Dorothy Miller
Commissioner ANC 2A05

2440 Virginia Avenue NW Washington, D.C. 20037 Tel. (202) 331-0191

April 11, 2000

D.C. APR 12 P 3:24

Mrs. Jerrily R. Kress, Director
Office of Zoning , Suite 210
441 4th Street, NW
Washington, DC 20001

Re: Request for Party Status, BZA Case No. 16553 George Washington University Campus Plan 2000-2010

Dear Mrs. Kress:

This is a written request for "Party Status" in the above cited application for the George Washington University Campus Plan 2000-2010 in accordance with 11 DCMR 3022.3. I am an Advisory Neighborhood Commissioner for Single Member District 2A-05 and Vice President of Columbia Plaza Tenants Association (CPTA).

(a) Person's Name and Address: Dorothy Miller, Columbia Plaza Apartments, 2440 Virginia Avenue, NW, Washington, DC, 20037.

(b) Request to appear and participate as a party: In the BZA Case No. 16553.

(c) Position on the Application: Opponent

(d) Legal Counsel: Will not appear through legal counsel

(e) Statement as to why party status should be granted: Columbia Plaza Apartments are located on the southwest corner of the campus boundary. It is a complex of five apartment buildings totaling 850 apartments built in the late sixties under the Fair Housing Act. The D.C. Redevelopment Land Agency, according to the uses specified in the Urban Renewal Plan, leased the property to The Columbia Plaza Corporation with the condition that it conform to the requirements of the Urban Renewal Plan. The mortgage and insurance were handled by FHA under the auspices of HUD. Under Sec. 707. Nondiscrimination. (b) Equal Opportunity in Housing, the agreement states "The Redeveloper covenants and agrees not to enter into any covenant, agreement, lease, deed, assignment conveyance or other written instrument which, directly or indirectly, restricts the sale, lease, use or occupancy of the Leased Property or any portion thereof, ..." Projects financed by HUD were designed to increase the availability of moderate income housing.

I moved into Columbia Plaza Apartments 25 years ago when there was a two-year wait to obtain an apartment. I became a member of the Tenants Association when it was formed to assist the tenants in the purchase of the building. I have been Vice President of the Association since 1990 and filed a letter with the Zoning Commission as CPTA's representative before the Zoning Commission in 1992.

BZA
Case No. 16553
Exhibit No. 92

Board of Zoning Adjustment
District of Columbia
CASE NO.16553
EXHIBIT NO.92

The Columbia Plaza Corporation sold its interest to a Limited Partnership on April 16, 1971, under the HUD agreement, and on December 4, 1999 the Limited Partnership sold a 28.55% interest in the Partnership to George Washington University (GWU). GWU over the last six years made arrangements with Columbia Plaza management to house its students, tuning this once most sought after luxury apartment complex into a de facto dormitory, and replacing taxpaying citizens with out-of-state non-taxpaying students. This influx of students lowed the quality of life for all and denied the residents the peaceful enjoyment of their homes GWU's refusal to build dormitories on its campus to house its undergraduate students and its aggressive move to house them in residential housing in Foggy Bottom must be stopped This is not only a violation of the current campus plan, BZA Case No. 14455 that required that GWU investments would be in the commercial area, not in the residential area, but a violation of the Comprehensive Plan that Universities should not operate in such manner that would be objectionable to the residential community. This is also a violation of the agreement with HUD, and the Tenants Association has met with and filed complaint with HUD to that effect.

Additionally, in 1994, the Single Member District of ANC-2A05 elected me to officially represent this part of the community as a member of the Advisory Neighborhood Commission-2A. So, it is in these two capacities that I am requesting that I be granted "Party Status".

At the time of consideration of BZA Case No. 16389, the GWU Hospital, I was chair of ANC-2A at the time so I did not request "Party Status" . The election of new officers in 1998 left me without standing, so, I am requesting "Party Status" as an ANC Commissioner, and if that is not approved, the law plainly allows citizen groups to represent their members. The District of Columbia Court of Appeals has summarized the U.S. Supreme Court's Criteria for deciding when such a group has standing, most recently in International Union, United Auto Workers v. Brock, 477 U.S. 274 (1986). It is important to the financial welfare of the District not to remove Columbia Plaza from the DC tax rolls as was the Virginia Avenue Howard Johnson is (converted this past summer to a GWU dormitory), and to protect the remaining taxpaying residents, some of whom have lived at Columbia Plaza since it was built.

Respectfully submitted,

Dorothy Miller

Dorothy Miller, Commissioner
Advisory Neighborhood Commission 2A-05
Vice President, CPTA

Attachment (1) Copy of GW HATCHETT article, 2-10-00
" GW acquires share of Columbia Plaza"
(2) Copy of CURRENT article 2-9-00,
"GWU buys share of Columbia Plaza"

GW acquires share of Columbia Plaza

University now owns about a quarter of the space of off-campus complex

The GW Hatchet
Thursday, February 10, 2000

by Matt Berger
Hatchet Staff Writer

The University purchased a share of the Columbia Plaza apartment complex and will have first priority in referring students and staff to apartments there, said Walter Bortz, vice president for Administrative and Information Services.

GW closed a deal Friday that gave the University 28.55 percent ownership of the 23rd street complex, along with other limited partners. Bortz said the University was approached by several partners who wanted to liquidate their share of the property.

"The University looked at this one over a period of a few months and said, as an investment, it makes sense," Bortz said.

Bortz would not specify the amount the University paid for the property or its estimated value.

As part of the agreement, the University has the right of first refusal to purchase a larger percentage of the property when other owners sell. It will work out a communication plan with the property management company, Polinger, Shannon and Luchs Co., giving the University the first opportunity to refer students, faculty and staff to any apartment that is vacant. Bortz said the details on the plan have not been worked out yet, but no current residents will be required to move and there are no plans to turn the apartments into a part of the residence-hall system.

But Bortz left open the idea of using the apartments when the housing lottery is full – which has happened several times in the past few years – and acquiring the entire property if the occasion arises. Recently, several apartment buildings, including the Dakota, Schenley and West End have been placed into the student housing lottery.

Students currently occupy one-quarter of the 800-unit complex, and it is unknown how many staff and faculty live there, Bortz said. The partnership is for the entire property, meaning the University does not control any specific units or buildings but has a stake in the entire complex.

The University received complaints from residents and the management company about the behavior of Columbia Plaza residents in the past, Bortz said. Because of the University's new affiliation with the property, all students living there

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from p. 1

University's Student Code of Conduct.

"I can't imagine many students having difficulty living with (the code of conduct)," Bortz said. "Those students (who do) may find it an impingement on their behavior, but it may be in the best interest of the community that *that* occurs."

In addition, administrators are developing plans to include the complex in the University Police patrolling area and as a stop on the shuttle bus service. Columbia Plaza will retain its property managers and staff.

Geoff Sherman, a senior who lives in Columbia Plaza, said he is happy about the University's role in the property.

"I think the place needs a lot of work, and the University has the capacity to do that," he said. "If I were a sophomore, I would be happy that GW is coming because it adds a level of respectability to this place."

But Sherman said the new affiliation will increase the tension between students and other residents of Columbia Plaza.

"It's going to heighten the animosity here," he said. "The residents are going to feel GW is trying to push them away."

Marilyn Rubin, president of the Columbia Plaza Tenants Association, said she had been predicting for more than a decade that the University would purchase the building.

"Nobody knows what the ramifications are," Rubin said. "This is simply a continuation of GW's bragging that they will eventually own Foggy Bottom."

She said though she is happy the University is giving policing support, she is uncertain what it will accomplish.

"I didn't move into a dormitory," said Rubin, who has lived in Columbia Plaza for 30 years. "When I moved in, this was a classy apartment building."

Bortz said the purchase is partially in response to community requests for the University to take control of more student housing.

"The institution over the last decade has made some purchases that reflect our needs and the residents' requests to provide more housing for students," Bortz said. "We believe we are doing what we have been requested to do by Foggy Bottom residents."

But Barbara Spillinger, chairwoman of the Advisory Neighborhood Commission, said the University is misinterpreting the local residents' complaints.

"That's not where we want them," Spillinger said. "We want them out of Columbia Plaza and into dorms on campus."

In addition to the 800 apartments in five buildings, there are more than 1,500 parking spaces and 34,000 square feet of retail space, 800 of which is vacant. Bortz said the University will use its business connections to try and fill that space with stores that appeal to students and the community. He mentioned a diner, grocery store and a gym as possibilities.

Spillinger said she feared this was another step in the University's takeover of the area.

"If they can do this in Columbia Plaza, they can do it anywhere else," she said.

GWU buys share of Columbia Plaza

By MAX PIZARRO
Current Staff Writer

Foggy Bottom activists are reeling with the announcement last week by George Washington University officials that the school has bought a 28.55 interest in Columbia Plaza Apartments at 2400 Virginia Ave.

"When I was informed this past weekend, my jaw dropped to the ground," Foggy Bottom advisory neighborhood commissioner Richard Sheehey said of the university's purchase. "The problem with this move is it is the university's blueprint for taking over every building in the neighborhood."

Embroiled in a squabble with the school over its proposed campus plan — which does not include any projected on-campus housing to serve a steadily increasing student population — the commission last December fumed at university representatives who made a global-oriented slide show that outlined the school's education goals without speaking to specific neighborhood problems.

"I don't feel betrayed because nothing the university does surprises me at this point," said Sheehey, who has worked closely with George Washington University, his alma mater, to bring balance to a Foggy Bottom neighborhood many believe is being overrun by the school and its insufficient student housing plan.

But, as it did when it acquired the Howard Johnson Hotel on Virginia Avenue last year and transformed it into a freshman dormitory, the school continues to maintain its legal right to acquire property outside the campus plan for its own use.

Referring to the Columbia Plaza purchase, Walter M. Bortz, George Washington's vice president for administrative and information services, said in a Tuesday evening telephone interview, "This is considered by the university to be an excellent financial investment."

But neighborhood commissioner Dorothy Miller, a resident of Columbia Plaza, said the deal represents a direct violation of the university's campus plan, adopted in 1993 and good through the end of this year.

"The current campus plan," said Miller, "says that all of the university's investments would be along Pennsylvania Avenue."

Bortz denied that the school's acquisition sends a stake into the heart of Columbia Plaza's nonstudent tenants.

In fact, "It is our hope and intention to improve the Foggy Bottom community," said Bortz. "Partial ownership enables the university to invoke the student code of conduct."