

Testimony on behalf of the Foggy Bottom Association -- November 15, 2007

Zoning Commission Case No. 02-26A

The George Washington University (GWU) Application for Further Processing of a Special Exception for the Lerner Health & Wellness Center (Square 42, Lot 847)

At its November 4 monthly meeting, the Executive Board of the Foggy Bottom Association (FBA/Association) authorized me to appear on behalf of the Association. The FBA endorses the positions in the written filing in this case of former longtime ANC2A Commissioner and Chairperson, Dorothy Miller, in whose single member district the subject property is located. The Board had also authorized me to seek "Party Status" for the FBA in this case but that vote came after the filing deadline and, after discussion, our sense was that Ms. Miller's submissions, which include the current ANC2A-05 Commissioner's position, express our concerns to a great extent.

Before focusing on the FBA's position on GWU's requests, I would like to note that the FBA categorically opposes complimentary passes for occupants, permanent or otherwise, of the Remington Condominium. According to the D.C. Real Property Assessment Database, the majority of units listed in this building are not owner-occupied. Despite the fact that all Remington units are classified under a Residential Use code (17) in the property tax records, the building's owners make no pretensions about the fact that it is serving not as dwelling units for permanent residents, but as the Remington Executive Suites. The owners are not operating a condominium but a hotel—and skirting zoning and tax regulations in the process. Our internet research revealed that this has been going on for a long time—apparently since the late 1990s—even prior to the owners' support of GWU's special exception dormitory project on Square 43. As you know, hotel use is not matter-of-right in residential zones, and we would suggest that the Commission is opening itself to liability should it approve this particular item. (See Attachments.)

The Commission should note that, contrary to the OP Report in this case, ANC-2A did not vote to support GWU's submission. It voted to not take action to oppose the application, which is a different situation entirely and does not allow the "Great Weight" of the ANC to be applied either for or against the University's request.

We would remind the Commission, as did the ANC in 2002 and 2004, that one of the primary reasons—in its 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.

Ignoring this reality, the University repeatedly cites the fact that, by its calculations, the H&W Center is "underutilized"—a situation that it admittedly chose to create by building an overlarge facility. It is not this Commission's responsibility to ameliorate GWU's self-created planning and development errors.

The FBA does not oppose the continued inclusion of the Mt. Vernon Campus faculty, staff and students, but does oppose the Commission making these changes permanent at this time. The University's submission does not indicate that this Commission has recently granted GWU's application for 200 additional beds for undergraduate students to the MVC campus, which has an overall cap of 1500 beds. The FBA requests that the University be required to return to this Commission at least a year after the Pelham Hall project is completed with discrete numbers on the usage of the Center by the MVC population.

This raises a related issue: The impact of the thousands of MVC-Foggy Bottom shuttlebus trips—the nearly exclusive transport connection between the two areas—in and out of our neighborhood has had a negative effect on our co-located community that is not reflected in GWU's submission. The prospect of even more of these vehicles running in and out of various parts of the neighborhood—whether for class attendance on both campuses, for use of the Center, or for use of the MVC sports facilities—of our community is troubling.

The FBA supports the University's application as outlined for continued use of the LH&W Center by students enrolled in the "School Without Walls" program at our historically landmarked Grant School. We would note that, due to ongoing construction of a large GWU dormitory abutting the southern campus boundary and located behind the Grant School, the students enrolled in the SWW program are attending classes elsewhere and the building is currently empty. We assume that the renovation of the Grant School and the building addition will not begin for some time and would request that the

exception being granted for the “Walls” students have a start date that coincides with their return to the Grant School.

The FBA supports and commends the University for providing limited complimentary passes to residents of St. Mary’s Court, a suggestion that the ANC made in the 2002 hearings in this case. The Association also supports the same for St. Mary’s Church while noting that our community foundation (The FBA Defense and Improvement Corporation, Inc.) and a local developer are together contributing over \$60,000 to repair damage to the Church that was created by the construction of the Health & Wellness Center.

The FBA does not support the opening of paid memberships—however nominal—at the LH&W Center to GWU alumni living in Foggy Bottom/West End and will not support it until the unfair competition issues raised during the public hearings on this case in 2002 and 2004 are resolved. The FBA has been contacted by business members International Health, Racquet & Sportsclub Association (IHRSA), which originally raised the issue and informed the FBA that they are aware of this new filing by the University.

Finally, on a minor but important point, the FBA would ask the Commission to include provisions in this application that hold the University accountable for the care and replacement of the street trees surrounding the LH&W Center in public space for the life of the project. While the University has lavished care and maintenance on the public property abutting all of its Foggy Bottom properties, it has totally neglected the tree canopy between the sidewalk and the streets, which is an embarrassment.

In closing, I would encourage you to note the two recent articles from the independent student newspaper, *the GW Hatchet*, regarding two separate schools at the University that are clamoring for new facilities and greater all around enrollment for their particular study areas. Additionally, the new GW President spoke last month to our membership meeting about his plans to convert the University in a research center, which will translates into thousands more transient students, faculty, staff, reseachers, etc. Now that the floodgates have been opened this will no doubt become an unending phenomena until all schools have been satisfied. We would respectfully suggest, that, soon enough, the University will reach its desired intensity of use at the LH&WC facility.

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Property Detail**Address:** 0601 24TH ST NW Unit: 806**SSL:** 0043 2046**Record Details**

Neighborhood:	FOGGY BOTTOM	Sub-Neighborhood:	
	17 -		
Use Code:	Residential- Condo-Vertical	Class 3 Exception:	No
Tax Type:	TX - Taxable	Tax Class:	001 - Residential
Homestead Status:	** Not receiving the Homestead Deduction		
Assessor:	ROBERT ROBERTSON		
Gross Building Area:		Ward:	2
Land Area:	257	Triennial Group:	2

Owner and Sales Information

Owner Name: REMINGTON ASSOCIATES LTD

Mailing Address: 601 24TH ST NW APT 102; WASHINGTON
DC20037-2676

Sale Price: Not Available

Sale Date: 09/29/1998

Instrument No.: 076650

Tax Year 2008 Preliminary Assessment Roll

	Current Value	Proposed New Value (2008)
Land:	\$91,450	\$96,740
Improvements:	\$213,380	\$225,740
Total Value:	\$304,830	\$322,480
Taxable Assessment:	\$304,830	\$322,480

* Taxable Assessment after Tax Assessment Credit and after \$60,000
Homestead Credit, if applicable. ([Click here for more information](#)).

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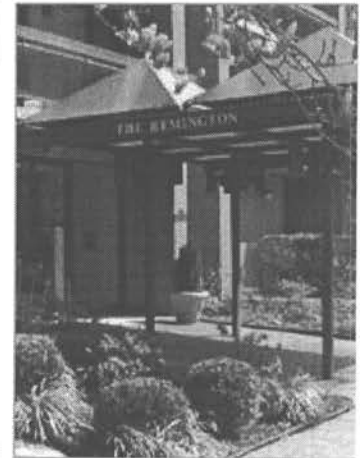
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Thursday, November 1, 2007

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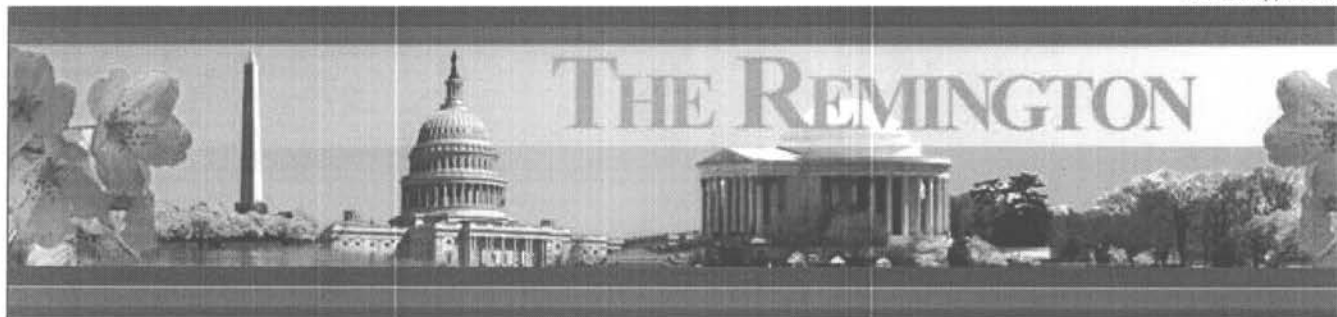
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New York Times

Possible Subpoenas Sent in Mollohan Issue

Posted Thursday, March 22, 2007 ; 06:00 AM

Updated Tuesday, March 27, 2007 ; 09:47 AM

A federal grand jury may be looking closer at allegations of whether or not the congressman failed to disclose sources of income.

Story by Beth Gorczyca Ryan

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A federal grand jury may be looking closer at allegations a government watch dog levied against Congressman Alan Mollohan, D-W.Va., nearly one year ago.

The Dominion Post newspaper reported March 17 that the U.S. Attorney's Office in Washington, D.C., sent subpoenas to at least one person asking that individual to testify before a grand jury in Washington, D.C., in April. The newspaper reported the subpoena was connected to an alleged investigation of the congressman and whether he failed to disclose sources of income.

The U.S. Attorney's Office in Washington, D.C., would neither confirm nor deny whether subpoenas went out to anyone or whether there even is an investigation going on related to Mollohan.

"As you may know, the only person who can comment about subpoenas is the person who receives the subpoena," said Channing Phillips, principal assistant U.S. attorney for the District of Columbia.

Mollohan spokesman Gerry Griffith said allegations about grand jury subpoenas and investigations are "completely unsubstantiated." He also said no one has contacted the congressman about an investigation, and Mollohan had not been served a subpoena.

"Absolutely not," Griffith said. "He's not been in contact whatsoever with anyone."

Any investigation may be related to a complaint filed against Mollohan last April by the Washington, D.C.-based National Legal and Policy Center, a conservative government watchdog group. The group said it spent nine months investigating Mollohan's finances. It accused the congressman of misrepresenting or omitting hundreds of pieces of critical information from personal financial disclosure forms he submitted between 1999 and 2004.

The NLPC also alleged Mollohan used his influence on the House of Representatives' Appropriations Committee to steer hundreds of millions of dollars to foundations he set up in West Virginia. The foundations under question include the Vandalia Heritage Foundation, Institute for Scientific Research, West Virginia High Technology Consortium Foundation, MountainMade Foundation and the Canaan Valley Institute.

The group alleged the foundations are run or overseen by Mollohan's friends, business acquaintances and supporters who then funneled money back to the congressman in the form of political contributions and donations to the Robert Mollohan Family Foundation, an organization created in memory of the congressman's late father.

This week, NLPC Chairman Ken Boehm said he has not received a subpoena, either.

"The very reason they use grand juries is to get information from people with first-hand knowledge of situations," said Boehm, who is a former prosecutor. "What I had was good information, but it wasn't first hand. I had public documents that are available to everyone. And what I have, I've already handed over to the Justice Department."

According to the NLPC, Mollohan listed his assets in 2000 as being worth between \$179,012 and \$562,000 with liabilities of between \$170,000 and \$465,000, including credit card debt of between \$5,000 and \$150,000. By 2004, the Congressman's assets jumped significantly to between \$6.3 million and \$24.9 million. The form also stated he had between \$3.6 million and \$13.5 million in liabilities in 2004.

The NLPC's investigation discovered Mollohan and his wife, Barbara, bought several pieces of beachfront property in Bald Head Island, N.C., including one house the couple bought with Donald and

Laura Kuhns. Laura Kuhns is the executive director of the Vandalia Heritage Foundation, a non-profit group that was inspired by Mollohan and received significant federal appropriations.

The Mollohans also owned several pieces of property in Washington, D.C., at the time of the NLPC's report, including The Remington condominium complex near Georgetown. The Mollohans began buying units in the complex with his third cousins, Joe and Rosemary Jarvis. Boehm said the problem with the purchase is that it happened at about the same time that Jarvis received a million-dollar federal subcontract.

Additional investigation by The State Journal revealed that Mollohan's property holdings did not end there. Records in the courthouse in Tucker County indicated that as of April 2006 the congressman and his wife owned all or part of eight parcels, several of which are around Canaan Valley Resort and Timberline Four Seasons Resort.

Mollohan also co-owns a 298-acre farm near the Tucker County town of St. George, which he bought with Dale McBride, a childhood friend. McBride is also the CEO FMW Composite Systems, which received a \$22 million contract from the U.S Marine Corps less than a month after the two men purchased the farm.

Mollohan consistently has said he has done nothing wrong, but he did step down from the House Ethics Committee a few weeks after the first story about the NLPC's accusation appeared. The FBI began investigating, and according to a number of sources, confiscated boxes of financial data from some of the non-profits Mollohan helped to fund with federal money.

"The NLPC has raised questions, and I have answered them -- fully, honestly and openly," Mollohan said at the time. "The only people hiding anything are the members of the group who continue to conceal the 500-page complaint they have prepared against me."

Boehm said any investigation into Mollohan will take significant amounts of time.

"These things have a slow metabolism because they are so complicated," he said. "So I don't see the grand jury moving really quickly."

A federal grand jury typically has between 16 and 23 members who serve for 18 months. The grand jury's primary role is to determine whether there is probable cause that a person or people committed a crime. A grand jury does not determine guilt or innocence. Instead, it rules on whether there is enough evidence for a person or people to be indicted. If the grand jury does not believe there is enough probable cause, it will vote to not hand up an indictment. If that happens, no criminal case results.

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**SPHHS celebrates 10th anniversary,
hopes to acquire new facility**

By: Yesha Malik, Hatchet Reporter

Posted: 11/12/07

The School Of Public Health and Health Services is looking toward the future as it celebrates its 10th anniversary this month. One of the school's major goals for the upcoming years is to acquire a new facility separate from the School of Medicine in Ross Hall where SPHHS is currently located. "(We want) a home of our own," said Ruth Katz, the school's dean. "We cannot grow without space."

She said the absence of a building specifically for SPHHS is hurting the school's faculty. "Not having our own building causes faculty to miss out on opportunities to network and collaborate that may help us to get more grant opportunities," Katz said.

She said the school, which is only one of only 37 accredited public health programs in the country, also needs to further improve teaching, research and commitment to service.

"We will continue to build research," she said. "But it has grown by leaps and bounds over four years."

SPHHS is composed of seven fields of study, including epidemiology and biostatistics, exercise science, health policy and global health - the department's largest program.

Since becoming dean of SPHHS in 2003, Katz said she has made it a priority to strengthen the bond GW has with the District. SPHHS is actively taking part in issues of importance to the local community such as HIV/AIDS, clean drinking water and Hepatitis B prevention.

"I am most proud of the relationship that has been strengthened over the last your years with the District of Columbia Department of Health as well as those of surrounding counties," she said.

The SPHHS dean said the 1,000-student school must re-engage more of its alumni and attract more students and faculty in order to accomplish its goals.

"We cannot stand still," Katz said. "We cannot assume we will attract the same students and faculty."

She added, "We have to do even better and create opportunities that set us apart." Students are also equally passionate about the growth and development of the SPHHS. "All my professors know me by name and know what classes I'm taking," said Student Association Sen. Isa Bacardi (SPHHS-U), a senior majoring in exercise science. "The professors know that you exist."
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SEAS dean resigns unexpectedly

By: Elise Kigner

Posted: 11/12/07

The dean of the School of Engineering and Applied Sciences publicly announced his plan to resign early this month, but the dean did not cite a reason for his decision and SEAS faculty are suspicious about his motives.

Timothy Tong announced his plans for a June resignation at a meeting of the school's National Advisory Council, a group of engineering school alumni that advises the dean. He did not return phone calls from The Hatchet last week.

Senior GW officials declined to comment on his motives for leaving his post or his plans following his resignation.

"People serve different lengths of time as dean ... Our hope is that they serve five or more years," said Executive Vice President for Academic Affairs Donald Lehman. Tong has served as dean for eight years.

Some faculty in the engineering school said they are suspicious and uneasy about what they consider Tong leaving on short notice.

"I was a little unsettled by the suddenness," said David Chichka, an engineering professor. "When someone at that level resigns, I would expect some indication (of why he is leaving). I don't know if (his resignation) is a function of the new president, and if it was it would make me nervous."

"Someone resigns out of some sort of conflict or disagreement," said Michael Myers, chair of the department of mechanical and aerospace engineering. But Kim Roddis, chair of the civil and environmental engineering department, said she thinks Tong's job is taxing and that it is time for him to move on.

"I think being dean has an enormous amount of wear and tear associated with it," she said. "Eight years is a long time to do this."

She added, "I think there's a lot of speculation going on and we should judge it on the face of it."

Students in the engineering school emphasized the importance of the personal relationships that Tong forged with the students in his school.

"I'm quite surprised to hear of Dean Tong's resignation. I really liked Dean Tong a lot," said freshman Jason Qian. "He is very supportive and friendly with all of the students. He even hosts weekly tea with all of us to keep in touch with the students."

"I was not aware that he was resigning, but I'm shocked. I think the new dean will need to be

someone that can relate to the students as Dean Tong does," said junior Uchenna Obaji. Faculty members in the engineering school are meeting Nov. 19 to talk about the dean search. A dean search committee is being formed that will include a representative from each department.

Lehman said he thinks a new dean will be hired by the time Tong leaves. He said the next dean will need to focus on increasing undergraduate enrollment, diversifying the school's graduate programs and expanding the research being conducted on the Virginia campus.

"The next dean will have to focus on improving the infrastructure and increasing the enrollment to a more viable level," said Hermann Helgert, an engineering professor. "The facilities, labs and office space are quite antiquated."

Engineering professors said GW's central administration must help the school increase undergraduate enrollment, perhaps by forming a separate admissions office just for engineering students.

Myers said, "One would hope that people would realize that you do not recruit engineering students in the same way you recruit international affairs students."

- Eric Thibault contributed to this report

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