larger issue is not -- even though the larger issue may be relevant in the long-term campus plan aspect, it is not germane to this particular hearing.

MR. CROCKETT: I must disagree with their assumption, Mr. Chairman. They -- that is simply not right. That they can come in here and tailor a proposition such as this and keep people from asking what the future impacts are going to be.

MEMBER MOULDEN: Well, actually, this -- if I might, we have that exact issue on appeal before the Court of Appeals right now in the other case that the Alliance has against the --

MEMBER SOCKWELL: Well, since -- that issue, if it is before the Court of Appeals -- is not, again, before this Board --

MEMBER MOULDEN: As I say, though, our position --

MEMBER SOCKWELL: -- it might have impact on any decision made by this Board with regard to this application. Because it has not yet been decided by the Court of Appeals, it would not be relevant to discuss it.

MEMBER MOULDEN: The assumption is that they didn't have to come in here to change the use. We disagree with that. They did have to come in here

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to change the use. The use is now residential. They're proposing to change it to office space.

And the case law in the District of Columbia with respect to these matters is very clear, that on a campus plan, when you propose to change the use, that you have to come before the BZA. And that is what is pending before the Court of Appeals. They didn't do it when they constructed a child care center without BZA approval, and that's --

MEMBER SOCKWELL: The child care center would not be before us either, sir.

MEMBER MOULDEN: Well, that was the question. And --

MEMBER SOCKWELL: I mean, if your questions are specifically about child care centers, if they are specifically about other items that are not part of the application, they would not be relevant to this particular hearing, as much as they may be relevant to the overall university's campus plan.

And if the campus plan has to come before this Board, then at that time those issues would be brought before the Board, and you, again, would have the opportunity to represent your organization to give its viewpoints and to oppose or to support what they

bring forth.

Now, the fact that this Board will hear this particular issue right, wrong, or indifferent, there is no reason for us to bring forth something that is not part of their plan at this time. There is no reason for us to hear the information that you wish to present about something that is not part of their case.

Even though you may relate the overall, at some point you can, in retrospect, go back to that when the campus plan comes forward. But I just think that this is not something that's germane to the particular hearing, and I would not accept it.

COMMISSIONER MITTEN: Mr. Chair, Mr. Vice Chair?

MEMBER SOCKWELL: Yes.

COMMISSIONER MITTEN: Can I just -- can I ask a question and then make a statement?

Mr. Crockett, is it your issue that as a part of this further processing for St. Mary's that -- notwithstanding what they've said -- that you believe that they in addition to bringing to us the minor addition and things related to the exterior of the building, that they must be coming before us for a use change? Is that your position?

MR. CROCKETT: Yes.

COMMISSIONER MITTEN: Okay. Okay. And does your question that you just put to the applicant related to this parking garage, how does that relate to that issue?

MR. CROCKETT: It relates to the position that we're taking in opposition here. That this attempt to have a decision on a major piece of the campus plan, for the campus plan, is going to -- is improvident is contrary to the interest of the surrounding residents, and will tie the hands of both the residents and the Board when they consider the campus plan next month.

Because this part will have been taken out, the impacts upon all other portions of the campus will not have been considered in making this decision, under their theory, which we believe must be the case. That is why we think these two cases should be consolidated and heard together.

MS. DWYER: Mr. Vice Chair, if I could just address this. This identical issue came up in connection with the George Washington University Hospital case, and the argument there was you can't approve the new hospital building until you do the campus plan.

And this Board, in reliance on a decision or opinion of the Office of Corporation Counsel, said correctly that when you have an application, and there's an existing campus plan, you are entitled to come before the Board with that application. And as long as you demonstrate that your application is in accordance with the existing campus plan, you are entitled to a hearing and a decision.

The fact that there is a new campus plan at some point in time, no matter how close, does not affect your rights under the existing campus plan. It may take this Board six months to decide the new campus plan. It may take you nine months. Until December 31st of the year 2000, we have the right, under this campus plan, so long as what we're doing is in accordance with that plan.

We have shown you that what we're doing is in accordance with the plan, and it's on that basis that we're here before you. Any other issues having to do with parking garage or changes in number of students, any of those issues, are not part of this application. They will be campus plan issues, and we will address them then.

MEMBER SOCKWELL: The situation is, sir, that under the regulations -- and I have checked with

the staff and counsel to make sure that I give you a correct ruling on this -- they are entitled, under the existing campus plan, to come before us with this application.

MR. CROCKETT: I agree with that. I agree so far with you.

MEMBER SOCKWELL: Yes.

(Laughter.)

Now, beyond that, what the application represents in terms of a connection with the future campus plan may be apparent. It may be obvious, and it may be absolutely where they're going. But the application that they have before us is allowed under the existing campus plan.

For that, we have nothing else to say, except that they are here correctly. And what their future program is is up to you to interpret, and not up to us to discuss.

MR. CROCKETT: Well, I would like --

MEMBER SOCKWELL: And yet we can't have you talking about it because it's not here yet.

MR. CROCKETT: Okay. Well, I would like --

MEMBER SOCKWELL: It's like a new car. You've seen it in the newspapers, but it's not on the

street yet.

(Laughter.)

MR. CROCKETT: Well, I would just like to point out that the Board's procedural rules permit the Board and the hearing officer to -- and I refer you to 3320.3(e), To Dispose of Procedural Requests and Rule Upon Motions to Consolidate Applications or Appeals for Hearing.

It also authorizes the Board to adjourn a hearing and establish a date when the hearing will be continued, and that is basically what we are asking you to do. We're asking you to adjourn this hearing, consolidate it with the campus plan's hearing, and hear them all together, so that all of the various impacts of this proposal upon the campus plan can be handled in a reasonable manner. That's our position.

MS. DWYER: Then, Mr. Vice Chair, I very much object, because if that is the issue that he's raising, it is not cross examine of these -- cross examination of --

MEMBER SOCKWELL: No, it isn't. He's actually moving --

MS. DWYER: Then that should have been a motion as a preliminary matter at the start of this hearing, with an opportunity for us to deal with that

at that time.

MEMBER SOCKWELL: That is true.

MS. DWYER: It is most inappropriate to do it now.

MEMBER SOCKWELL: It was not handled as a preliminary matter, so you are out of form.

MR. CROCKETT: We haven't put on our case yet.

MEMBER SOCKWELL: That's not the point. It would have -- it's requested that if there are any preliminary matters that they be handled. Those preliminary matters included in this case -- the request by you and others for party status. There was nothing else brought to the table at that time, so I cannot entertain your motion at this time because this is cross.

MR. CROCKETT: I understand, and I -- I was just explaining our position in the case.

MEMBER SOCKWELL: Well, I appreciate your position, and I appreciate the explanation.

MR. CROCKETT: We haven't presented our position yet as our position doesn't come until after they've put their case on.

MEMBER SOCKWELL: Okay. Well, will you position yourself to --

(Laughter.)

-- continue to cross, please.

MR. CROCKETT: Mr. Brangman, you discussed the decision to decommission St. Mary's and to put the money into the quadrangle, the southern quadrangle. You referred to "we." Who was "we" that made that decision?

MR. BRANGMAN: "We" was the senior administration at Georgetown University.

MR. CROCKETT: And who is the senior administration?

MR. BRANGMAN: Well, it would have been the academic officers in the university, probably the provost as well as the senior administrative officers, senior vice president. It was also discussed with the president. So all of the senior administrators of the university relative to planning issues.

MR. CROCKETT: And who actually approved the action? Was it --

MR. BRANGMAN: Ultimately, the president is responsible for approval of the actions.

MR. CROCKETT: Okay. And why isn't the president here today to testify?

MR. BRANGMAN: Because I'm here as his surrogate.

MR. CROCKETT: Mr. Brangman, once this facility which was a dormitory is decommissioned and turned into another use, what other areas on the campus are available for the construction of new dormitories, other than the south quadrangle?

MR. BRANGMAN: Other than the southwest quadrangle?

MR. CROCKETT: Right.

MR. BRANGMAN: That is information that will come forward in our master plan, should there be areas for that to happen.

MR. CROCKETT: Are there areas? I'm just asking you now.

MS. DWYER: Mr. Vice Chair, I think that's beyond the scope of his testimony.

MEMBER SOCKWELL: Sustained.

MR. CROCKETT: All right. Let's go on to Ms. Greenan.

Ms. Greenan, you are Assistant Vice President for External Relations, is that correct?

MS. GREENAN: Uh-huh.

MR. CROCKETT: And who do you report to?

MS. GREENAN: I report to the President of the university.

MR. CROCKETT: Directly?

MS. GREENAN: Through Dan Portfield.

MR. CROCKETT: Did you participate in the decision to change the plan to reconstruct St. Mary's for dormitory use and to convert it into office use?

MS. GREENAN: I participated in the discussion. I did not participate in the decision.

MR. CROCKETT: Who made the decision?

MS. GREENAN: Mr. Brangman said ultimately it was the -- Father Donovan, the president.

MR. CROCKETT: Do you know when that was made?

MS. GREENAN: Well, it would have been roughly around 1996, around April 1996.

MR. CROCKETT: April 1996.

MS. GREENAN: Yes. Roughly, approximately.

MR. CROCKETT: Is that when St. Mary's was closed?

MS. GREENAN: Uh-huh.

MR. CROCKETT: As far as you know, are there any other locations on campus where a 415-bed dormitory to replace St. Mary's could be located?

MS. DWYER: Again, I would object. It's beyond the scope of her testimony.

MEMBER SOCKWELL: Sustained.

MR. CROCKETT: Ms. Greenan, are you aware that the university has made a long-term commitment in the previous BZA order to house 100 percent of its undergraduates on campus?

MS. GREENAN: I am aware of it through reading about it in the campus plan, in the 1990 campus plan. And it's always been framed as a long-term commitment, long-term goal, excuse me.

MR. CROCKETT: Well, I would refer you to -- do you have the BZA order in front of you?

MS. GREENAN: No.

MR. CROCKETT: Then I will refer to it. It's paragraph 25 of the BZA order in the previous campus plan, which is BZA Number 25302. Paragraph 24(a) of that document -- 24 and 24(a) -- states, "Specifically, the bicentennial campus plan proposes the following: (a) to adopt as a long-term goal the university's ability to provide housing for 100 percent of its undergraduate students on campus."

Do you agree that that's part of the existing order in the campus plan?

MS. DWYER: I think the witness has already answered that.

MR. CROCKETT: Okay. Well, I didn't think she did, or I wouldn't have asked it.

Is it part of the campus plan?

MS. GREENAN: I said I would -- yes, I said I was aware that it was a long-term goal.

MR. CROCKETT: Once St. Mary's is decommissioned, how is the university going to meet that goal of 100 percent?

MS. GREENAN: St. Mary's has been decommissioned since 1996, and we have a proposal, as you well know, to build and construct -- and it's underway -- the southwest quadrangle, which has 780 beds in it. And we also have added 303 since the campus plan was approved in 1990, so that would take us to 1,083.

MR. CROCKETT: And that would take you to 92 percent?

MS. GREENAN: That's right.

MR. CROCKETT: How are you going to get the other eight percent?

MEMBER SOCKWELL: I think that what you are referring to, if I might interject, is a goal rather than a requirement. The goal is 100 percent. The requirement was not 100 percent. And the term to reach the goal apparently is -- okay. Apparently, the long term was not defined well enough that you could use it as a point of reference as effectively as

you're trying to.

MR. CROCKETT: Well, all I can do is try, Mr. Chairman.

Now, with respect to the requirement for the 925 beds -- and I'll now quote again from the original campus plan, paragraph 22, where it states, "The bicentennial campus plan places a high priority on the development of on campus housing and other facilities. The following list includes the phases in the development on campus: (a) campus housing -- to meet its commitment to provide 925 new beds on campus by 1997, the university has identified the following three priority projects for new beds: (1) the rehabilitation of Loyola, Xavier, and Ryder to create 225 new beds." Did that occur?

MS. GREENAN: Yes.

MR. CROCKETT: And how many beds does Loyola, Xavier, Ryder have now?

MS. DWYER: Mr. Vice Chair, I would just object that this is going well beyond the course of the testimony. What we've included and what the witness had referred to in Exhibit A is a listing of the beds on campus that meet the 925 commitment.

There was no testimony about the specific numbers in each of the individual buildings on campus.

I think this is going beyond her testimony.

MEMBER SOCKWELL: I will let her answer the question.

MS. GREENAN: We have -- currently in LXR we have 283 beds.

MR. CROCKETT: All right. Thank you.

The next part was the construction of a new dormitory to create 500 new beds. Was that accomplished by 1997?

MS. GREENAN: We are in the process of building the southwest quad, which is 780 beds.

MR. CROCKETT: But as of 1997, you had not created any new beds and a new dormitory, is that correct?

MS. GREENAN: Uh-huh. That is correct.

MR. CROCKETT: And the third element was the reconstruction of St. Mary's to provide 200 new beds. Is that correct?

MS. GREENAN: That's what -- that's how that paragraph reads.

MR. CROCKETT: And by 1997, that hadn't been done.

MS. GREENAN: It hadn't been done. But I'd also, since we're on this paragraph, like to point out that at the bottom of that paragraph it begins --

it says, "The financial ability of the university to provide these new beds is based upon: (1) tax exempt bond financing, (2) alternate financing, and (3) the construction of the cogeneration facility."

So the condition -- the precondition to us to have 925 beds online by 1997 was conditioned upon the construction of the cogeneration facility. I testified to that earlier, and there was a discussion internally at the university at that time, when cogeneration was defeated, about whether or not the university still had an obligation, a legal obligation, to build these 925 beds by 1997.

It was thought that there was no legal obligation, but that we did have a commitment, and we have followed through on that commitment with the southwest quadrangle project, which is underway, and when it is completed will house 780 students on campus.

MR. CROCKETT: Well, thank you for the statement. It was not really responsive to my question. But since you raised the issue, as I read -- are you a lawyer, Ms. Greenan?

MS. GREENAN: No, I'm not.

MR. CROCKETT: You're interpreting this order? That's your interpretation of the order?

MS. GREENAN: Yes, it is. It is.

MR. CROCKETT: All right. As I read that order, it says the financial ability --

MS. DWYER: This is testimony, Mr. Vice Chair, as opposed to --

MR. CROCKETT: I'm framing a question.

MS. DWYER: -- cross examination?

MEMBER SOCKWELL: Try to be as specific and succinct as possible, please.

MR. CROCKETT: There are three parts to the sentence to which you referred. The first one is, "The financial ability of the university to provide these new beds is based upon: (1) tax exempt bond financing." Is that correct?

MS. GREENAN: Yes.

MR. CROCKETT: Did the university get the tax exempt bond financing?

MS. GREENAN: Yes, we did.

MR. CROCKETT: Alternate financing? Did the university get any alternate financing?

MS. GREENAN: No, we did not.

MR. CROCKETT: Okay. And construction of the cogeneration facility. Did you get that? How was the cogeneration facility going to finance the dorm?

MS. GREENAN: The -- it was -- the

structure of the cogeneration facility was such that it would have saved us in energy cost and also would have -- the university would stand to gain I think around $500,000 a year. These are savings -- those savings would have been put back into the dorm.

MR. CROCKETT: During this period of time after the cogeneration project was rejected, did the university go forward with any other projects, building projects on campus?

MS. GREENAN: We did a retrofitting of our utility.

MEMBER SOCKWELL: The question that you're asking is relevant to other projects that might not have had anything to do with the commitments of financial resources for this. So I would confine you to those things that refer to this.

MR. CROCKETT: Well, I think we can move on, having done that.

Ms. Greenan, I take it that you do have a copy of the Board's order in front of you?

MS. GREENAN: No, I don't. I just have that one page.

MR. CROCKETT: All right. I'd like to refer you, then, to another part in the order, which is paragraph 50, which relates to an agreement between

ANC-2E. And subparagraph (c) states -- and I'll quote this -- "After several sessions, a compromise was reached as follows: (a) the university would commit to the enrollment projections in Appendix H, which show an addition of 340 undergraduate FTE students. (2) The university would make on campus housing currently used by graduate students available to approximately 200 undergraduates."

With respect to that, did the university make on campus housing currently used by graduate students available to approximately 200 undergraduates?

MS. GREENAN: Yes.

MR. CROCKETT: And how did it do that?

MS. GREENAN: I'm not specifically aware. I'm not the housing person. But we did move off campus the 200 graduate students and freed up those beds for undergraduate students.

MR. CROCKETT: And you don't know where you moved them from?

MS. GREENAN: I don't. It's in our chart, but it's -- it's Exhibit 8, but it just says 200.

MR. CROCKETT: Now let's go down to number 3, "The university would construct an additional 925 beds on campus by 1997."

MS. GREENAN: Which was conditioned by the cogeneration facility, the construction of the cogeneration facility.

MR. CROCKETT: Yes, that's your interpretation. Is it correct, though, that the university agreed with the ANC that it would, number one, move 200 graduates off and replace them --

MS. DWYER: Mr. Vice Chair, I object to this. I mean, he is asking for the witness to read through a BZA order and make legal conclusions. It sounds like this -- these are points that he may want to make in his direct testimony. But they're not cross examination, and they're not within the scope of the testimony of this witness.

MR. CROCKETT: She presented an exhibit that had these figures on it, and I believe I'm entitled to cross examine on it.

MS. DWYER: You can cross examine as to that exhibit, but not an interpretation of the BZA order.

MEMBER SOCKWELL: Yes. You need to limit your testimony to that which was -- your cross to that which was testified to. You are spreading yourself throughout the previous BZA order, and you're not actually leading in the direction that is obvious to

me.

MR. CROCKETT: Well, then, let me just ask this one question.

MEMBER SOCKWELL: That would be fine, if I like that question.

MR. CROCKETT: In constructing your chart, Ms. Greenan, did you add the 200 students that were to -- the 200 beds that were to be made available by moving out graduate students to the 925 beds that were to be additional construction to come up with the total of 1,125 beds that was the agreement that the university entered into?

MS. DWYER: I would object on the assumption that contained within that question -- I think the Exhibit 8 speaks for itself, and it shows the beds gained by moving graduates off campus, the beds gained by each project, and the beds in the southwest quad.

MR. CROCKETT: Can you answer the question? The question is: was the commitment made, as reflected in this order, that there would be 200 beds freed up by moving out graduate students, and there would be 925 additional beds constructed on campus by 1997? Was that the commitment?

MS. DWYER: I would object again, because

he's asking the witness to assume a commitment based on an interpretation of the BZA order.

MR. CROCKETT: Well, she's --

MEMBER SOCKWELL: If I might state there may be some relevance to asking the question in terms of if the 925 beds are inclusive of the 200 that you see as a stated goal, or a stated requirement, based on compromise, or if the 925 beds are other than those 200 beds.

And, in general, even if you don't know, that you might make some general reference to any enrollment shifts that might have negated the need for all of those beds. I'm just seeing them as numbers, and I think that if you can attempt to answer the question it might be helpful.

MS. GREENAN: Well, as a matter of fact, our enrollment cap would have taken us up to 5,627. And as I testified earlier to Ms. Renshaw's question, we are currently at 5,516, so we never even reached our enrollment cap. We're 111 below that. So -- and we include the 200 in our overall count right now. When I also testified earlier that we had 303 beds that we had freed up, we included the 200 in that count. And we do add it to the 780 beds.

MR. CROCKETT: But the overall commitment

in the order was to free up 200 beds, and then construct another additional 925 beds, which comes, in my addition, as 1,125 beds, is that correct?

MS. GREENAN: That 925 was conditioned on the construction of --

MR. CROCKETT: I understand all of that. I understand your position on that. But I'm asking you to respond to the question which I asked, which was the total 1,125 that was committed to be freed up.

MS. DWYER: I object because your question assumes a position that this witness has not testified to. What Exhibit 8 shows is 1,083 beds, and the witness has said it includes 200 beds freed up by moving graduates off campus.

MEMBER SOCKWELL: Since the witness is being asked to interpret the statement, then I would ask you to interpret her answer.

(Laughter.)

MR. CROCKETT: Okay. I'm afraid what we have here, Mr. Chairman, and members of the Board, is a situation in which the university has not presented anybody here as a witness that can answer these questions. I mean, somebody has to be responsible for appearing and justifying what has gone on here. I mean, we have this large order that has been in effect

now for 10 years. There were some very serious commitments made to the residents that were obviously not complied with. By 1997, this hadn't happened. So --

MEMBER SOCKWELL: But there were some extenuating circumstances which are within the body of the order itself. And those circumstances as well were, in one instance, not accepted by the community at large; and, therefore, one major circumstance went away.

The commitment to provide the housing at any level was affected, especially in terms of timing, by the loss of particular other commitments. And even though the university may have indulged in other building projects, it doesn't mean that those building projects had to have been either altered or postponed for the specific projects that would have been committed had the resources that were outlined for their construction been available.

Therefore, I think that we need to get off of this one.

MR. CROCKETT: Okay. I would just like to make the following observation with respect to that, and then I'm through.

MEMBER SOCKWELL: All right.

MR. CROCKETT: They have not presented any evidence, any competent evidence, as to their financial inability to build these dorms. It is not in this record. Ms. Greenan is not in a position to testify to it.

MEMBER SOCKWELL: That's true.

MR. CROCKETT: Nobody is here to testify to it. So the fact that she wants to read the record that way and say, "Well, we didn't have the money," well, that's not evidence. And we object to the fact that they are taking the position that they didn't have the financial resources to do it, and it's not on the record and not with evidence and it --

MEMBER SOCKWELL: But you have also conditioned your own statement by stating that there is no one here who is qualified to answer the question. Therefore, you cannot make the question a question that gets an answer. You admit that there is no one who can answer it.

MR. CROCKETT: It is now evident. It wasn't when I started, but it is now.

MEMBER SOCKWELL: Okay.

MR. CROCKETT: And I'm through.

MEMBER SOCKWELL: Thank you.

All right. Is the ANC representative --

okay. Who else is here for cross? I thought --

MR. CROCKETT: I'm sorry. I was the only one that was going to do cross.

MEMBER SOCKWELL: Okay.

SECRETARY PRUITT: For the Cloisters, correct? Which Cloisters, East or West? West. So we have Cloisters East and Burleith also doing --

MEMBER SOCKWELL: Well, actually, he is representing the Alliance.

MR. CROCKETT: No, I'm --

SECRETARY PRUITT: No, he is representing the Cloisters.

MR. CROCKETT: I was not --

SECRETARY PRUITT: You're Cloisters East, to my understanding.

MR. CROCKETT: And Burleith was not going to have anybody cross examine, so that basically finishes up the opposition.

MEMBER SOCKWELL: Well, no, there's one gentleman, the West, who --

SECRETARY PRUITT: Cloisters West.

MR. SPENCER: I'll waive my opportunity.

SECRETARY PRUITT: Okay. Just wanted to be sure.

MEMBER SOCKWELL: Okay. So now we will

look for an ANC representative who stands. And if you will identify yourself and give your address. In fact, I hope that I have -- I think you've identified yourself and given your address at some time in the past, right?

MS. ZARTMAN: I turned my cards in. Good evening, ladies and gentlemen. My name is Barbara Zartman. I live at 1642 35th Street. I am the ANC representative from 2E-04, which does not cover St. Mary's. The record is incorrect. My district begins on the property line and covers both Cloisters West, East, and most of the campus, as well as West Georgetown.

I am a Board member of the Cloisters in Georgetown Association, as well as an officer of the Alliance. So you can put on me what hat you wish.

The ANC did not take a position on this project. A motion to request that you roll it over into the campus plan was narrowly defeated. The ANC members who live closest to this property all voted unanimously to support the rollover, but it failed by one vote and the ANC did not take a position then either in favor or in opposition.

I speak as an individual.

COMMISSIONER MITTEN: At this point, I'm

sorry -- excuse me. This is for the purposes of cross examination? We're calling for the ANC for purposes of cross examination.

MS. ZARTMAN: It's my understanding that the ANC can only cross examine when it has taken a position to --

COMMISSIONER MITTEN: Okay. Then I -- we're in the cross examination phase, aren't we?

MEMBER SOCKWELL: Uh-huh.

COMMISSIONER MITTEN: Okay. That's what he was calling for.

MEMBER SOCKWELL: Yes, this is strictly the cross examination phase now. Are we in proper form, Ms. Pruitt?

SECRETARY PRUITT: Yes. And, well, the ANC didn't take a position, so there is no cross. So you can move on to government reports.

MEMBER SOCKWELL: Okay. So the ANC --

SECRETARY PRUITT: There is, I believe, an Office of Planning --

MEMBER SOCKWELL: There is an Office of Planning report.

SECRETARY PRUITT: -- which we should hear, and then we hear ANC. You might as well stay there, Ms. Zartman.

MEMBER SOCKWELL: Yes. All right. I can ask Ms. Vogel to give the OP report, please.

MS. VOGEL: Thank you. Yes. My name is Mary Vogel. I'm the community planner with the Office of Planning located at 801 North Capitol Street, Northeast.

As you know, this is an application of the president and directors of Georgetown College for further processing of an approved campus plan to permit a minor addition to existing St. Mary's Hall Building, renovate entrances to the building, and, as we saw it, reconfirm the use category of the building to educational mixed use in an R-3 district at 3800 Reservoir Road.

Let's see. The -- I'm not going to read word for word what -- the report at all, but it seems the subject application requests further processing under the existing campus plan, as we've been discussing. The university's campus plan does not expire until December 31, 2000.

The Office of Planning believes that the subject application has appropriately been brought before the Board for its review. With the advice of Corporation Counsel, the Board has previously ruled that it has no authority to delay consideration of

special exception applications until a new campus plan is in place.

And I checked with two of the most senior members of Corporation Counsel on exactly this point, to get their -- both their recollections and their opinions on this. And both said that, well, there would be no point in having an expiration date for a campus plan, if, in fact, you couldn't process up until the time of the expiration date.

Okay. The proposed improvements for St. Mary's consist of interior renovation. And we had a minor addition of 427 square feet as opposed to Mr. Brangman was saying -- 425 square feet. I guess maybe that could be --

MEMBER SOCKWELL: The application states 427.

MS. VOGEL: And exterior work to replace windows, improve the site landscaping, and also the -- well, the minor addition was for front and side entrances.

I think this next paragraph is probably what we saw as the crux of the debate here in the application. As we saw it, the site is designated educational mixed use, with a housing overlay in the current campus plan. And that housing overlay comes

from Appendix H of the present campus plan.

As was said, St. Mary's was identified as providing a potential to increase the supply of housing on campus by 200 beds through renovation and possible addition. The university's educational mixed use designation allows, but does not require, housing. It also allows classrooms, administrative and faculty offices, and decentralized recreation.

The housing overlay designation recognized its potential for providing more housing. The university proposes to renovate the building for continued educational mixed use, which will include its continued use by the school of nursing, employees credit union, as well as its use as administrative offices, teaching labs, and computer support services for the information technology department.

Do you want me to go over the site and area description again?

MEMBER SOCKWELL: No.

(Laughter.)

Not necessarily.

MS. VOGEL: Okay.

MEMBER SOCKWELL: If you want to say there is a site and it has area, that's fine.

MS. VOGEL: Okay. Well, I mean, we did

confirm that the closest non-university buildings are, in fact, Cloisters West row homes, and 15 of those are within -- well, what I estimated to be about 60 feet of St. Mary's, on the east.

Okay. In terms of our analysis, again, we went to subsection 3108.1 of the zoning regulations regulating special exceptions. It requires the applicants to be in harmony with the zoning regulations and maps and not adversely affect the use of neighboring properties, as defined in the conditions specified in Section 210.

The subsection of Section 210 that's generally under debate in campus plans is 210.2, which states use as a college or university shall be located so that it's not likely to be objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.

We went through those different conditions, and, again, it didn't seem that those were, in fact, the conditions which were clearly objectionable to the proposed use. It was something else. It was more of a -- an omission in a sense rather than a commission, that the people from the neighborhoods were objecting to here.

For noise, we felt that the buildings

would actually be improved because most of the activity will take place both within the interior of the building, and additional landscaping will further -- provide a further buffer for noise. The use of the buildings will be virtually the same as exists there today.

The university has also assured us that students will reside in a location on campus that will be much farther removed from the surrounding residents by moving the beds that might have been put at St. Mary's to the southwest quadrangle project. And the -- most of the use will be during the regular business hours of, oh, 8:00 to 5:00, in that kind of time range.

Again, for traffic and parking, we think that has been pretty well covered. It seems that there was no additional parking or really additional traffic, other than what is currently on the campus today, so we felt that this was not an issue.

A number of students -- again, the university is in compliance with the enrollment cap imposed by the Board in its 1990 campus plan, and this project will not result in any increase in students.

In terms of other objectionable conditions, again, that was probably the one that --

well, that the neighbors will, in fact, build their case on. We believe that the exterior renovations and the new landscaping will actually -- proposed will actually enhance the appearance of what is now a rather mundane building.

However, some of the neighborhood groups and individuals will argue that the objectionable condition is one of omission rather than commission, as I stated, what is not proposed rather than what is proposed.

Some believe that St. Mary's Hall should be returned to dormitory use in order to help the university meet its goal of housing a greater percentage of its undergraduate students on campus. Others believe that the renovation for office use is preparing the way for Med Star to take over the building for its administrative use.

And at the very least, they argue the discussion of the building's future should become part of the new campus plan. And, again, we -- I'm just repeating what we've already heard today. And, you know, we -- the Office of Planning did seriously consider the neighborhood's -- I mean, well, again, various groups or individuals from the neighborhood have expressed some of these concerns to us as well.

But, again, just looking at the -- you know, the legal requirements here, and appropriate land use, we stick with our position to recommend approval of this application.

BZA Order Number 15302, which is the order that -- under which the current campus plan is operating, does ask for an update of -- on the university's progress in carrying out its housing program, as outlined in Appendix H to the campus plan, whenever the -- a special exception application is put forward. And, in fact, the applicant has done that in Appendix 8 of its application, which has already been very well discussed as well.

In terms of the District of Columbia comprehensive plan, again, the -- the entire campus plan, the 1990 campus plan, we feel very much fulfills the goals of the District of Columbia comprehensive plan.

So, in summary, the Office of Planning believes that the applicant complies with all of the subsections of Section 210 of the zoning regulations. Most of those sections are not at issue or not applicable here.

In terms of the ANC and community groups, as you've heard, the ANC voted to take no position on

this proposal, although there was considerable time given to the debate. And the minutes of their meeting -- from that decisionmaking meeting are attached as Exhibit 3 on our report.

Now, that's where I'm in error here. Ms. Dingleman, her district -- Commissioner for ANC 2E-04, where St. Mary's is located, is -- that is in error. It's a misunderstanding on my part. So I will let Ms. Zartman speak for herself in that regard.

Again, I think you'll have a due opportunity to hear from all of the community groups for themselves. We just tried to -- where we knew what the positions were -- give a very brief summary of them.

And in terms of agency comments, the Commission on Fine Arts has no objection to the concept design for alteration of St. Mary's Hall. They stated that in a letter of March 17, 2000.

The Office of the Fire Marshall also has no objection, and their letter is attached as Exhibit 7.

The Department of Public Works -- their reviewer actually told me that they had no objection, but would probably not have their report until Monday, which was yesterday, and it had not come in by the

time I left this morning. So we don't have their actual report, nor do we have that from the police department. I, again, checked with them last week, and they said they didn't have their comments back from the District yet.

The Office of Planning recommends that this application be approved. We believe that the proposed renovation project is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions.

We believe that the application maintains the educational mixed use designation under the current approved campus plan and meets the criteria for approval under the zoning regulations and the comprehensive plan that is of the District of Columbia and needs to be judged on its merits.

That's my report.

MEMBER SOCKWELL: Thank you very much, Ms. Vogel.

Any questions?

COMMISSIONER MITTEN: I have a question for Ms. Vogel.

I just want to be sure that the Office of Planning appreciated sort of the full context of the

1990 plan as I understand it. And I'm not getting the sense of that from page 2, where in the first full paragraph it's really talking about St. Mary's in one -- only one sense, and it really has two senses, which is that St. Mary's was an established, existing residential facility, and it had the potential to be more -- add more beds.

MS. VOGEL: Yes.

COMMISSIONER MITTEN: And the way --

MS. VOGEL: I definitely understood that as well.

COMMISSIONER MITTEN: Okay. Because that hasn't been conveyed in your report. The only -- it seems as if the -- that you all believe that the basis for the housing designation in the 1990 plan was solely because it had this potential and not because it was an existing residential facility.

MS. DWYER: Well, again, we saw educational mixed use as having -- as allowing housing which, in fact, it was at the time of the 1990 plan, but also allowing a number of other uses as well. And it didn't require any of the various uses that it allowed. You know, it was meant to be quite flexible.

MS. VOGEL: But I just want to be sure -- when you wrote the report, you were aware of the fact

that St. Mary's was an existing residential facility when the 1990 plan was written?

MS. DWYER: Yes. I combed through -- what's the word -- several times actually.

MS. VOGEL: Okay.

MS. DWYER: And I have all kinds of highlights that are in the BZA order in terms of the 1990 campus plan. You know, and the entire application actually. The housing -- the current housing report, too, Appendix H.

MS. VOGEL: Okay.

COMMISSIONER MITTEN: Thank you.

MEMBER RENSHAW: I have a somewhat abbreviated OP report, because I don't have any of your attachments. And, in fact, I have lots of notes in my copy saying, where are these? But in any case, I will get them and follow up with your testimony, Ms. Vogel.

Under the District of Columbia comprehensive plan statement, it says such things as, "As part of the existing campus plan, the St. Mary's project . . . and the plan relating to solid waste management, improved air quality, land area protection, environmental protection, sanitation, and energy conservation." What do you mean?

MS. VOGEL: Well, these were all in the 1990 plan. We did feel that -- and, in fact, you know, those were recognized as the university was doing their -- I think the university has made a great deal of effort in terms of energy conservation. Granted, the cogeneration facility that was defeated was one of them, but --

MEMBER RENSHAW: But St. Mary's as a residential facility, would that also lean to waste management, improved air quality, land area protection, environmental protection, sanitation, and energy conservation?

MS. VOGEL: No, I wasn't saying that there at all.

MEMBER RENSHAW: Again, I just wanted you to clarify that.

MS. VOGEL: Okay.

MEMBER SOCKWELL: Just to carry Ms. Mitten's question on the housing piece back to you briefly, because St. Mary's was originally a building with housing, and was originally in the bicentennial campus plan identified for additional housing, it would have been designated -- for at least the current use and continued use, it would have been a designated housing facility.

Now, once they made adjustments to their other facilities and then decided that St. Mary's was no longer necessary for housing, it still fell within its designated uses as a building that supported housing and other non-housing aspects of the campus requirement for this facility. So it was still designated as -- it was designated correctly for a housing or a non-housing use.

But the report that has been generated does tend to identify it less as housing and more as a mixed use. And was that done based upon the fact that the building had been decommissioned for its housing component in '96, as opposed to the fact that in the original campus plan it was considered to be a housing use with the potential for extension, even though it doesn't say how that would have been done?

MS. VOGEL: Well, I think we looked at the underlying designation on the campus plan map as being educational mixed use. We thought of the cross-hatched area -- you know, the red cross-hatched area as being an overlay there. And in checking with the applicant as well, that -- they confirmed that was, in fact, what was meant there.

And in checking with the sort of historical memory in our office as well, you know, the

-- this was basically a housing overlay that -- so we -- well, we just were not -- not distressed by the intention of the applicant to take the overlay away, I guess because we agreed with the -- some of the residents of the neighborhood that, in fact, this was not a particularly good area for housing to exist, considering its proximity to the Cloisters West or -- yes, the Cloisters West row houses.

MEMBER SOCKWELL: And I'll just ask one final question to you. Would you have considered this housing component -- and you call it an overlay, but the mixed use would have allowed housing and other uses for the building, and to call housing an overlay makes it seem like housing is something separate and above the other mixed uses. At the same time, admittedly, the housing is on top of the -- it was over. But I'm just saying that the way it was characterized might have been somewhat misleading.

MS. VOGEL: Okay. Well, thank you for that feedback. I'll try to be more specific, I guess, from now on.

MEMBER SOCKWELL: Thank you.

Any other questions? So now we need to go to the ANC report. Oh, wait. Oh, we're back to parties cross examining. Okay. So the first party to

cross examine --

SECRETARY PRUITT: Well, it's usually the applicant, and then the opposition, but --

MEMBER SOCKWELL: Okay.

MS. DWYER: We have no questions of the Office of Planning.

MEMBER SOCKWELL: All right.

MR. CROCKETT: I have just a few questions.

With respect to the -- your conversations with Corporation Counsel on the subject of the alleged appropriateness of this particular proceeding going forward, and in light of the pending campus plan, was that put in writing?

MS. VOGEL: No, it was not.

MR. CROCKETT: Were the exact parameters of the legal position of both parties made clear to Corporation Counsel, exactly what we were contending and what we were asking for?

MS. VOGEL: I don't know about exact parameters. I did, in fact, state what I had, for example, in -- I had a letter from Barbara Zartman, and I read parts of that.

MR. CROCKETT: All right. Now, who were these two people that you discussed it with?

MS. VOGEL: Alan Bergstein and --

MR. CROCKETT: Brangman.

MS. VOGEL: -- Bergstein and --

MR. CROCKETT: Bergstein? Oh.

MS. VOGEL: -- and Mary Nagelhutt.

MR. CROCKETT: And what department are they in?

MS. VOGEL: The Office of Corporation Counsel.

MR. CROCKETT: And which division?

MS. VOGEL: Land Use and Public Works.

MR. CROCKETT: All right. With respect to the -- did you take a look at the current campus plan order in reaching your evaluation?

MS. VOGEL: The 1990 campus plan order?

MR. CROCKETT: Yes.

MS. VOGEL: Yes.

MR. CROCKETT: Were you aware of the fact that upon every application for an exception that the university was required to come in and give a progress report on its commitment to build the 925 new units and create the other 200 units?

MS. VOGEL: Well, I might disagree with you on the -- its commitment to build the 925 units. I am very definitely aware, and I stated in my report

that the university did need to come in on every special exception to report on its housing goals and meeting its housing goals.

MR. CROCKETT: But you do agree, after reading what they have submitted and what the order provided, that when 1997 came along they were in breach of their commitment to have those housing units online at that time.

MS. VOGEL: Well, see, again I read it that if the cogeneration -- that's very much dependent on the cogeneration facility being approved.

MR. CROCKETT: And that's on your reading of that particular paragraph in the order.

MS. VOGEL: Yes.

MR. CROCKETT: Are you a lawyer?

MS. VOGEL: No, I'm not.

MR. CROCKETT: Okay. Thank you. No further questions.

MEMBER SOCKWELL: We are now at 6:30, and we'll be losing our quorum, it appears. One of the Board members has made some signals that she is packing up.

MEMBER RENSHAW: I will stay for Ms. Zartman's testimony, and then I really do have to go.

MEMBER SOCKWELL: Well, let's ask a

question. Would it be fair for us to --

SECRETARY PRUITT: You still have the whole oppositions case to put on, so, I mean, whether you stop now or have her --

MS. DWYER: If I could just make two points. One, there is no ANC report. This is the time for the official ANC report. I have not designated any --

SECRETARY PRUITT: Right.

MS. DWYER: I have not designated anyone. So Ms. Zartman would come later as an individual.

MEMBER SOCKWELL: Okay.

MS. DWYER: But, second, we do have parties in support, persons in support, that have been waiting all day. And if they could just come up and just acknowledge themselves and submit their testimony. They may not be able to come back at a later time.

MEMBER SOCKWELL: All right. That would be acceptable, since the ANC did not take a position on this. Then we -- I would ask you to step down and we'll take parties in support.

Will the parties in support please come forward? If you can -- if you have testimony to submit, it would be appreciated, and yet it would be

acceptable and understandable if you want to make a statement in brief form -- brief form. Thank you.

Identify yourself and your address as you begin, please.

MR. SPENCER: I'll start. My name is Sidney D. Spencer. I live in the Cloisters West. We had the discussion earlier. I have written -- a written statement here, which I -- which I had tried to anticipate this Cloisters West/Cloisters East, who lives where. I hope that you got the understanding that the Cloisters West -- that it's the one right next to the university, and so forth. That is covered in my prepared remarks.

The bottom line of the position of everyone that I have talked to in the Cloisters West, and that the Board has talked to in Cloisters West, is that the last thing they want to see is St. Mary's turned back into a dormitory. It makes a great deal of sense from our viewpoint to have this as an administrative facility that functions during the daytime, does not have a lot of students hanging around, and that is not a student activity type place on the weekend.

As has already been mentioned, there have been some issues of noise. I've passed by students

going along there, and our people are working with the neighborhood on that.

Now, I know that you have gotten a number of letters and faxes from Cloisters West residents. I have with me here today another 17 letters, which I would like to give you, along with a copy of my prepared statements, which I think I've just summarized. So --

MEMBER SOCKWELL: Thank you. If you'll submit those to staff --

MR. SPENCER: -- thank you very much.

MEMBER SOCKWELL: -- we'd appreciate it.

MS. McGOUGH: My name is Joan McGough, and I live in Cloisters West. We are directly adjacent --

MEMBER SOCKWELL: Ms. McGough, would you give your address in Cloisters West, please?

MS. McGOUGH: Pardon me?

MEMBER SOCKWELL: Would you give your address in Cloisters West?

MS. McGOUGH: Oh. 3547 Winfield Lane, Washington of course. Can I go?

MEMBER SOCKWELL: Yes.

(Laughter.)

MS. McGOUGH: Okay. My husband and I are residents in Cloisters West. The community has 109

homes, and we are directly adjacent to Georgetown University's St. Mary's Hall. Anything that happens to St. Mary's Hall directly affects our community. Therefore, we strongly support this university's plan to renovate St. Mary's Hall for administrative purposes.

St. Mary's should not be used for residential or dormitory purposes. Dormitories should not be right next to our residences in the Cloisters -- be more centrally located on the campus -- this -- the -- such as the new building, the southwest quadrangle, which will house 780 students when completed.

This is located centrally within the campus, and will not affect our residents by having students living directly behind our homes.

I just wanted to add something to this, and that is when I first moved into the Cloisters 15 years ago, the residence was there, St. Mary's. You could hear on weekends -- and even during the week -- the blasting. And I'm much further away than Mr. Spencer is, and you could hear the noise coming from there, from the students. They're typical students. It's not their fault. They are living and they are living as students on a campus.

And, I mean, they just should not be right on top of our homes. I mean, if I could hear it from where I was, the people right down on 37th where Mr. Spencer is -- I'm down just between 36th and 35th. I can imagine what it must be like down there on 37th.

From what I gather, these people that will be using the offices and the classrooms are already on campus. So that there will be no extra people added, and certainly where they are moving from, perhaps some of that could be moved in eventually, wherever space can be found for another dormitory, would be fine -- if they could move some of the offices closer to the residences. That's it.

MEMBER SOCKWELL: Thank you very much. And you have testimony to submit or a statement? Yes. Please do. You can do that.

All right. Next, please?

MS. ASBILL: My name is Sharon Asbill. My husband and I live at 3733 Winfield Lane, and we are -- St. Mary's Hall is actually in my backyard, so, as was said, we are directly affected by St. Mary's Hall. We strongly support Georgetown University with their renovation plans to have the building become a building of administration rather than a dormitory. I can hardly think of anything worse than having a

dormitory in my backyard. Thank you.

MEMBER SOCKWELL: And how long have you resided there?

MS. ASBILL: I've been there a year and a half.

MEMBER SOCKWELL: Are there any questions?

MEMBER RENSHAW: Of Mr. Spencer, how long have you been a resident?

MR. SPENCER: Twelve years.

MEMBER RENSHAW: Twelve years. All right. So the Cloisters West is how old a development?

MR. SPENCER: Probably overall 15 years.

MEMBER RENSHAW: Fifteen years.

MR. SPENCER: They were built in stages from east to west.

MEMBER RENSHAW: And when was St. Mary's started as a residence? When was it begun?

MR. SPENCER: 1955.

MEMBER RENSHAW: Okay. So that when you bought into Cloisters West, you knew that this was a residence?

MR. SPENCER: Yes, I did.

MEMBER RENSHAW: All right. And, Mrs. McGough, you knew that it was a residence also?

MS. McGOUGH: No, I really didn't.

MEMBER RENSHAW: And Ms. Asbill?

MS. McGOUGH: The fact is that you don't go over and look at places and say, "What is this building on the campus?" You just don't, unless you've got something to do on the campus. And it was quite a shock when all the noise started.

As I said, I was one of the first people in there. I love my house and I love the neighborhood, but I cannot see making that building into a dormitory again. It's not necessary when it can be used for something else, and perhaps finding the space where those people -- for housing.

MEMBER SOCKWELL: And Ms. Asbill was not living in the community at the time that the dorm was decommissioned?

MS. ASBILL: When I moved in, it was strictly used as administration offices. And it was one of the questions that I specifically asked before we moved in, to make sure that it wasn't going to -- that it wasn't a dormitory in my backyard.

MEMBER SOCKWELL: I'm sure to some extent hearing the noises is a problem, and understanding some of the music is --

(Laughter.)

Other questions of these witnesses?

MS. DWYER: We have none.

MEMBER SOCKWELL: None? Then, on that basis, Mr. Crockett, yes -- I'm sorry.

MR. CROCKETT: I think Ms. Renshaw asked the questions I wanted to ask.

MEMBER SOCKWELL: All right. Thank you very much.

I suppose at this point would be a good time to stop, and we will continue on next Wednesday with -- no?

SECRETARY PRUITT: Next Wednesday is Kingsbury.

MEMBER SOCKWELL: Oh, next Wednesday is Kingsbury. I'm sorry.

SECRETARY PRUITT: We have not made a decision on when you're going to consider this -- continue this case.

MEMBER SOCKWELL: I automatically assumed these things go --

SECRETARY PRUITT: I think you might want to separate it from next Wednesday's hearing, the campus plan. It's just too --

MEMBER SOCKWELL: Yes. When -- what would be a convenient time to bring this back?

SECRETARY PRUITT: I think the next

available time, since nothing is going to be convenient for anybody, unfortunately, will be May 10th. That's the second hearing date for the Field School. And that's the only thing on the agenda. So you can do it after the Field School. If you do Field School in the morning, you can do this in the afternoon.

MS. DWYER: Why not make it next --

SECRETARY PRUITT: Because that is the hearing for the campus plan, and I think it would be unfortunate to confuse these two. We have enough problems now. Let's keep them segregated.

MEMBER SOCKWELL: I mean, we might as well -- I mean, all of it's Georgetown anyway, so --

SECRETARY PRUITT: So you want to --

MS. DWYER: We have no objection to May 10.

SECRETARY PRUITT: In the afternoon?

MS. DWYER: Right.

MEMBER SOCKWELL: Okay. All right. Then --

MS. DWYER: Could I also make one other suggestion?

MEMBER SOCKWELL: Yes.

MS. DWYER: Could the record be made

available to the other Board members to read before then?

SECRETARY PRUITT: We will attempt to. We've had -- just to let everyone know. We've had a lot of problems getting transcripts timely, but we will do all that we can to --

MS. DWYER: We'd like to work with you to do an expedited transcript, to ensure that --

SECRETARY PRUITT: Okay. Well, that's going to be a lot -- okay. Well, then, if we could talk afterwards.

MS. DWYER: We'll work with you on that.

SECRETARY PRUITT: Great. Thank you.

MS. DWYER: Great. Thank you.

MEMBER SOCKWELL: We've had a little trouble. Barney Rubble was on vacation. He wasn't carving as quickly --

So we'll try to get the transcript out, and you can call and find out, or we'll have someone call you and let you know.

Thank you very much for staying this long. This is actually an early out for some of us. We will see you all on May 10th.This hearing is now adjourned.

(Whereupon, at 6:45 p.m., the public hearing was adjourned.)

**CERTIFICATE**

This is to certify that the foregoing transcript in the matter of: Public Hearing
(Excerpt of Case No. 16483)

Before: D.C. Board of Zoning Adjustment

Date: Aprl 18, 2000

Place: Washington, DC

represents the full and complete proceedings of the aforementioned matter, as reported and reduced to typewriting.

