Statement of Barbara Zartman
Cloisters in Georgetown Homeowners Association Inc.
May 10, 2000
Board of Zoning Adjustment
Case 16565

Received
MAY 16 2000

Thank for for the opportunity to present some of the issues as we see them at Cloisters in Georgetown.

First, in response to your desire to hear the arguments about this project under the existing campus plan, I need to say a few things about the circumstances that existed at the time that plan was adopted. One, the youngest GU students - freshmen and sophomores - were living off campus in the community. Both GU administration and the neighbors knew this was a recipe for disaster. They were part of more than 2000 GU students living in the residential neighborhoods surrounding campus in zip code 20007 (I'm excluding the medical students from my numbers, and all number I will use are from GU-provided documents).

The BZA responded in strong terms to this problem and called for two main thrusts:

1. Immediately get the lower division students onto campus. GU was authorized to switch 200 grad students into the community in order to free up on-campus beds for freshmen and sophomores "until the new dorm beds are in place" (**BZA Order 24 (d)**). Oddly, the university seems to be arguing that putting a different head on the pillow creates a new bed.

2. Because the BZA concluded that housing 83% of the students on campus was inadequate, the university was to provide 925 **new** beds by 1997. **BZA 50 (c)** makes it clear that the 925 beds are in addition to the 200 "switched heads" of undergraduates for graduate students. The sequence of sub-items ii and iii could not be clearer.

3. Because the new construction was to be completed by 1997, GU was authorized to admit up to 340 additional students for academic and financial reasons. However, a new bed was to be in place for each of these additional enrollees. (**BZA page 36, ¶5**)

4. The Board was crystal clear about its intent in 1990: "To further ensure that there will be no adverse impacts, the Board incorporates as a condition to its Order a limitation on enrollment so that by the year of 1997, the University will be providing beds on campus for essentially 100 percent of those undergraduate students requiring housing." (**BZA 66 (b)**) That was the "long-term" sense of the BZA order.

The University argued through Ms. Dwyer at the last hearing that this project

BZA
Case No. 16565
Exhibit No. 61

Board of Zoning Adjustment
District of Columbia
CASE NO.16565
EXHIBIT NO.61

should be approved because "under this campus plan, we have met the housing commitment by providing additional beds on campus."

I've prepared a chart that argues to the contrary. There is no disagreement that the southwest quad dormitory is supposed to add 780 beds; it is not in place, it was not in place by 1997; it was not in place to house increased enrollment over the life of this plan; it is not available to offset the loss of St. Mary's beds.

The "switched heads" is credited with providing 200 "new" beds, but this is almost literally a shell game. No additional capacity was created by this move, which was intended to be a temporary stop-gap. Moreover, we believe some of the additional beds shown in university figures as "new" townhouse or dormitory beds are further "switched heads." Last, the purchase of additional townhouses appears to refer to properties outside the campus boundaries, and should not be included in these computations.

In fact, there is fundamental agreement that with the exception of new beds at the renovated LXR dormitory (now said to be a gain of 216 beds), there have been no appreciable changes in capacity over the life of this campus plan.

Those new beds that were added were filled, not with more undergraduates from the community, but with increased enrollment. The university tells us it is now very near its 340-student increased enrollment cap. However, there is not an equivalent number of new beds on campus, which is what they were required to provide. This would appear to be in violation of the existing campus plan.

Of course, this means there has been no relief to the neighborhoods through provision of new beds.

The university makes much of the "conditionality" of their commitment to provision of dormitory space: tax-exempt financing and approval of cogen.

Bonding: The university **got** its tax-exempt financing, intended to fund dorm construction. The late John Wilson made clear in the Council legislation that these funds would provide the relief neighbors were seeking. He "de-linked" the housing from cogen construction. The university used the proceeds of that bond issue, the prospectus for which includes reference to construction of dormitories and other housing; they now seek agreement that the commitment was never binding. There is a legal principle of estoppel that I believe has relevance here.

Cogen: The BZA **did** approve cogen. I imagine at the time it was considered to be a modern energy facility to meet the university's needs. In fact, what was planned was an industrial-sized generating facility whose product was to be sold on the energy grid to PEPCO. A facility such as that could never have been approved for an R-3 neighborhood, and the community should not be repeatedly told that if we had just allowed this behemoth in our backyard, we

would have dormitories. This city government entered into a lawsuit against the cogen partners charging two years and 76 counts of regulatory fraud, just one document from which I have appended to my statement as an indicator of how blatant the disregard for both student and neighborhood health was.

The last point I want to make is that I don't want St. Mary's rehabbed as a 400-student dormitory. I think it was a terrible mistake to have designated this facility for that purpose. When the community was told that St. Mary's had to be taken off-line for safety purposes, we did not complain. But we have waited since then for plans to meet the housing goals that the BZA sought to guarantee with its order. Even with the construction of the southwest quadrangle, we sought reinforcement of that commitment. In testimony before the BZA at that time, we asked for a restatement from the Board that these beds met particular goals and were to provide the relief intended in the 1990 order. The Board chose not to do that, and shortly after approval, we learned that the university would seek an additional 500-student enrollment increase.

Now once again the university seeks a special exception, despite its failure to meet the commitments made earlier. I ask the Board to not be complicit in this shell game.

I ask you to deny this application if it cannot be postponed to consideration of the full campus plan. In addition to the matter of honest provision of additional dormitory capacity, Board approval now will preclude better thinking about how to use this corner of the campus. And the university itself present this project to us as one that could either be part of the campus plan or proceed separately; no great argument was advanced for the need to consider it separately.

My neighbors have testified that they want St. Mary's to never be a dorm again. Who could blame them? But many are unaware that the new campus plan calls for a 500-car garage right in front of St. Mary's, right under their windows. That wasn't mentioned at the "St.Mary's" meeting with the immediate neighbors.

Approval now of the conversion of St. Mary's to an office building will foreclose better options for this space. Perhaps an underground garage/office facility, better sited on the lot, will be a possibility. MedStar claims to have negotiated for 3000 of the 4080 authorized on-campus parking spaces. We clearly have a crunch coming. Why foreclose options?

But more fundamentally, why reward the pattern of disregard for the detailed order this Board issued?

Progress toward 925 New On-Campus Beds at Georgetown University

The numbers in column 1 were taken from the 1997 dormitory report, which included projections through 2000. Column 2 represents GU's updated numbers. Column 3 offers commentary on the change.

Facility	BZ recap of 1997 GU report	GU update	Comment	Actual
Loss of St. Mary's				
Existing	-215	-215	-215	-215
Planned	*		-200	-200
"Switched heads"**	0	+200	No new beds created	0
LXR renovation	+193	+216	We accept GU's changes***	+216
Office relocation, new townhouse acquisition	+57	+77	GU unable to say which are outside campus boundaries; split difference	+67
Alumni Square	+16	+16	GU agrees	+16
Copley	-9	-9	GU agrees	-9
Harbin	+8	+8	GU agrees	+8
Village C	+7	+7	GU agrees	+7
Nevils	+3	+5	We accept GU's changes***	+5
Darnall	-4	-4	GU agrees	-4
Village A	+2	+2	GU agrees	+2
Henle	-4	No change	We accept GU's changes***	0
New South	No change	No change	GU agrees	0
		GU claim: +303 bed gain		***Actual Minimum Loss: -107 beds***

* The planned expansion was not part of this '97 analysis.

** In BZA 50 (c) (ii), GU agreed this commitment was separate from its commitment to build 925 new beds.

*** Would ask GU to certify that no further "switches" were involved.

May 10, 2000

FROM OGDEN LAWSUIT

ALANOVA INCORPORATED 76 Todd Pond Road ☐ Lincoln, Massachusetts 01773 ☐ (617) 259-0886

March 8, 1991

Mr. Ronald D. Usher, Project Manager
Dominion Energy, Inc.
P.O. Box 26532
Richmond, Virginia 23261

Dear Ron:

Enclosed are revision pages for our testimony as directed by your comments at yesterday's meeting in DC. Please let us know soon if there are further changes.

Based on the mock cross examination yesterday, we are proceeding with some sketchy estimates of the risks of injurious exposures of people to ammonia from both aqueous and anhydrous ammonia spills. During my conference call with you and the Radian people on January 29, 1991, my notes indicate that you directed us specifically to delete this aspect of the program we proposed in our October 22, 1990 scoping letter to you. The desire to have this analysis ready as background material for cross examination seems to answer a likely public concern. (We have never before done a risk assessment which omits all reference to human illness, injury or death). Unfortunately, this last minute redirection involves preparation of more material, which causes still further overruns of our budget. In accordance with your desire to minimize the expense of preparing our testimony, I did the best I could to resist this added work in the meeting yesterday, but to no avail.

Because of my time limitations yesterday, you and I were unable to resolve this matter after the meeting. As mentioned above, we do intend to put in some last minute intensive effort to be ready for questions in cross examination. If you still wish us to omit all reference to injury and death, please let us know soon, and we can destroy any incomplete work product relating to this aspect of our study. We will appreciate a quick resolution to what seem to be conflicting directions.

Thank you.

Sincerely,

Alan Eschenroeder, Ph. D.
Principal

enclosure

cc: Maureen Ellen Dwyer, Esq., WAH&L

X 001842

DEFENDANT'S