West End Citizens Association
Washington, D.C.

Boundaries: 15th Street on the East • Potomac Park on the South
Rock Creek and the Potomac on the West • N Street on the North

RECEIVED
D.C. OFFICE OF ZONING
2002 DEC -2 PM 2:40

December 2, 2002

Ms. Jerrily R. Kress
Director
Office of Zoning
441-4th Street, N.W. - Suite 210
Washington, DC 20001

Re: BZA Appeal No. 16950 - Additional Documents Supporting WECA's Appeal of DCRA & ZA's Administrative Decisions, 1957 E Street, N.W.

Dear Ms. Kress:

In compliance with 11 DCMR §3112.10, enclosed herewith are additional documents supporting the West End Citizens Association's (WECA's) appeal of the administrative decisions by the Department of Consumer and Regulatory Affairs (DCRA) generally and the Zoning Administrator (ZA) specifically regarding 1957 E Street, N.W. (BZA Appeal No. 16950). They include the following:

(1) Attachment A - relevant pages in Mayor Anthony Williams' recently-issued District of Columbia Strategic Neighborhood Action Plan (SNAP) for Neighborhood Cluster 5: Foggy Bottom, George Washington University (GWU), and West End - including enforcement actions with meaningful fines when GWU is not in compliance

(2) Attachment B - two e-mails from ZA Kelly to GWU regarding ZA's August 2002 refusal to serve as an escrow agent for GWU's proposed Rube Goldberg-type non-traditional escrow account and ZA's August 28th admonition to GWU that GWU is not in compliance with Zoning Commission Order No. 746-C for the Planned Unit Development at 1957 E Street, N.W.

(3) Attachment C - internal DC government e-mails regarding the same subjects as in Attachment B and also including an August 29th DCRA e-mail advising ZA not to issue a citation to GWU for its noncompliance and saying, "I'm looking to see if we can just not enforce those kinds of Zoning Commission orders"

(4) Attachment D – a November 2002 Greenwire article about the Environmental Protection Agency's November 2002 reclassification of the DC region pollution problem from in "serious" violation of air quality standards to in "severe" violation of air quality standards

BZA
Case No. 16950
Exhibit No. 27

Post Office Box 58098 • Washington, D.C. 20037-8098

Board of Zoning Adjustment
District of Columbia
CASE NO.16950
EXHIBIT NO.27

(5) Attachment E - two November 2002 e-mails from GWU sophomores regarding the absence by GWU of the promised parking restriction policy for freshmen and sophomores living in the Foggy Bottom/West End Area

(6) Attachment F - a November 18th GW Hatchet article entitled "Residents cite GW Hospital violations"

The WECA also intends to present photographs at the December 17th hearing.

If you have any questions about this filing, please call Barbara Kahlow on 226-3058. Thank you.

Sincerely,

John C. Batham
President

Attachments

cc The Honorable Carol J. Mitten, Chair, Zoning Commission
Alan Bergstein, Esq., Corporation Counsel
Elizabeth Elliott, Chair, ANC-2A
Phil Feola, Esq., Counsel for GWU

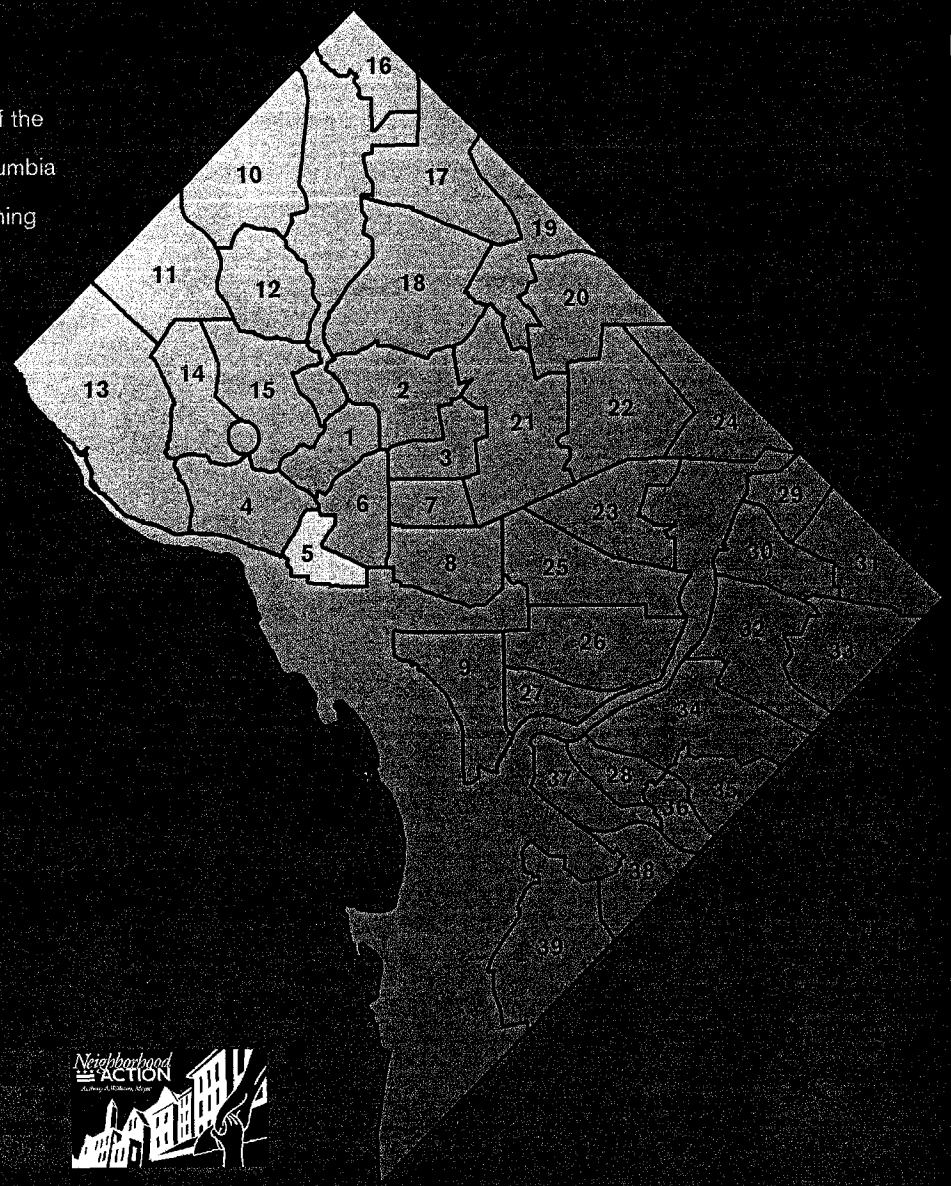
Neighborhood Cluster 5

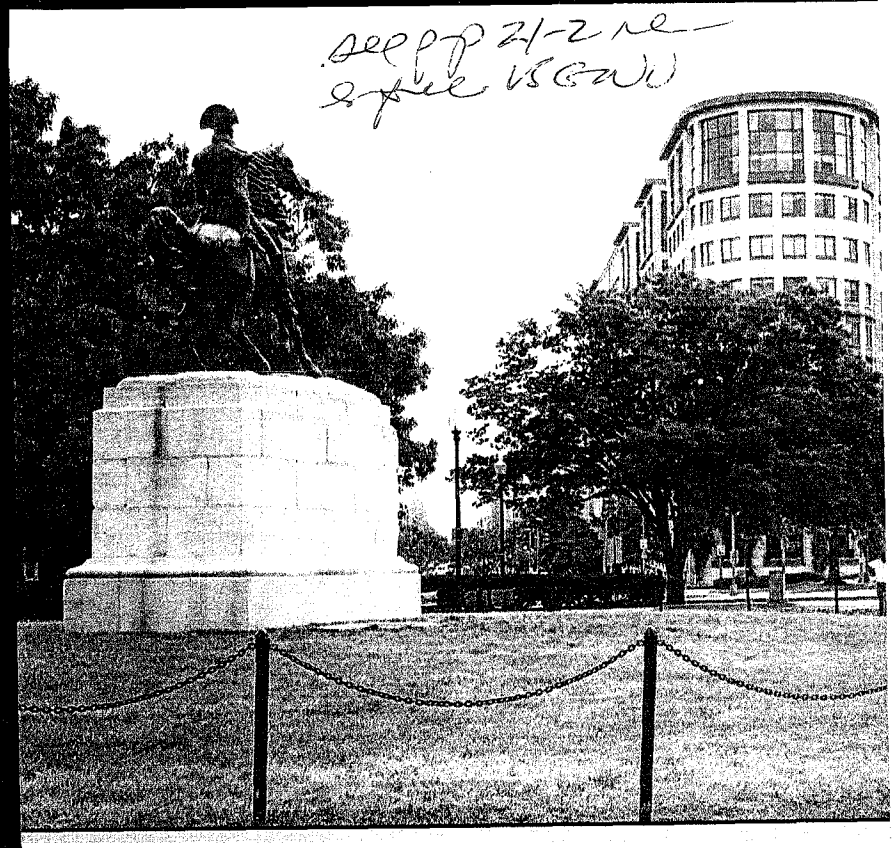
Prepared by

Government of the District of Columbia

Office of Planning

Summer 2002





Attachment A

GOVERNMENT OF THE DISTRICT OF COLUMBIA, ANTHONY A. WILLIAMS, MAYOR

The Action Plan 4

Understanding the Plan

The Cluster 5 Action Plan is where citizen-driven priorities are described in detail. The priorities specific to Cluster 5 include the following:

- Expansion of GWU, More Student Housing on Campus, and Improved GWU/Community Relations
- Traffic and Parking
- Balance Between Residential, Commercial, University, and Institutional Uses

This section describes both District commitments and key community-led actions. The data are organized by the priorities described above. Each priority is further described by objectives, which articulate specific problems or needs that must be addressed in order to accomplish the priority. For example, if a Cluster's priority is Public Safety, objectives may be to "develop strategies to reduce drug activity" and to "improve relations between police and area residents." Each objective then has a specific Action Plan that includes Proposed Action, Responsible Agencies, Budget Commitment, and Time Frame for Implementation.

As you read through the Action Plan, you will notice that many of the recommended actions list commitments from multiple agencies. It is often the case in government that several agencies with specific expertise are required to work together to fully address any one issue. In those cases, the first agency listed is the lead agency, or agency that has primary responsibility for implementing or coordinating implementation. The additional agencies listed will play a supporting role to the lead agency. An agency commitment may range from providing background information or performing technical analysis on a specific project, to funding and managing a series of activities on a city-wide initiative.

The Action Plan also acknowledges the fact that government cannot address those priority issues alone. In many instances, the agencies will need the help of the business and institutional community, nonprofits, civic and citizen organizations, and individual citizens to create sustainable community improvement. During the SNAP process, many of the priorities identified by your neighborhood included actions that require community or private-sector leadership and participation or both. The following Action Plan includes those community-led actions, and it begins the process of engaging residents and other organized groups to work together with government to address local issues.

The following pages provide the detailed District Agency commitments and timelines to begin addressing some of your top Cluster priorities.

Because partner names are abbreviated in this Action Plan, please refer to Appendix B for a list with the complete name of each partner.

PRIORITY 1:

Expansion of GWU, More Student Housing on Campus, and Improved GWU/Community Relations

The Cluster's top priority are issues revolving around expansion of GWU, more student housing on campus, and improved GWU/community relations. Residents believe that the first step to improving their neighborhoods is to better regulate GWU's effect on the residential neighborhoods of Foggy Bottom and the West End. However, participants from GWU expressed that they follow District regulations governing colleges and universities, which are to protect adjacent areas from objectionable effects. Areas of specific concern from residents include those of strengthening municipal regulations and of enforcing regulations. Last, residents articulated the need to improve relations between GWU and the community.

OBJECTIVE 1: Increase the strength of municipal regulations and their enforcement.

Act-ID#	Action	Location	Partner	Res-ID#	Response	Starting
77	Consistently enforce stop work orders.	Foggy Bottom and West End	DCRA	7763	The Department of Consumer and Regulatory Affairs (DCRA) will review and revise enforcement procedures, including the process for issuing stop work orders and for monitoring subsequent activity. This information will be relayed at monthly community meetings and on the DCRA website. Contact the Building and Land Regulation Administration (BLRA) Administrator's office at 202-442-4557.	FY2002
1180	Ensure that the new construction takes place during the specified hours.	Foggy Bottom and West End	DCRA	8402	Budget restrictions limit DCRA's capability to increase staff in order to establish a night shift. However, DCRA maintains a Duty Officer Program, which involves the assignment of two managers who are on call during evening hours. When a critical violation occurs, an inspector is dispatched regardless of the hour to evaluate the condition and to issue citations if appropriate. To inform DCRA of critical violations, please call 202-727-6161.	Ongoing
1168	*Increase number and responsiveness of* inspectors.	*Foggy Bottom and West End*	DCRA	8641	*DCRA has hired 39 Neighborhood Stabilization Officers (NSOs). There is* one NSO for each Cluster in the city who will be responsible for inspection activities at the neighborhood level. The NSO assigned to Cluster 5 is Stephanie Dodson (202-442-4393).	*Ongoing*

Agency Responses to Citizen Priorities

PRIORITY 1: **Expansion of GWU, More Student Housing on Campus, and Improved GWU/Community Relations**

OBJECTIVE 1: Increase the strength of municipal regulations and their enforcement.

Act-ID#	Action	Location	Partner	Res-ID#	Response	Starting
1168	Increase number and responsiveness of inspectors.	Foggy Bottom and West End	DPW	8642	New inspectors were added to Wards 1 and 2 in FY2001. This change will allow an increase in service of 33% to 100%.	FY2002
			DOH	9429	The Department of Health (DOH) will continue baiting premises on schedule and will respond to complaints received. Additionally, outreach and education efforts will continue.	
1182	Carry out and finish actions taken to reinforce the importance of plans for campuses and universities.	Foggy Bottom and West End	OP	8404	This item will be included in the proposed amendments to Campus Plan regulations, which are planned for 2003.	FY2003
1183	Review staff, staff responsibilities, and administrative organization in DCRA, and expand current licensing function as necessary.	Foggy Bottom and West End	DCRA	8379	DCRA is in the process of implementing the Master Business License Program. Adequate staff members and resources have been provided.	Ongoing
1184	Increase municipal resources dedicated toward enforcing the GWU Campus Plan.	Foggy Bottom and West End	OZ	9386	Zoning regulation enforcement is a function of the Zoning Administrator (ZA) at DCRA. In FY 2002, the Board of Zoning Administration/Zoning Commmission (BZA/ZC), however, plans to have a Compliance Reviewer review Conditions of Orders and point out to the ZA at DCRA any that require enforcement.	FY2002
66	Adequately monitor GWU, and assign meaningful fines when it is not in compliance with municipal regulations.	Foggy Bottom and West End	OCC	8477	The Office of the Corporate Counsel (OCC) will continue to support DCRA and to evaluate the current law. OCC is not the lead agency but can play a supportive role. OCC does not initiate investigations. DCRA is the client agency, and OCC takes further enforcement action based on the referrals from DCRA. Choices about legal enforcement are made on the basis of DCRA's policy objectives and time frames.	FY2002

Agency Responses to Citizen Priorities

PRIORITY 1: **Expansion of GWU, More Student Housing on Campus, and Improved GWU/Community Relations**

OBJECTIVE 1: Increase the strength of municipal regulations and their enforcement.

Act-ID#	Action	Location	Partner	Res-ID#	Response	Starting
66	Adequately monitor GWU, and assign meaningful fines when it is not in compliance with municipal regulations.	Foggy Bottom and West End	DCRA	7746	DCRA has increased its monitoring, inspections, and enforcement capabilities through the assignment of an NSO whose sole responsibility is the Foggy Bottom and West End areas. DCRA is responsible for all activities on private space. DPW has the responsibility for all activities on commercial and public space. The NSO assigned to this Cluster is Stephanie Dodson (202-442-4393).	Ongoing

Kelly, Bob (DCRA)

From: cbarber [cbarber@gwu.edu]
Sent: Monday, August 19, 2002 9:40 PM
To: Kelly, Bob (DCRA)
Cc: Moy, Grant (DCRA)
Subject: RE: 1957 E Street, NW/Revised Escrow Agreement

Pursuant to our discussions on Friday, the $100,000 has been deposited in escrow at Riggs Bank. We believe that the terms of the escrow comply with the spirit of the Zoning Commission order. As we previously stated, a technical compliance would have required GW to simply hold the money until the Foundation identified an alternative, existing food service program. We came up with the escrow arrangement because WECA declined to identify an alternative program and because you insisted on the deposit as a condition to issuing the Certificate of Occupancy.

While the two GW representatives to the Foundation will continue to work with the three WECA reps to the Foundation on this matter, in the final analysis it is compliance with the Zoning Commission order that is required rather than any three party agreement.

Charles Barber

>===== Original Message From "Kelly, Bob (DCRA)" <Bob.Kelly@dc gov>
>===== I need to go on record that the Zoning Administrator has not
>agreed with GWU to be an escrow agent and that any type of arrangement
>to do so would require agreement of GWU, WECA, and DCRA in a mutual
>action to comply with the BZA order. I would hope GWU and WECA can
>resolve the issue of where the monies can be placed at the board
>meeting this morning.
>
>Bob Kelly
>
>-----Original Message-----
>From: cbarber [mailto:cbarber@gwu.edu]
>Sent: Thursday, August 15, 2002 5:10 PM
>To: Bob.Kelly@dc.gov
>Subject: 1957 E Street, NW/Revised Escrow Agreement
>
>
>A trust agreement is far more complicated--and time consuming--than is
>warranted. What we would propose instead is to deposit the money in
>escrow,
>
>and allow you to serve as the escrow agent. Your sole responsibility
>would be to determine whether the Feeding Program has been established
>within three months. If it has, we pay the money to the Foundation.
>If it has not, we pay
>the money to an alternative program designated by the Foundation. This
>should
>satisfy all interests. Attached is a redraft of the proposed letter.
>
>GW is going beyond the technical requirements of the order in the
>spirit of cooperation. All that is technically required is that we
>request the Foundation to desingate another worthy program for this
>money, since the Feeding Program contemplated is no where near ready.
>We are tempted to choose such another worthy program ourselves and
>simply cut that organization a check. We are trying, however, to work
>within the spirit of the Zoning Order.
>
>If you tell me this letter is sufficient, I will sign it and have it
>delivered tomorrow morning. I can be reached on my cell phone this
>evening: 374-5594. Thank you for your attention to this important

Kelly, Bob (DCRA)

From: Kelly, Bob (DCRA)
Sent: Wednesday, August 28, 2002 4:40 PM
To: 'cbarber@gwu.edu'
Cc: Love, JGregory (DCRA); Noble, Denzil (DCRA)
Subject: Feeding Program Payment

Mr. Barber

Zoning Commission Order No. 746-C provides that "[the University shall contribute $500,000 over five (5) years .... The first $100,000 contribution shall be made on the date of the Certificate of Occupancy for the Subject Property."

Although we had sought to coordinate with GWU the timing of issuance of the Certificate of Occupancy with the required contribution, that didn't happen and GWU was issued a Certificat of Occupancy on August 16, 2002. Accordingly, on that date GWU was required by the Commission Order to make a $100,000 contribution to the Foundation.

We are informed by the Foundation that it has not received the first $100,000 contribution. If that is so, it would appear that GWU is now in violation of that Order and should take immediat steps to bring itself into compliance.

Robert Kelly
Zoning Administrator
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
202-442-4576

ttachment C

Internal DC E-Mail on 1957 E Street

1. Mon. 8/19/02 9:03 AM DCRA/Moy to ZA/Kelly - "Please consider whether you need to go on record that the **Zoning Administrator has not agreed with GWU to be an escrow agent and that any type of arrangement to do so would require agreement of GWU, WECA, and DCRA in a mutual action to comply with the BZA order."**

2. Mon. 8/19/02 2:27 PM ZA/Kelly to DCRA/Moy - "Grant - Just received a letter dated Friday with the old language naming me as the administrator of the escrow account. **I sent a e-mail today indicating that GWU should NOT name the Zoning Administrator escrow agent.** What should I do next?"

3. Mon. 8/19/02 3:57 PM DCRA/Moy to ZA/Kelly - "I thought this escrow idea would be moot because the Foundation was going to meet today and take the money. What happened?"

4. Mon. 8/19/02 4:47 PM ZA/Kelly to DCRA/Moy - "No one has filled me in it looks from the letter I was listed Friday **I sent GWU a e-mail saying no thanks."**

5. Mon. 8/19/02 4:54 PM DCRA/Moy to ZA/Kelly - "It seems to me that if the BZA order is clear, **you can't issue a C of O until the condition has been met.** However, to solve difficult logistics, if EVERYBODY (except BZA) agrees on a logistical solution that gets the same result, who is there to complain as long as it doesn't do violence to the BZA order?"

6. Tues. 8/20/02 3:10 PM DCRA/Moy to ZA/Kelly - "Bob - I stick by what I said in my email to you yesterday: 'It seems to me that if the BZA order is clear, **you can't issue a C of O until the condition has been met.** However, to solve difficult logistics, if EVERYBODY (except BZA) agrees on a logistical solution that gets the same result, who is there to complain as long as it doesn't do violence to the BZA order?' I do mean that **if the literal terms of the BZA order can't be met, then an escrow agreement could be used, but only if GWU AND WECA AND DCRA agree with and sign the escrow agreement. GWU can't unilaterally do something and have us issue the C of O** if we don't agree that it has resulted in compliance with the BZA order."

7. Tues. 8/29/02 5:42 PM DCRA/Moy to ZA/Kelly - "**Do not issue the citation. I'm looking to see if we can just not enforce those kinds of Zoning Commission orders if we think it is outside of our jurisdiction.** How come we keep doing things we don't intend to do and vice versa?"

Moy, Grant (DCRA)

From: Moy, Grant (DCRA)
Sent: Monday, August 19, 2002 9:03 AM
To: Kelly, Bob (DCRA)
Cc: Karen Edwards
Subject: RE: draft Barber-Batham letter about $100K check to the Foundatio n before CofO

Please consider whether you need to go on record that the Zoning Administrator has not agreed with GWU to be an escrow agent and that any type of arrangement to do so would require agreement of GWU, WECA, and DCRA in a mutual action to comply with the BZA order.

-----Original Message-----
From: Kelly, Bob (DCRA)
Sent: Friday, August 16, 2002 5:54 PM
To: Moy, Grant (DCRA)
Subject: FW: draft Barber-Batham letter about $100K check to the Foundatio n before CofO

Grant FYI
I told GWU to open account give me detail/proof monies were deposited then I would issue C of O
Bob
-----Original Message-----
From: Kahlow, Barbara [mailto:Barbara.Kahlow@mail.house.gov]
Sent: Friday, August 16, 2002 5:32 PM
To: cbarber; lkatz@gwu.edu
Cc: bob.kelly@dc.gov
Subject: RE: draft Barber-Batham letter about $100K check to the Foundatio n before CofO

Charles (or Lou), please have someone fax me all of this information TODAY. Under the circumstances and based on GWU's noncompliance with today's Zoning Order, the WECA is considering filing a Motion for Reconsideration.
- Barbara

-----Original Message-----
From: cbarber [mailto:cbarber@gwu.edu]
Sent: Friday, August 16, 2002 5:23 PM
To: Kahlow, Barbara
Subject: RE: draft Barber-Batham letter about $100K check to the Foundation before CofO

Barbara:

1. GW has already deposited $100,000 in escrow, with the Zoning Administrator as escrow agent. I will provide you copies of correspondence evidencing this deposit.

2. The University has published information relating to both of the other issues, i.e., the parking policy restriction and the restriction on who is eligible to reside in the Elliott School housing. I will obtain copies of these publications and, upon my return from vacation the week of August 26th, I will fax you copies.

Charles

Original Message From "Kahlow, Barbara" <Barbara.Kahlow@mail.house.gov>

>Charles, due to your conversations this week (e.g., with DCRA), the WECA
>asks that GWU deliver a certified check, payable to the Foundation, to this
>Monday's 9 AM meeting of the Board of Directors of the Foggy Bottom Feeding
>Program Foundation, which was incorporated on 3/27/02. As your 3/29/02
>memorandum to me stated, "The University representatives named in the
>Articles [of Incorporation] look forward to working with the representatives
>of the West End Citizens Association, once the GW PUD modification is
>approved." The Zoning Order, to be published in today's DC Register,
>requires GWU to issue a check to the Foundation before GWU can secure a
>Certificate of Occupancy (p. 10). The convoluted scheme in your draft
>letter is neither required under the Order nor consistent with the 8/17/01
>Memorandum of Agreement co-signed by GWU and the WECA.
>
>Another provision in the Zoning Order states, "the University, by letter
>dated February 8, 2002, made part of this record, will voluntarily adopt and
>publish this [student parking restriction] policy beginning in University
>documents for Fall 2002" (#32, p. 7). In a quick search of GWU's website, I
>found no statement whatsoever of this agreed-upon restriction for freshmen
>and sophomores from bringing cars to the Foggy Bottom/West End Area.
>Therefore, please fax me (f: 225-2441) today proof of compliance, including
>a copy of the Fall 2002 Catalog page and the GWU webpage with this
>information.
>
>Another provision in the Zoning Order restricts occupancy in the 1957 E
>Street building to juniors, seniors, graduate students, and students
>enrolled in an honors program (p. 9, #8). Please also fax me today proof of
>compliance with this restriction.
>
>Thank you. - Barbara
>
>> -----Original Message-----
>> From: Kahlow, Barbara
>> Sent: Thursday, August 15, 2002 5:44 PM
>> To: 'cbarber@gwu.edu'
>> Subject: draft Barber-Batham letter about $100K check to the
>> Foundation before CofO
>>
>> I just received your fax but have been unable to reach my clients so I'll
>> get back to you tomorrow around noon since I have an AM mammogram
>> appointment.

Moy, Grant (DCRA)

From: Moy, Grant (DCRA)
Sent: Monday, August 19, 2002 4:54 PM
To: Kelly, Bob (DCRA)
Subject: RE:

It seems to me that if the BZA order is clear, you can't issue a C of O until the condition has been met. However, to solve difficult logistics, if EVERYBODY (except BZA) agrees on a logistical solution that gets the same result, who is there to complain as long as it doesn't do violence to the BZA order?

-----Original Message-----
From: Kelly, Bob (DCRA)
Sent: Monday, August 19, 2002 4:47 PM
To: Moy, Grant (DCRA)
Subject: RE:

No one has filled me in it looks from the letter I was listed Friday I sent GWU a e-mail saying no thanks.

-----Original Message-----
From: Moy, Grant (DCRA)
Sent: Monday, August 19, 2002 3:57 PM
To: Kelly, Bob (DCRA)
Subject: RE:

I thought this escrow idea would be moot because the Foundation was going to meet today and take the money. What happened?

-----Original Message-----
From: Kelly, Bob (DCRA)
Sent: Monday, August 19, 2002 2:27 PM
To: Moy, Grant (DCRA)
Subject:

Grant
Just received a letter dated Friday with the old language naming me as the administrator of the escrow account. I sent a e-mail today indicating that GWU should NOT name the Zoning Administrator escrow agent. What should I do next?

Robert Kelly
Zoning Administrator
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
202-442-4576

Moy, Grant (DCRA)

From: Moy, Grant (DCRA)
Sent: Tuesday, August 20, 2002 3:10 PM
To: Kelly, Bob (DCRA)
Cc: Noble, Denzil (DCRA); Bennett, Loraine (DCRA)
Subject: RE: latest

Bob,

I stick by what I said in my email to you yesterday: "It seems to me that if the BZA order is clear, you can't issue a C of O until the condition has been met. However, to solve difficult logistics, if EVERYBODY (except BZA) agrees on a logistical solution that gets the same result, who is there to complain as long as it doesn't do violence to the BZA order?"

I do mean that if the literal terms of the BZA order can't be met, then an escrow agreement could be used, but only if GWU AND WECA AND DCRA agree with and sign the escrow agreement. GWU can't unilaterally do something and have us issue the C of O if we don't agree that it has resulted in compliance with the BZA order.

-----Original Message-----
From: Kelly, Bob (DCRA)
Sent: Tuesday, August 20, 2002 2:32 PM
To: Moy, Grant (DCRA); Noble, Denzil (DCRA)
Cc: Bennett, Loraine (DCRA)
Subject: latest

please review this note the last para

<< File: GWU Fact sheet.doc >>

Robert Kelly
Zoning Administrator
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
202-442-4576

Moy, Grant (DCRA)

From: Kelly, Bob (DCRA)
Sent: Tuesday, September 03, 2002 7:41 AM
To: Moy, Grant (DCRA)
Subject: RE: GWU

Some times when a staff person does not follow a directive it can turn out to be a good thing as my dad says even a blind squirrel gets a nut once and a while...

-----Original Message-----
From: Moy, Grant (DCRA)
Sent: Thursday, August 29, 2002 5:42 PM
To: Kelly, Bob (DCRA)
Cc: Noble, Denzil (DCRA); Laurie Gilbert
Subject: RE: GWU

Do not issue the citation. I'm looking to see if we can just not enforce those kinds of Zoning Commission orders if we think it is outside of our jurisdiction.

How come we keep doing things we don't intend to do and vice versa?

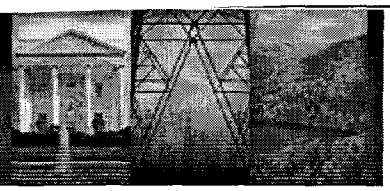
-----Original Message-----
From: Kelly, Bob (DCRA)
Sent: Thursday, August 29, 2002 4:59 PM
To: Moy, Grant (DCRA); Noble, Denzil (DCRA)
Subject: GWU

HELP

What should be our next move? Should the request to remove Zoning from the order come from the Directors officeor here? The citation was NOT issued some times a plan comes together...I am out tomorrow.

Robert Kelly
Zoning Administrator
Department of Consumer and Regulatory Affairs
Building and Land Regulation Administration
202-442-4576

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Monday, November 18, 2002

AIR POLLUTION II

New findings endanger transit projects for D.C. region

New pollution figures for the Washington, D.C., area indicate the region has exceeded exhaust limits by 30 percent, possibly jeopardizing federal approval for new transportation projects.

The Metropolitan Washington Council of Governments, a regional planning agency, recently recalculated vehicle emissions with a new, EPA-mandated computer model. The resulting figures project excess emissions at 50 tons per day. The previous estimate was three tons per day. If the violations persist, the federal government will deny approval of any road or transit projects not already in progress when the current transportation plan expires in January 2004.

Last week, the EPA reclassified the D.C. region pollution problem as "severe" (*Greenwire*, Nov.14). The region had been in "serious" violation of air quality standards for years.

Loudoun County, Va., Supervisor James G. Burton (I): "There's no way in the world the region is going to build any more major road projects in light of these results. You can't solve this problem with the marginal solutions that have been put on the table for the last three or four years" (Katherine Shaver, *Washington Post*, Nov. 16). **-- LM**

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Attachment E

Kahlow, Barbara

From: Jeff Mrowka [jmrowka@gwu.edu]
Sent: Monday, November 04, 2002 5:45 PM
To: Kahlow, Barbara
Subject: RE: GWU's parking policy for freshmen & sophomores

1. I was never told that I could not bring a car to campus, in fact, before freshman year GW sent me an information sheet on parking costs and availability of parking for me. I did not receive any information at all about parking before the beginning of this year, sophomore year.

2. I know two people that brought their cars to campus this year. Both sophomores. One parks in the GW garage on 22nd and the other parks at one of the small pay lots, I believe the one on New Hampshire Ave. near the Ritz Carlton and the GW dorm The Aston. Neither of these people says they have ever been contacted by GW in any way about their cars.

-----Original Message-----
From: Kahlow, Barbara [mailto:Barbara.Kahlow@mail.house.gov]
Sent: Monday, November 04, 2002 3:21 PM
To: edooghan@gwu.edu; jmrowka@gwu.edu
Subject: GWU's parking policy for freshmen & sophomores

Liz & Jeff, I am writing both of you to check on GWU's parking policy for 2002-2003 freshmen & sophomores. Both of you live within the Foggy Bottom/West End Area but Liz lives within GWU's campus plan boundaries (at JBKO Hall, 2222 I Street) & Jeff lives outside GWU's campus plan boundaries (at 2424 Penn. Ave.). I would appreciate your answers to the following questions. Thanks.
1. Before the start of the 2002-2003 school year, did GWU alert freshmen & sophomores planning to live in the Foggy Bottom/West End Area that they were restricted from bringing cars to school? If so, how? If not, did GWU alert freshmen & sophomores about this during Fall 2002? If so, how?
2. Do either of you know of any freshmen or sophomores living in the Foggy Bottom/West End Area who brought cars to school in Fall 2002? If so, after they arrived with their cars, did GWU tell them that they needed to take their cars back to their parents' homes?

Kahlow, Barbara

From: Elizabeth Dooghan [edooghan@gwu.edu]
Sent: Monday, November 04, 2002 6:03 PM
To: Kahlow, Barbara
Subject: RE: GWU's parking policy for freshmen & sophomores

1. I do not remember being told this, then again it is entirely possible that a mass email was sent out and I just deleted it. But as far as I cam remember I have never been told by GW that I am not allowed to park a car on campus.
2. I personally do not know any freshmen or sophomores, who have cars here, but I conferred with my roommate and she says she knows several students who live on campus and park on campus.

Hope that helps! I'm glad everything with Jeff is working out and I'll be sure to keep in touch. I'm keeping my fingers crossed for tomorrow. Especially with my own election (Minnesota), what a catastrophe!
Liz

-----Original Message-----
From: Kahlow, Barbara [mailto:Barbara.Kahlow@mail.house.gov]
Sent: Monday, November 04, 2002 3:21 PM
To: edooghan@gwu.edu; jmrowka@gwu.edu
Subject: GWU's parking policy for freshmen & sophomores

Liz & Jeff, I am writing both of you to check on GWU's parking policy for 2002-2003 freshmen & sophomores. Both of you live within the Foggy Bottom/West End Area but Liz lives within GWU's campus plan boundaries (at JBKO Hall, 2222 I Street) & Jeff lives outside GWU's campus plan boundaries (at 2424 Penn. Ave.). I would appreciate your answers to the following questions. Thanks.
1. Before the start of the 2002-2003 school year, did GWU alert freshmen & sophomores planning to live in the Foggy Bottom/West End Area that they were restricted from bringing cars to school? If so, how? If not, did GWU alert freshmen & sophomores about this during Fall 2002? If so, how?
2. Do either of you know of any freshmen or sophomores living in the Foggy Bottom/West End Area who brought cars to school in Fall 2002? If so, after they arrived with their cars, did GWU tell them that they needed to take their cars back to their parents' homes?

GW Hatchet - News
Issue: 11/18/02

Residents cite GW Hospital violations
By Matthew Perrone

A group of Foggy Bottom residents reported that the GW Hospital is disturbing the community and violating zoning orders because it accepts deliveries to its 24th Street loading dock outside allowed times.

The group of residents began compiling photos of the violations after being disturbed by noisy deliveries before 7 a.m. and after 6 p.m. this fall. The loading dock is located near the intersection of 24th Street and New Hampshire Avenue, within 50 feet of four town houses and the Jefferson House Condominiums.

"From the information I've received, it seems clear that certain municipal conditions have been violated," Metropolitan Police Commander Jeffrey Moore said. "I understand that the hospital has to operate, but I also realize that people want the peace and quiet they are entitled to."

Advisory Neighborhood Commissioner Dorothy Miller and others said the hospital deliveries are in violation of one of the 19 conditions attached to the Board of Zoning Adjustment order that approved the hospital construction. The BZA regulates land usage throughout the District. According to the order, "the hospital shall require that deliveries to the loading dock not occur before 7 a.m. or after 6 p.m."

The Department of Consumer and Regulatory Affairs is responsible for enforcing zoning regulations and assigning penalties. Some residents say that the organization is not able to enforce all the municipal regulations for which it is responsible.

"These orders could be enforced, but our DCRA is so dysfunctional that we usually don't get a response on zoning orders, especially when GW is involved," said Elizabeth Elliot, chair of the Advisory Neighborhood Commission.

DCRA Director David Clark declined to comment on the situation in Foggy Bottom.

Hospital officials also declined to comment on the alleged violations.

The hospital has been a point of contention between the community and the University in the past.

In March 1998, GW announced plans for a $92 million facility, which Foggy Bottom residents immediately opposed when the proposed location was revealed.

"The ANC considers the present site of the hospital to be more suitable for the operations of a hospital and considerably less intrusive on the neighborhood in terms of traffic and noise," then Foggy Bottom leader Miller said in a January 1999 Hatchet article.

When the BZA approved the hospital plan in August 1999, the Foggy Bottom Association filed a request with the D.C. Court of Appeals to reconsider the decision. Despite the protests, GW broke ground on the project in October 1999 and completed construction in August 2002.

"They built their own problem on this one," Miller said. "We warned them from day one that it was no place for a hospital, but they went ahead and built it anyway."

Resident Ben Klotz began monitoring the violations in September from his dining room window at 2403 I St. Klotz said the most grating noise comes from a truck that pumps liquid oxygen into the hospital tank, sometimes after 10 p.m. Klotz said the driver of the truck wears earplugs during deliveries, which can take up to 40 minutes.

Klotz and others eventually sent a letter and photos of the violations to hospital CEO Dan McLean.

"Trucks are regularly parked blocking the sidewalk, in violation of the conditions set up by the BZA," Miller said. "I've turned all these complaints over to the police because I can't be out there monitoring them all day."

McLean responded to Foggy Bottom residents in a formal letter dated Nov. 7.

"It is certainly our intention to abide by all conditions of the permits and certificate of occupancy as listed by the BZA," wrote McLean. "Violations of these conditions will be addressed immediately."

A meeting is scheduled between McLean and several Foggy Bottom residents next week.

Some residents said they are frustrated by the disturbances because they had predicted such problems would arise from the new hospital location.

"It's terrible," resident Maria Tyler said. "After people have paid taxes to the city and invested their savings in these beautiful homes, they have to live with this terrible noise."

Police officials said they will continue to monitor the situation.

"You have a very complex situation in Foggy Bottom, with so

many people trying to live, work and go to school," Moore said. "There are so many municipal conditions that apply to the situation that it can get confusing, but it's important to follow the rules as much as possible."
