be made to existing zoning regulations and to campus plans to address these problems. (46 DCR 1732 (1999)).
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> Section 1325.2: The overriding issues for Ward 2 neighborhoods [include] the impact from uses such as * * * university expansions. (46 DCR 1757 (1999)).
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> Section 1325.3: Loss of housing stock is also a critical problem in Foggy Bottom/West End, aggravated by the lack of dormitory construction on the George Washington University (GWU) campus * * *. Conversions of housing units, particularly apartments to

transient use (hotel, de facto hotels, and corporate apartments), to university dormitories and offices, and to medical offices/clinics is a major cause of depletion of the housing stock. (46 DCR 1757-1758 (1999)).

Section 1327.1(b): George Washington University continues to expand its operations in the Foggy Bottom area. Therefore, the University must work closely with the Foggy Bottom community on developing a campus plan. The campus plan should include sufficient dormitory space for the student body on campus to alleviate some of the pressure on housing by students. (46 DCR 1758-1759 (1999)).

Section 1342.1(b): The actions in support of the objective for major institutional complexes are as follows: * * * (b) Update campus plans for George Washington University and Georgetown University; as part of the campus plan the Foggy Bottom community needs to address: 1) the student housing issues by planning for future dormitories, and 2) the on-campus parking issue. GWU must take account of the residential and historic district status of Foggy Bottom in any future development. (46 DCR 1766 (1999)).

Section 1358.1: The George Washington University constitutes a major institutional presence in a zone between the Central Employment Area and residential Foggy Bottom. The expansion of the University has resulted in the diminishment of housing and the construction of buildings for the University purposes. This and other commercial usage is of grave concern to the Foggy Bottom residential community. Intense student pressure on Foggy Bottom's housing stock outside the campus, combined with the impact of university generated traffic has had a negative effect on residential Foggy Bottom. The University must continue to construct student dormitories to alleviate the pressure on the housing stock outside the boundaries

> of the campus plan. The University must be sensitive to the surrounding residential neighborhood.[4]

GWU's proposed campus plan includes two paragraphs (pp. 39-40) that attempt to show that GWU complies with the policies of the Comprehensive Plan. Those paragraphs do not even mention any of the foregoing provisions of the Comprehensive Plan that specifically relate to GWU.

GWU's proposed campus plan confirms that GWU intends to continue to purchase residential properties outside the campus plan boundaries for conversion to student housing. Two recent examples are Square 43 and Columbia Plaza Apartments. In 1988, the Board removed Square 43 from within the approved campus plan boundaries because "the Board believes the removal of Square 43 to be essential to the preservation and enhancement of residential uses in the Foggy Bottom neighborhood" (BZA Order No. 14455, dated February 25, 1998, p. 34). At that time, GWU owned only five town house lots in Square 43 (BZA File No. 14455, Ex. No. 128, Appendix L). Notwithstanding the Board's finding and order, GWU has since acquired almost all of the balance of the residential structures in Square 43 and currently plans to construct a dormitory on the site. ANC 2A recently learned that

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[4] The above-quoted provisions have been in the Comprehensive Plan since 1994 (41 DCR 5643, 5645, 5667, 5671, 5674, 5675-76, 5680 (1994)) and many of them have been in the Comprehensive Plan since 1989 (37 DCR 147, 150, 174, 175, 181, 184, 191 (1989)).

GWU has purchased part of the Columbia Plaza Apartment complex for student housing. Although GWU refuses to disclose the terms of the transaction, we understand that GWU has begun to offer to pay existing non-student tenants to move out.

GWU filed an amended proposed campus plan on April 12, 2000 that designates two small sites within the campus plan boundaries for construction of dormitories with a total of 420 beds. Those sites are not sufficient to alleviate the effects of housing large numbers of students outside the campus plan boundaries, particularly in light of the GWU's proposal to increase the student headcount by more than 3,000 over the current level. Additional sites within the campus plan boundaries should be designated for construction of dormitories (Square 54, the north half of Square 103, the southwest quadrant of Square 79, and the southeast quadrant of Square 101).

GWU must recognize that it has reached the limits of growth that can be accommodated at the Foggy Bottom campus. If GWU fulfills its obligation to house its existing student body within the current campus plan boundaries, GWU's Foggy Bottom campus clearly is insufficient in size to accommodate its planned expansion. GWU must consider locating academic functions outside the Foggy Bottom/West End area. Georgetown University successfully operates its law school several miles from its main campus. GWU itself has various academic operations in Northern

Virginia.

GWU's proposed campus plan should not be approved unless it is amended to include the following enforceable conditions:

a. The full time undergraduate student population will be capped at the current level (headcount).

b. No further non-residential development will be approved within the campus plan boundaries until GWU constructs sufficient dormitories to house full-time undergraduate students under conditions that will assure that no full-time undergraduate GWU students reside in residential areas of Foggy Bottom/West End by the academic year beginning the fall of 2002, and every year thereafter.

c. As a condition of approval of the campus plan, GWU will not acquire any further property, directly or indirectly, in residentially zoned areas within the boundaries of ANC 2A.

TRAFFIC AND PARKING

GWU's proposed campus plan includes a Traffic and Parking Study, dated December 21, 1999, by Gorove/Slade Associates, Inc. (Appendix M to the campus plan) ("Gorove Study") that purports to show that the proposed campus plan will not create adverse traffic and parking impacts. The fundamental problem with that study is that it addresses only traffic and parking impacts within the existing campus plan boundaries. It does not even attempt to address traffic and parking impacts that GWU creates outside the campus plan boundaries.

The Comprehensive Plan expressly recognizes that GWU already creates adverse traffic and parking impacts on neighboring residential areas outside the campus plan boundaries and includes

a policy that GWU should increase the amount of on-campus, off-street parking to alleviate such impacts. Relevant sections of the Comprehensive Plan are as follows:

> Section 1309.11: Parking in the residential neighborhoods of Ward 2 is a major problem. * * * Foggy Bottom and Georgetown are adversely affected by student parking from George Washington and Georgetown Universities; as such, efforts should be made by the universities to provide parking for these vehicles. (46 DCR 1738 (1999)).
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> Section 1342.1(b): The actions in support of the objective for major institutional complexes are as follows: * * * (b) Update campus plans for George Washington University and Georgetown University; as part of the campus plan the Foggy Bottom community needs to address: * * * 2) the on-campus parking issue. (46 DCR 1766 (1999)).
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> Section 1358.1: The George Washington University constitutes a major institutional presence in a zone between the Central Employment Area and residential Foggy Bottom. The expansion of the University has resulted in the diminishment of housing and the construction of buildings for the University purposes. This and other commercial usage is of grave concern to the Foggy Bottom residential community. Intense student pressure on Foggy Bottom's housing stock outside the campus, combined with the impact of university generated traffic has had a negative effect on residential Foggy Bottom.

The Gorove Study states (p. 2) that its purpose was "to determine the existing conditions on the roadway network within the Campus Plan boundaries, and to determine the impacts that the proposed Campus Plan development and growth components will have". The Gorove Study describes existing traffic conditions

only within the campus plan boundaries (pp. 3-10). The Gorove Study's description of existing parking conditions is confined the off-street parking facilities within the campus plan boundaries (pp. 15-17) and does not address on-street parking at all. The Gorove Study's analysis of the impact of campus development is confined to the impact on traffic and off-street parking within the campus plan boundaries (pp. 19-24).

The Gorove Study does not even mention the large numbers of students who live in the residential areas outside the campus plan boundaries, much less attempt to quantify and analyze the parking demand they create. The Gorove Study makes no effort to quantify how many students, faculty, staff, and visitors park on-street outside the campus boundaries.

GWU owns approximately 85% of the land within the campus plan boundaries. If effect, GWU has presented an analysis of traffic and parking impacts on its own property, rather than an analysis of traffic and parking impacts on the neighboring property outside the campus plan boundaries, as required by the Zoning Regulations.

GWU's proposed campus plan should not be approved until GWU presents an analysis of the traffic and parking impacts that GWU causes in the residential areas outside the campus plan boundaries.

CONCLUSION

GWU's proposed campus plan includes a great deal of material on history, mission, goals, strategies and programs, but fails to fulfill the central purpose of a campus plan under the Zoning Regulations -- to demonstrate that the university will not have objectionable impacts on neighboring residential property. Accordingly, the Board should deny GWU's application for approval of the proposed campus plan.