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

November 26, 2004

ZONING COMMISSION
District of Columbia
CASE NO. 04-23
EXHIBIT NO. 23

Ms. Carol Mitten, Chair
D.C. Zoning Commission
441 4th Street, NW, Suite 210
Washington, DC 20001

Re: Modification of Condition 10 of the 2000 to 2009 GWU Campus Plan, ZC Case No. 04-23 (16553-I), Relating to continued use of the off-campus dormitory Hall on Virginia Avenue, as a Freshman dormitory

Dear Chairman Mitten and Fellow Commissioners:

Representatives of George Washington University, the applicant in the above-titled project, appeared before the Commission on November 10, 2004, at a regularly scheduled and properly noticed public meeting, and with a quorum present. The GWU representatives made a brief presentation regarding the modification that is being requested.

The majority of the ANC voted to oppose this request for several reasons, the most prominent among them being the ANC's long-standing views that the University is in ongoing violation of the Comprehensive Plan, as well as its own Campus Plan. The ANC has repeatedly informed this Commission of GWU's: 1. relocation of its School of Engineering and Applied Sciences to an off-campus office building at 1776 G Street NW; 2. use of numerous other buildings outside the campus boundary to house everything from additional classroom activity, to professional development courses; and 3. relocation of almost all of GWU's administrative functions to off-campus properties within the Foggy Bottom/West End neighborhood.

In addition, the Comprehensive Plan includes numerous specific provisions regarding GWU and its impact on the Foggy Bottom/West End neighborhood. This includes a policy that GWU should provide housing for its student body within the current campus plan boundaries and should stop conversion of buildings outside the campus boundaries to dormitories. At the same time, GWU, as with other universities in Washington, is a guest—not a by-right real estate developer—in our residential neighborhood and, as such, is subject to the Special Exception provisions of the Zoning Regulations which preclude University development in Foggy Bottom that creates objectionable effects.

The Campus Plan is now almost five years old and half way though its ten year time period, and while the University has added new "beds" to its supply, its undergraduate admissions have exploded. The University has also substantially increased its part-time enrollment. If you dispense with GWU's current headcount sham and analyze the University's own figures (part-time, full-time,

ZONING COMMISSION
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CASE NO.04-23
EXHIBIT NO.23

professional) of students enrolled and actually attending classes at the Foggy Bottom campus, it is evident that GWU surpassed its 2010 Campus Plan cap of 20,000 total students two years ago.

Over the last four years, this Commission has twice expanded—over the community's opposition—GWU's already extensive holdings by approving dormitory development, not at the campus core, but both inside and outside the campus boundary edges, abutting the community, and then enlarged the campus area. This has not only precluded private residential development—a huge economic loss to the community and the City—but also has had the very measurable negative effect of driving out permanent residents who do not want to live in a "student ghetto."

One of the few obligations that GWU must fulfill is the housing of all of its Freshman and Sophomore students on campus, within the campus boundary. This modification request confirms that the inherently flawed Campus Plan is a devastating trap for the Foggy Bottom residential community. There is an extensive history of behavior issues at the Hall on Virginia Avenue, including a student suicide in the Spring of 2004. This alone should give the University pause about putting its economic interests before the welfare of its youngest students.

There is a five-year-long, undeniable record that demonstrates GWU has no intention of complying with the limits of the Campus Plan or of the Comprehensive Plan and intends to pursue its takeover of the entire Foggy Bottom community with this Commission's blessing. ANC-2A requests that the Zoning Commission deny this improper Modification request.

As Chairperson of ANC-2A, I was charged by our Commission to represent the ANC-2A position in the above case at the December 2 Zoning Commission hearing.

Sincerely,

Dorothy Miller

Dorothy Miller
Chair, ANC-2A

Attachments:
Letter re student behavior at HOVA dated November 10, 2004
News Articles depicting the student enrollment increases.

November 10, 2004

All Commissioners
Advisory Neighborhood Council 2A
District of Columbia
C/o Dorothy Miller, Chair
2440 Virginia Ave., NW, Suite D206
Washington, DC 20037

Dear Commissioners:

I am not able to attend tonight's ANC2A meeting because of a commitment. However, I ask that consider my request herein to **not approve** of George Washington University's request for modification of Condition 10 of the Campus Plan (ZC No. 04-23).

I am confident that I speak for many Foggy Bottom residents in making this request. We do not dislike educational institutions or students. There is always an element of the student population that causes problems for the community, and it is that element of which we are concerned. From the time that GWU converted the Howard Johnson Hotel into the dormitory known as Hall on Virginia Avenue, thereby greatly increasing the number of students living off campus and right in our community, we have continually been harassed by student behavior.

My kitchen windows are on "I" Street and face Whitehurst Freeway, the Watergate, and part of the Hall on Virginia Avenue. I observe much activity in my neck of the community from those windows. Also, I am an early riser and have a pet dog. I walk my dog through the community several times daily from as early as 3:30 a.m. and as late as 10:00 p.m. Furthermore, I do much community service like picking up trash in my area. Therefore, I observe more neighborhood activities than most of my neighbors.

Here are some of the Hall on Virginia Avenue activities my neighbors and I have noticed since its inception several years ago. These are direct observations, not hearsay.

- Students in different parts of the bldg. yelling out their windows to each other.
- Students throwing beer bottles out a window near the top floor to cars on the Whitehurst Freeway onramp in the back of the bldg. (I immediately reported the situation to the bldg. security guards, with the specific room involved.)
- Drunk and/or drugged carousing students crossing Whitehurst Freeway to get from the bldg. to my part of Historic Foggy Bottom as a short cut to their destination.
- Those same students falling on and damaging plantings on tree box spaces and on private property.
- Students discarding trash throughout our neighborhood (on the streets and sidewalks, and on residential properties) especially alcohol containers during and after parties, and while returning from a night of drinking in Georgetown.

- Groups of students walking through my neighborhood late at night and early in the morning yelling at the top of their lungs obviously to disturb residents.
- Students spewing every imaginable swear word and defamatory name at residents who ask them to behave.
- Students jumping on the hood of cars parked on the streets of my neighborhood and breaking off or bending aerials because it's fun.
- Various signs posted on windows such that the bldg. takes on a tenement look.

I could go on but I believe you would agree that this makes my point.

It is universally agreed that immature and irresponsible behavior amongst students is more prevalent in the freshmen and sophomore ranks than upperclassmen. My neighbors and I believe that most of the unacceptable student behavior we have observed involves freshmen and sophomores.

For that reason, I respectfully request that you not approve GWU's request to continue allowing freshmen and sophomores to live in the Hall on Virginia Avenue (nor in any other off campus dormitory for that matter) than is currently legally allowed. Those students must be housed within the approved campus boundary so that they are GWU's problem to deal with for the most part, not the community's.

Thank you for your consideration of my request.

Sincerely,



Milton O. (Mel) Maeda
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ANC, GWU battle over freshman housing

By CHRIS KAIN
Current Staff Writer

Citing neighborhood complaints about unruly student behavior, a divided Foggy Bottom-West End advisory neighborhood commission voted last week to fight George Washington University's request to continue housing freshmen at a Virginia Avenue dormitory two blocks from the closest campus boundary.

The university sparked a deluge of neighborhood complaints almost immediately after its 1999 purchase of the former Howard Johnson Hotel, located across from the storied Watergate complex. Residents challenged the city's decision that dormitory use was allowed as a matter of right, but the D.C. Court of Appeals upheld the ruling.

Later, the Board of Zoning Adjustment adopted a campus plan with a condition that declared that the university had to house its freshmen and sophomores on campus, specifically ruling out use of dormitories located in the Foggy Bottom-West End neighborhood outside the campus boundaries.



Bill Petros/The Current

The rear of the Hall on Virginia Avenue overlooks a freeway, and residents say students sometimes run across it to get to campus.

The board's decision sparked a protracted legal fight with the university, but the courts ultimately upheld the freshmen-and-sophomore restriction while suggesting that the zoning board re-examine the requirement.

See **Dorm**/Page 47

DORM

From Page 1

The board declined to do so, and the university is asking the Zoning Commission — now responsible for university applications — to revise the campus-plan order to permit freshmen and sophomores to live in the dormitory known since 1999 as the Hall on Virginia Avenue.

At Wednesday's meeting of the advisory neighborhood commission, university officials described the idea as a "modest" request that would not alter the building's use over the past five years. The residence hall currently accommodates about 450 students.

But commissioners disagreed with the assessment, describing it as an attempt to weaken the zoning board's effort to control the university's expansion over the years.

"I think it's time that the campus plan be enforced," said commission chair Dorothy Miller, an outspoken critic of university policies.

Charles Barber, the university's senior counsel, countered that the Hall on Virginia Avenue is not suitable for upperclassmen, who prefer apartment-style accommodations with kitchen areas in the rooms.

"We're concerned that it would not be filled," Barber said.

Declaring the Hall on Virginia Avenue off-limits for freshmen and forcing them to be housed in residence halls now set aside for sophomores, juniors and seniors, he continued, would likely result in more upperclassmen opting for non-university housing.

In spring 2003, when the university announced that it would have to assign some upperclassmen participating in the housing lottery to the Hall on Virginia Avenue, many students withdrew, he said. The courts subsequently issued a stay, permitting the university to continue to use the facility as freshman housing.

Barber said that the university has received relatively few complaints from neighbors. Officials have worked to resolve issues that have come up, such as complaints about dormitory residents throwing items from their windows.

"We do not think it creates an objectionable impact," Barber said.

But Miller said the commission had received two letters that cited instances of misbehavior, including drunken students damaging tree boxes, creating noise late at night and even running across the nearby freeway to get to campus. One of the writers suggested that freshman dormitories are far more likely to cause problems.

"It was George Washington [officials] who said they would put their students on campus," Miller said.

Others echoed her comments, with commissioner Richard Price referencing neighborhood opposition to the university's acquisition of the Howard Johnson Hotel in the first place. If the accommodations are not suitable for the students allowed to live there, he said, the university "should sell the building."

Price also said the university needs to provide a detailed plan incorporating recently constructed dormitories and others in the planning stages.

"We have yet to hear any plan from GW about where they intend to house their students within campus boundaries," he said. "We've been asking for it for I don't know how long — years now. We still don't have a plan."

With such concerns as a backdrop, the commission voted 3-2 to oppose the university's request.

"They need to pull in all the student housing within the campus," Price said in making the motion.

One of the dissenting votes came from commissioner Graham Long, a student at the university. He said he supports requirements that the university house 70 percent of its students on campus, but he added that the prohibition on freshmen living in the Hall on Virginia Avenue does not make sense until the university has built enough on-campus dormitory beds to accommodate its students.

"The building will not work at all," Long said. "It's useless if it can't be used for freshmen."

The spillover effect of a largely empty building — if upperclassmen were to eschew university housing options — would worsen the impact on university neighbors, Long explained.

"It's a worse scenario," he said.

Long suggested a potential compromise: permitting the building's use by freshmen only until the university has built enough freshman beds on campus. The university has added more than 2,000 beds to its campus and expects to have another 560 beds ready by fall 2006.

Price described the idea of making the university's request "contingent on some promise" as unworkable. He and others pointed to the university's increased enrollment as the underlying issue.

"Each year the enrollment increases dramatically," said Columbia Plaza resident Marilyn Rubin. "There will never come that time. ... They cannot make enough accommodations."

Another resident went on to describe the Virginia Avenue site as ill-suited for a freshman dorm, given the proximity to other residents. "It was a bad fit, period," she said.

Commissioner Maria Tyler echoed the sentiment, citing late-night disturbances as students return home. Even efforts to sanction misbehavior do not prevent the disruption, she said.

"They come back drunk about 3 o'clock in the morning," she said. "People get awakened. ... The night has been disturbed."

Registration woes irk professors

■ Faculty members call for "high-level review" of delay

by Zach Ahmad
Hatchet Staff Writer

With students now choosing classes for the spring 2005 semester, professors are expressing outrage over a number of complications that delayed the start of registration last week. They are calling for the University to take a hard look at the causes behind the problem.

Originally scheduled to start Nov. 9, registration for undergraduates was pushed back to Nov. 15 after it became clear that a number of classes could not be scheduled in the time bands the academic departments had requested. Registration ends Dec. 2.

The confusion resulted in approximately 350 "homeless classes" that department chairs were asked to either place in an 8 a.m. or Friday time slot, move to academic conference rooms or cancel altogether – just days before students were to select courses.

Frustrated by the inconvenient time slots and the timing of the announcement, several professors criticized the University for poor planning, saying administrators did not

See **REGISTRATION,** p. 8

EDITORIAL

Better planning

Administration officials are receiving the ire of professors angry over the poor planning and implementation of next semester's schedule of classes. Citing a large number of classes without assigned classroom space, days before the original registration period was supposed to begin, University officials asked department supervisors to schedule the "homeless classes" at irregular times. While necessary from the University's perspective, these realities are both inconvenient for students and faculty and indicative of poor planning by GW.

In the last decade, the size of GW's undergraduate population has exploded. Coupled with substantial construction and renovation in buildings previously used for classes, this growth in student population altered the relatively comfy schedule of classes students and faculty grew to expect. The decision to continue to grow the undergraduate population a time when class space is at its tightest due to construction gives administration detractors sufficient evidence to argue GW is run more like a corporation than an academic institution. Creating more 8 a.m. sections looks good on the drawing board, but in practice it is detested by students and faculty alike.

There is little the University can do now to reduce the effect of the policies it enacted on present students. For the future, GW must cap the size of the incoming freshman class to a manageable figure, and plan future construction of academic buildings around this reality.

REGISTRATION

from p.1

do enough to prepare for the classroom space lost due to construction in some academic buildings.

"We got through the fall alright, and then this spring it just turns into a disaster," said William Griffith, chair of the philosophy department, which was initially left with 12 homeless classes to reschedule. "I don't think you need to look around very much to see that we're being forced into more and more awkward time situations."

In light of the situation, Griffith proposed a resolution at last week's Faculty Senate meeting calling on President Stephen Joel Trachtenberg to direct a "high-level review" of the classroom shortage and the scheduling mishaps it has caused.

> "I don't think you need to look around very much to see that we're being forced into more and awkward time situations."
>
> **WILLIAM GRIFFITH**
> CHAIR OF THE PHILOSOPHY DEPARTMENT

Griffith, who has taught at GW since the mid-1960s, said he has "seldom seen the faculty so enraged."

Some departments were more affected than others. Though numbers were not available for each department, the number of homeless classes ranged from zero to upwards of 40. Departments having the most introductory and discussion courses were particularly hard hit.

Allison Brooks, chair of the anthropology department, which had 43 unplaced courses, said she had to ask other departments to lend their space for her courses after exhausting all other options. The University, she said, needs to take the matter more seriously.

"I think someone needs to say that this needs to be a bigger priority than it has been," Brooks said. "There's just been a wholesale erosion of classroom space."

As a result of renovations made to Funger Hall, time bands were revised last year to include more Friday and early morning classes. A disproportionate amount of requests for prime time slots led to a logjam for these hours while leaving less desirable spots empty.

Craig Linebaugh, associate vice president for academic planning and special projects, said that while there may be less space than in the past, the problem was a result of unwillingness by some to make use of available spaces at less favorable hours. Many faculty, he added, do not realize the difficulty of trying to make a schedule ideal for everyone.

"They absolutely underestimate the magnitude and complexity of scheduling over 4,000 courses per semester," Linebaugh wrote in an e-mail. "Not only do they not fully understand the complexity of the task, they do not understand the degree to which departments compound the problem after the schedule has been submitted."

Linebaugh said departments frequently submit scores of requested changes both before and after the start of registration, making matters even more complicated.

Critics countered that the University needs to do more to find additional classrooms, floating such ideas as renting off-campus office buildings or placing temporary classrooms on the old hospital site (GW already houses dozens of classes in office buildings at 1776 G St. and 2020 K St.). The current strategy, Griffith said, does not address the real problem.

"The plain fact is that (the University) has been reluctant to plan for and invest in producing classrooms," Griffith said.

Some faculty argued that the alternatives offered for the unplaced courses were untenable. Richard Robin, chair of the German and Slavic languages department, said classes at Mount Vernon can add an extra hour to a professor's schedule and 8 a.m. classes are difficult to make for instructors who live far away from campus. The problem is even worse for adjuncts, he said, who often make up the majority of a department's faculty.

"A lot of classes – possibly the majority – are taught by part-timers," said Robin, whose department, as part of the romance language department, had more than 30 unplaced courses. "Those are people who have to get the kids to school, who have other obligations, and we have to schedule classes at times when we know they're going to be able to teach them."

Linebaugh said the problem will likely continue at least through the fall 2006 semester, but that a variety of solutions are being explored to ease the burden.

He said, "As the GW continues to add new programs and new courses, those courses generally need a place to meet; that is, we may need even more classrooms." ■

The GW Hatchet, Thursday, November 18, 2004,

LETTERS TO THE EDITOR

Lofty intentions

As a Foggy Bottom resident, recent articles describing GW's Office of D.C. and Foggy Bottom/West End Affairs have disappointed me. Reportedly, this office's purpose is to address town-gown issues, to have open dialogue, to deal with community complaints, to coordinate outreach efforts, etc.

All such lofty intentions are impressive and surely make good press. Yet the single most contentious issue has been avoided: GW's endless drive to expand its student population. Without enrollment reduction, the mission of this office can scarcely be taken seriously.

Without enrollment reduction, neighborhood encroachment will continue. More neighborhood buildings will be acquired for dormitory use and removed from property tax responsibilities. Off-campus student numbers will continue to swell, displacing income and property tax-paying homeowners. Absentee landlords will increase, gouging students while letting properties fall into disrepair. Already critical parking problems will intensify.

GW's Office of D.C. and Foggy Bottom/West End Affairs will gain the respect and support of local residents when it meaningfully addresses the overriding issue of "more students at all costs." Finally, GW's extreme emphasis on growth is negatively impacting GW's academic standards and reputation. As a parent of two GW graduates, this priority troubles me as well as them.

–David Hertzfeldt
Foggy Bottom resident

Court throws out appeal of GWU zoning approval

By BETH COPE
Current Staff Writer

The D.C. Court of Appeals late last month dismissed an appeal of the Zoning Commission's approval of George Washington University's academic and dormitory development at 1957 E St. NW, finding that the petitioner, the tenants association of a nearby apartment building, did not have standing to bring the appeal.

Counsel for the association said Monday that he planned to file further documents today, seeking another look at the matter.

The association had sought for the case to be remanded to the Zoning Commission, which the association's lawyer argued had not properly followed regulations governing modifications to planned-unit developments.

The commission had approved a planned-unit development for a condominium and retail project of the

See **Appeal**/Page 29

APPEAL

From Page 1

Associated General Contractors on the E Street site in 1993. Years later, after finding itself financially incapable of developing the site, the organization sold it to the university and George Washington obtained building permits for its own project, which included facilities for the Elliott School of International Affairs. Local groups challenged the permits, and the Zoning Commission eventually took up the case.

The commission approved the modified proposal in June 2002, despite protests from the advisory neighborhood commission. Commissioners complained particularly that the project's amenities — offerings made by the developer in return for additional density or height — were significantly less than they would have been under the Associated General Contractors' plan.

In deciding the appeal, however, the court did not have to consider the tenants association's arguments regarding planned-unit development modifications.

The judges found that the York Tenants Association, representing residents at 530 20th St., failed to allege "any personal injury in fact to its neighbors," thus rendering the group without standing to sue.

Attorney Cornish Hitchcock said that he believes the court improperly merged two of the association's arguments — one, that its members were "injured" by having a new dormitory built across the street from their building and two, that the school's application lacked the amenities of the previous project.

"The injury is noise and disruption and loss of quiet enjoyment," he said in an interview. "That's different from the legal arguments we were making about how the new PUD did not have the same level of amenities as the old PUD."

York Apartments resident Elizabeth Elliottt, who was voted by the association membership to represent them in the case, said that she believes the court deliberately — and improperly — threw out the case on procedural matters to avoid considering the arguments.

"I think they looked at the case the ANC put together and thought they couldn't look at it without sending it back to the Zoning Commission, which would have been very damaging for the university," she said.

"It's symptomatic, I think, of a pattern of the city ... commissions, particularly the Zoning Commission, looking the other way when, it seems, GWU's involved in a zoning case," Elliott said.

University lawyer Phil Feola did not return a phone call.

Elliott said that the citizens association's case was strong, hinging particularly on vast discrepancies between the benefits of the condominium and dormitory/school projects.

She also said that she is troubled by the implications of the decision.

"If we don't have [standing], living right across the street from it ... ," she said. "I think the whole thing is very troubling."

Neighbor Laetitia Combrinck agreed. "I'm still puzzled by the fact that we were not regarded as having standing or being party to the case," she said. "That doesn't seem to me to be democratic."

Combrinck also said that the major amenity of the university's project, a $500,000 feeding program, is not being run well. "Only a small amount of people have enrolled."

The court actually dismissed other procedural arguments made by the university that the association had not filed its appeal in a timely matter and that the association did not have standing for the reason of its not having sought party status in the case before the Zoning Commission.

Elliott said the association did not seek party status because it relied on the advisory neighborhood commission, of which she was then chair. But once the Zoning Commission made its decision, the neighborhood commission could not legally challenge it in court.