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

c/o St. Mary's Court 725 24th Street, N.W. Washington, D.C. 20037 (202) 736-1775

MS. CAROL MITTEN
Chair
D.C. Zoning Commission
441 Fourth Street N.W., Suite 210
Washington, DC 20001

May 4, 2004

Re: Zoning Commission Case No. 02-26—The George Washington University (GWU) Application for Further Processing of a Special Exception for the Lerner Health & Wellness Center (Square 42, Lot 847)
ANC-2A's Response to Applicant's Filing of March 11, 2004

Dear Chairperson Mitten:

When the Commission last met and discussed the above-titled case on February 19, 2004, the Chair requested additional information on two points: (1) the "operating history" of the Center for the past 18 months and (2) an update from the University "on the degree of compliance with the Campus Plan."

(1.) **Operating History**

GWU's March 11, 2004 response to the Chair's request is almost entirely a reiteration of the University's wish list to begin the improper conversion of the Lerner Health & Wellness Center—directly abutting the residential community—into a quasi-commercial facility and to pass it off as a university use.

We would remind the Commission that one of the primary reasons—in it's original case on this project—the Board of Zoning Adjustment rejected this application was the building's location on the Western boundary of the campus in the midst of non-university residential housing. A review of the case record demonstrates that the BZA based its subsequent approval of the LH&WC on the University's documented testimony regarding its planned *low-intensity use* of the building.

We would also remind the Commission that during the public hearing portion of this case, the ZC has been informed by the Executive Director for the International Health, Racquet & Sportsclub Association (IHRSA) that GWU's proposal to expand its membership to include any paying non-university members is a violation of the U.S. tax code and should not be approved.

(2.) **Degree of Compliance with the Campus Plan**

We have attached two letters—that were returned—to the Zoning Commission regarding the University's compliance with the Campus Plan in Case 03-29. Both letters—one from the ANC's attorney in that case and one from the Foggy Bottom Association—dealt with GWU's apparent lack of compliance with overall cap of 20,000 students enrolled at the Foggy Bottom Campus.

ZONING COMMISSION
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EXHIBIT NO. 76

ZONING COMMISSION
District of Columbia
CASE NO.02-26
EXHIBIT NO.76

As both the ANC and the FBA pointed out, GWU has facts and figures on its own website and related student websites that contradict its claims of compliance in public hearings. In Case 03-27, the University's representative cited off-campus classroom attendance as the source of student enrollment over the 20,000 cap, again without providing any credible evidence to support this claim.

In addition, on March 9 this Commission just approved Case No. 03-29 (A GWU PUD Dormitory Project) wherein GWU argued that the Mount Vernon Campus is a separate entity with its own approved Campus Plan. The University then went on to argue—and this Commission accepted—that it shouldn't have to include the approximately 450+ Freshman students residing at MVC—even though they are all enrolled and attending classes at the FB Campus—as part of its headcount limit. Now the University wants the Commission to ignore its previous argument and to allow (but not count) the Mount Vernon students to use—and be charged a fee for the optional use of—the Health & Wellness Center.

Even more troubling is GWU's failure to inform the Commission, much less the community, of its widespread "off-campus" operations throughout the Foggy Bottom neighborhood and outside the campus boundary. (See attached letter.) This includes schools, departments, offices and classrooms wherein hundreds—if not thousands—of full-time and part-time GWU students are attending classes. These locations include 2020 K Street NW, 2029 K Street NW, 2033 K Street NW, 2020 L St. NW, and 2100 M Street NW and are all within the Foggy Bottom/West End neighborhood as defined by the BZA in the Campus Plan. GWU has relocated its entire School of Engineering and Applied Sciences to 1776 G Street NW and has moved almost all of its administrative offices outside the campus boundary.

As ANC-2A has conveyed repeatedly to this Commission through testimony and correspondence, we believe that Zoning Commission approval of any change to either of the BZA's conditions in its final order approving the LH&WC would, in fact, be tantamount to its approval of a change in use from the original order and would be grounds for reopening the original BZA Special Exception Application #16276.

ANC-2A is satisfied that the conditions created by the BZA in this order, limiting the categories of users and limiting the hours of operation, are clearly working to prevent the University from creating any further objectionable effects (including increased traffic, noise, and too-intense use, e.g.) with this facility that would impact negatively on the Foggy Bottom host community and should not be reconsidered, changed, or altered in any way.

In closing, please note that the Home Rule Charter for the District gave ANC's the power to represent local residents in expressing community concerns before District agencies and decreed that the concerns expressed by the ANC be given "great weight" and that a written rationale be given should the agency take a position different from that of the ANC.

Respectfully submitted

Dorothy Miller

Dorothy Miller, Chair
Advisory Neighborhood Commission 2-A

Attachments: (1) 3-08-04 Letter from ANC-2A attorney Thompson, O'Donnell et al.
(2) 3-08-04 Letter to ZC from Foggy Bottom Association.
(3) 3-14-04 Letter regarding GWU's expansion beyond approved Campus Plan boundary.

cc: Jerry Moore, Arter & Hadden for GWU
All other parties

As both the ANC and the FBA pointed out, GWU has facts and figures on its own website and related student websites that contradict its claims of compliance in public hearings. In Case 03-27, the University's representative cited off-campus classroom attendance as the source of student enrollment over the 20,000 cap, again without providing any credible evidence to support this claim.

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In closing, please note that the Home Rule Charter for the District gave ANC's the power to represent local residents in expressing community concerns before District agencies and decreed that the concerns expressed by the ANC be given "great weight" and that a written rationale be given should the agency take a position different from that of the ANC.

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cc: Jerry Moore, Arter & Hadden for GWU
All other parties

March 14, 2004

Zoning Commissioner
District of Columbia Office of Zoning
441 4th Street, NW, Suite 210 South
Washington, DC 20001

Subject: George Washington University Campus Expansion Beyond Approved Campus Plan Boundary

Dear Sir:

In case you are not already aware of this, please visit the George Washington University's (GWU) Internet web page at http://www.gwu.edu/~map/hmap/. That will bring you to a color map titled "GW Map: Foggy Bottom Campus" which I have enclosed. I believe you will be as surprised as some as my neighbors and I were to see what GWU claims to be its campus.

When on line, click on any one of the yellow colored sites in and outside of the approved campus boundaries and you will see information about the site. For example, you will see 2100 M Street, the Aston, the Pennsylvania House and other properties not only not included in GWU's approved campus plan but not even owned by GWU. Even the Columbia Plaza, partially owned by GWU but outside the approved campus boundary, is included. That's not to mention Old Main and the University Club and River Horse Bistro which are also not in the approved campus boundary.

More importantly, click on the Block 30 off-campus site which is a commercial building at 1776 G Street, NW, where GWU now operates its School of Engineering and Applied Science. It doesn't end there. Click on the 2020 K St. and 2033 K St. commercial sites to which GWU has also expanded. I have been told that classes are actually conducted at 1776 G Street, and I assume that is the case at the other two commercial sites. Interestingly and unlike other sites on the web map, "No information is available about this building" displays for those three sites.

What good is the campus plan process if, after approval, GWU expands without approval? GWU has made the process a farce! The cycle has GWU seeking approval of a greatly fictitious ten-year plan, gaining approval, and expanding beyond the approved campus boundaries during the interim anyway. Of course, increased student enrollment results. Then, for the next 10-year farcical approval process, GWU requests expansion it already accomplished, and *that* is

approved. Of course increased student enrollment results, but no one is doing anything about that it seems.

GWU's surrounding community (what's left of it), and the District as a whole, suffers from this because of GWU's steamrolling and oppressive tactics which rob them of tax-paying residents and businesses, increase rents that results in an exodus of long-time tax-paying residents, increase traffic congestion, etc. But, since no one seems to be able or willing to stop this, GWU officials probably laugh their way to the bank with each one of its conniving moves.

The reality of what has been going is bad enough without GWU blatantly claiming properties outside the approved campus boundary in its "GW Map: Foggy Bottom Campus."

Please do something about this; i.e., not only about GWU's claim regarding its claim that certain off-campus properties are part of its campus but, more importantly, about GWU's actual campus expansion before such expansion is approved.

Please inform me of your disposition of this request as I must keep other interested members of my community, including those copied below, informed.

Thank you for your assistance.

Sincerely,

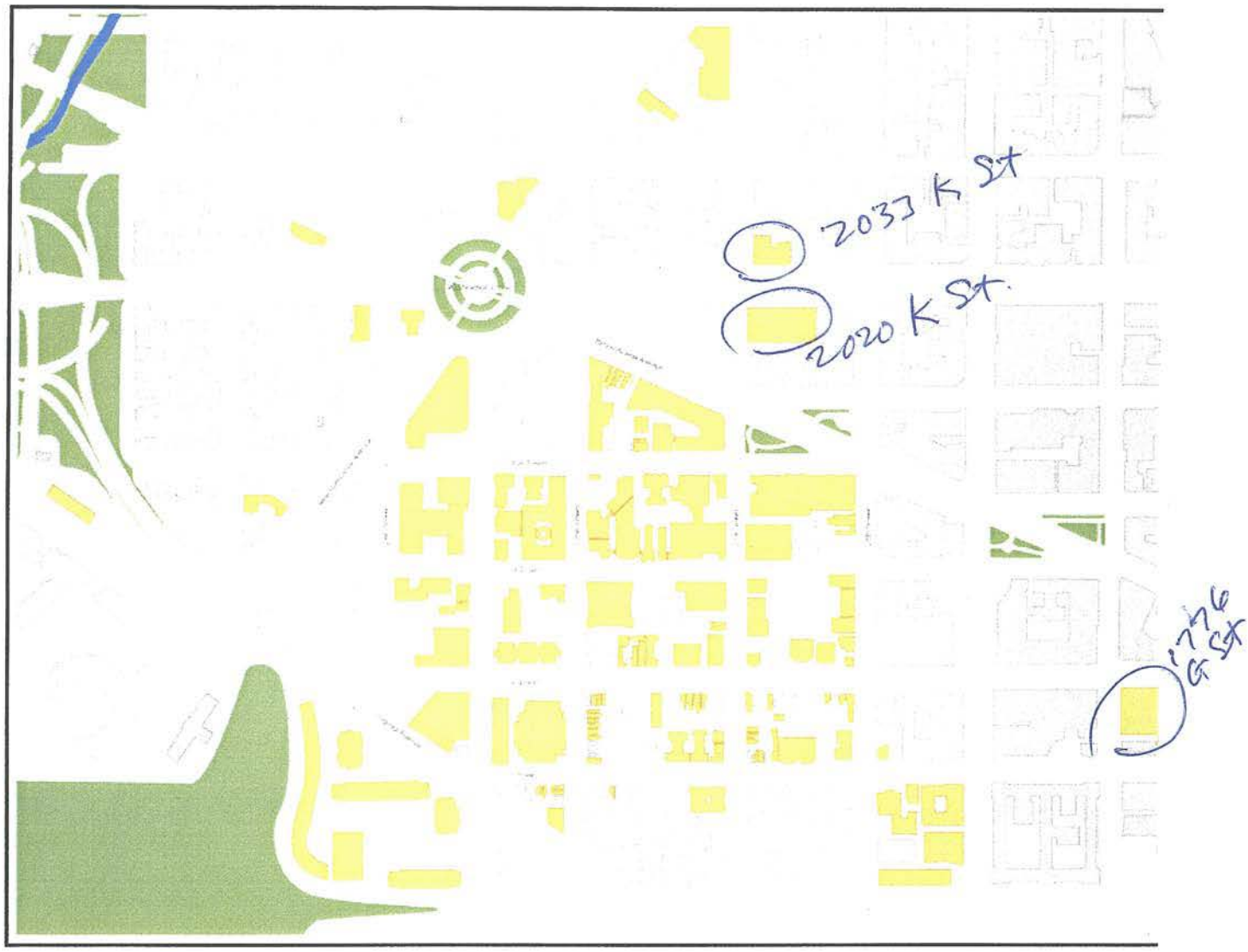
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Enclosure

Cc: Commissioner Dorothy Miller, ANC2A
President Ron Cocome, Foggy Bottom Association
Editor Ellie Becker, Foggy Bottom News
Other concerned Foggy Bottom residents

GW Map: Foggy Bottom Campus

THE GEORGE WASHINGTON UNIVERSITY
WASHINGTON DC



Find a building by name: Select a building Go

For more information, click on a block on the map above, or select a building name from the pull-down list.

Designed and developed by **IMAG** (**imag@gwu.edu**). Last updated December 18, 2003.

THE GEORGE WASHINGTON UNIVERSITY
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March 8, 2004

VIA HAND DELIVERY

Carol Mitten
Chairperson
D.C. Zoning Commission
441 4th Street, N.W.
Room 210
Washington, DC 20001

Dear Chairperson Mitten and members of the Commission:

On behalf of the ANC-2A, we respond briefly to Margaret Cohen's letter dated March 3, 2004. The letter purports to rectify concerns about enrollment exceeding the 20,000 student cap set by the BZA.

However, it is not possible for the ANC or, we believe, the Commission to determine the accuracy of these figures or to respond to them. The figures provided in the chart which GW presented to the Commission at the February 19 hearing appear to be inconsistent with the figures provided by GW, under oath, in its recent submission to the BZA (a copy is enclosed). The figures in the chart and in Ms. Cohen's letter also appear to be inconsistent with the statistics listed on GW's website (http://www.gwu.edu/~ire/on_campus_e03.htm) and which were referred to in the submission of the Foggy Bottom Association. Ms. Cohen's letter provides no specific information in spread sheet fashion (such as it provides on its website) to support the general and conclusory contentions in the letter. GW appears to provide different figures depending on to whom they are providing the figures and it presents the figures in different or

incompatible formats.

Moreover, by providing inconsistent or incompatible figures in their different representations, GW makes it impossible for the ANC or the commission to verify these different figures. For example, the chart which GW presented to the Commission at the February 19 hearing did not include any figures from the years 2002 and 2003. As another example, the statistics listed on GW's website reflect how many students are enrolled in classes at the Foggy Bottom and Mount Vernon campuses without a separate figure as to those enrolled solely at Mount Vernon. The two campuses are lumped together and, as stated in Ms. Cohen's letter, an unidentified number of students were removed from the enrollment count due to study abroad programs. As a result, it is impossible to determine the actual enrollment at Foggy Bottom.

Because GW's figures appear to change depending on who is being provided them, because it is impossible from the representations of GW to determine if they are accurate, and because GW's compliance with the requirements of the Campus Plan and the BZA cap on students is a key factor that the Commission must consider before exercising its review authority over the proposed PUD, ANC-2A submits that the Commission should make it a precondition of its consideration of the PUD request that GW submit to an independent audit or study of its enrollment figures before the Commission makes a decision on this matter.

Very truly yours,

Sarah Elizabeth Roland

Encl.
cc: Allison Prince, Esq.
Patricia Gallagher, NCPC
Ellen McCarthy and John Fondersmith, Office of Planning
Dorothy Miller, ANC 2A

FOGGY BOTTOM
ASSOCIATION

c/o West End Library
24th and L Streets, NW
Washington, DC 20037



March 8, 2004

MS. CAROL MITTEN
Chairperson
D.C. Zoning Commission
441 4th Street NW
Washington, DC 20001

Re: Zoning Commission Case No. 03-29/George Washington University (GWU)/ Proposed New Dormitory at 2025 F Street, NW (Square 103/Lot817)/ Response to GWU's March 3 and 4 Letters Commenting on Further Information Filing

Dear Chairperson Mitten and Commissioners:

On March 4, Shaw-Pittman, counsel for GWU in the above-titled application, filed a March 3, 2004 letter from Margaret K. Cohen of the GWU Office of Institutional Research to which we would like to reply. This letter was a response to our contention, which we continue to assert, that GWU has substantially surpassed its enrollment cap for the Foggy Bottom Campus.

GWU has provided no evidence to the Zoning Commission, much less the community, that there are less than 20,000 students enrolled at the "Foggy Bottom Campus" and attending GWU classes both inside and outside the campus boundary throughout the Foggy Bottom/West End neighborhood.

The fact that GWU's Mount Vernon Campus has a separate campus plan is irrelevant. GWU's Mount Vernon Campus is not an independent college and GWU does not grant a separate degree to— nor conduct a separate graduation ceremony for—students housed at that "campus." GWU Mount Vernon students sleep (and perhaps eat) at that campus but are enrolled and attend classes at the Foggy Bottom campus. In GWU's just-completed housing selection process for the coming year, the Mount Vernon campus was treated as one of many housing options (albeit off-campus and outside the Foggy Bottom neighborhood) for the entire undergraduate population enrolled at George Washington University, headquartered in Foggy Bottom.

In this case, on the one hand, GWU would like you to consider that the 450-plus students sleeping at the Mount Vernon "Campus" and being shuttled (or trekking) back-and-forth all day to attend classes in Foggy Bottom do not count. On the other hand, in another GWU case before this Commission (ZC Case 02-26–GWU Health & Wellness Center), the University wants you to count these same 450-plus students, and to include them in the student population eligible for membership in the Health & Wellness Center. You may recall from public hearings in that case that the University pledged to add even more shuttles to the already constant traffic between Foggy Bottom and the Mount Vernon/Foxhall neighborhood to accommodate this "invisible" group round-the-clock in our neighborhood.

Additionally, Ms. Cohen's letter cites off-campus classroom attendance as the source of student enrollment over the 20,000 cap, again without providing any credible evidence to support this claim. At the same time, she neglects to cite numerous "off-campus" locations that are in the Foggy Bottom neighborhood and outside the campus boundary[1] and that include schools, departments, offices and classrooms wherein hundreds—if not thousands—of full-time and part-time GWU students are attending classes. These locations include 1776 G Street NW, 2020 K Street NW, 2029 K Street NW, 2033 K Street NW, 2020 L St. NW, and 2100 M Street NW and are all within the Foggy Bottom/West End neighborhood as defined by the BZA in the Campus Plan.

In our March 1, 2004 letter to the Commission, we neglected to include an August 30, 2003 letter that we received from Kris Hart, President of the GWU Student Association and a witness for GWU in this case, inviting the neighborhood to a September 9, 2004 GWU-sponsored community day and farmers market. In his letter, which we have attached, Mr. Hart states that "The market is open to the 22,000 members of the GW student body..." We are taking Mr. Hart at his word and we believe that he was referring to the 22,000 students enrolled at, and attending classes at, the GWU Foggy Bottom campus and environs, not GWU enrollees off somewhere in a submarine.

Clearly, before this or any other university projects are approved and any more Foggy Bottom/West End property is converted—*de facto* or *de jure*—into university use, an independent audit process, not connected in any way to GWU but paid for by the University, needs to be established. This thorough, independent audit should determine the total enrollment—not just an undergraduate "bed count" within campus boundaries—of full-time, part-time, graduate, undergraduate and professional students that are enrolled and attending classes at GWU throughout Foggy Bottom/West End. It would also be informative to gather statistics on the total student population (grad, undergrad, part-time, full-time) living off-campus in Foggy Bottom/West End and we would be willing to insist in that effort.

Sincerely,

Ron Cocome
President

[1] In one example, GWU's Old Main Building—which functions both as classroom and office space—at 1922 F Street is on the same block as GWU's largest Freshman dorm (Thurston Hall), Mitchell Hall dorm, the Elliott School and dorm at 1957 E Street (which was gerrymandered into the campus boundary), and the GWU University Club at 1918 F Street. The Old Main and the University Club—which shares a common wall with Thurston—are both outside the campus boundary. Again, we would remind the Commission that such a monolithic concentration of university use, eliminating the possibility of other uses in our neighborhood, violates the spirit of our Comprehensive Plan.

Attachment (1 Letter)
cc: Randell Norton/Thompson, O'Donnell for ANC-2A
Alison Prince/Shaw-Pittman for GWU