GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING
CONTINUATION RE APPLICATION NO. 16553
BY THE GEORGE WASHINGTON UNIVERSITY

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TUESDAY

SEPTEMBER 26, 2000

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The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 10:09 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
ROBERT N. SOCKWELL	Vice Chairperson
RODNEY L. MOULDEN	Board Member
ANN RENSHAW	Board Member

ZONING COMMISSION MEMBER PRESENT:

ANTHONY J. HOOD	Commissioner
CAROL J. MITTEN	Commissioner

OFFICE OF ZONING STAFF PRESENT:

Jerrily R. Kress	Director
Sheri Pruitt	Secretary, BZA
Beverly Bailey	Zoning Specialist
Paul Hart	Zoning Specialist
John Nyarku	Zoning Specialist

OTHER AGENCY STAFF PRESENT:

Andrew Altman	Director, Office of Planning
Steven Cochran	Office of Planning
David King	Office of Planning
Kenneth Laden	Department of Public Works
Ellen McCarthy	Office of Planning
Julie Wagner	Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL:

Mary Nagelhout, Esq.

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(10:09 a.m.)

CHAIRPERSON REID: Okay. Good morning. The hearing will please come to order.

Ladies and gentlemen, this is the September 26th public hearing of the Board of Zoning Adjustment of the District of Columbia.

My name is Sheila Cross Reid, Chairperson. Joining me today is Robert N. Sockwell, Ann Renshaw, and Carol Mitten as representative of the Zoning Commission.

Excuse me one second.

Rodney Moulden joins us representing the National Capital Planning Commission, and we don't know when he'll be joining us, but hopefully he will be here shortly. We have not heard anything to the contrary.

Copies of today's hearing agenda are available to you. They are located to my left near the door. All persons planning to testify either in favor or in opposition will fill out two witness cards. These cards are located at each end of the table in front of us. When coming forward to speak to the Board, please give both cards to the reporter sitting to my right.

The order of procedure for a special session of variance cases is -- and today, because this is a continuation we're going to be picking up with the parties in opposition and then people in support and the Office of Planning planning report

and then closing remarks.

Now, we are taking things out of sequence by request at the last hearing, and if we have to make any adjustments we will do so.

Cross examination of witnesses is permitted by the Applicant or parties. The ANC within which the party is located is automatically a party in the case.

The record will be closed at the conclusion of each case, except for any materials specifically requested by the Board, and the staff will specify at the end of the hearing exactly what is expected.

The decision of the Board in these contested cases must be based exclusively on the public record. To avoid any appearance to the contrary, the Board requests that parties present not engage the Board in conversation.

Please turn off all beepers and cell phones at this time so as not to disrupt these proceedings.

The Board will now consider any preliminary matters. Preliminary matters are those which relate to whether a case will or should be heard today, such as requests for postponement, continuance or withdrawal, or whether proper or adequate notice of the hearing has been given.

If you are not prepared to go forward with the case today or if you believe that the Board should not proceed, now is the time to raise such a matter.

I think staff has a preliminary matter.

MS. BAILEY: Madame Chair, yes. Good morning to the members of the Board and members of the audience.

My name is Beverly Bailey.

The first preliminary matter is Application No. 16607 of Greg Meripoll, Gizelle Sinclair, and Tim Swann. That application was withdrawn.

So if anyone is in the audience on Application No. 16607, that application was withdrawn.

There are several preliminary matters, Madame Chair. Would you like for me to read the case and then go to the preliminary matters first?

CHAIRPERSON REID: Yes.

MS. BAILEY: Okay. This is the Application No. 16553 of George Washington University, pursuant to 11 DCMR 3104.2, for a special exception for the review and approval of the University Foggy Bottom Campus Plan, years 2000 to 2010, under Sections 210 and 507. The boundaries are as follows: Pennsylvania Avenue on the north; 19th Street, H Street, 20th and G Streets on the east; F on the south; and 23rd, G, and 24th Streets on the west, and it also includes a portion of Square 122 extending south of F Street along 19th Street, N.W.

Within the campus plan boundaries, the property owned by the university is devoted to a variety of university uses, including, but not limited to, classroom, dormitory,

library, research, office, support, assembly, athletic, and hospital purposes.

These uses would be continued under the Campus Plan in a variety of existing and new buildings in the R-5-D, R-5-E, C-3-C, AND SP-2 districts.

And the lots and squares of the campus plan boundaries have been advertised, Madame Chairman. So the Board -- in several places -- so there's no need at this point to review all of those unless you would specifically like for me to.

CHAIRPERSON REID: No.

MS. BAILEY: Is there anyone in the audience who wishes to testify today who has not been sworn in? Okay. Will you please stand to take the oath?

Please raise your right hand.

(Whereupon, the witnesses were duly sworn.)

MS. BAILEY: You may be seated.

Madame Chair, members of the Board, briefly to go over the parties of this case, let me backtrack and say that this hearing is continued from March 15th, April 26th, and September 13th public hearing sessions.

The parties of the case are George Washington University, ANC-2A, Barbara Spillinger, Dorothy Miller, Maria Tyler, Barbie Bottom (phonetic) for the Association; Steven J. Mendelbaum, Sara Maddox, and James McLeod.

At the December 13th public hearing, the Board

requested several items, and I'll briefly mention those. In an effort to provide an up-to-date list of what is located within the campus plan boundary, the Applicant has provided definite numbers used for determining their full-time equivalent students and identify how the numbers have changed over the last several years.

The Applicant is provide written language discussing the intermediate period. That is a five-year period for the Board's consideration of its campus plan and the mechanisms for such a proposal to work.

The Applicant was to identify how many students reside in the Aspen apartment building.

The Applicant's traffic consultant was to provide background information on the survey that was conducted in preparation for the university's traffic study.

Ms. Dorothy Miller was to provide information on EIA scanning and parking space count.

Richard Sheeney was to provide speakers discussed in his presentation.

And lastly, Mr. Steven Mendelbaum was to provide a copy of his Power Point presentation.

Members of the Board, all of those submissions were received and received in a timely manner.

The last matter is the continuation of the public hearing today. There is a request, Madame Chairman, from ANC-2E to call two witnesses. As you may recall, the ANC completed its

presentation at the last hearing. However, they are requesting that three persons be able to speak today on behalf of the ANC, and those persons are Maria Tyler -- just to mention briefly that Ms. Tyler is a party -- Dr. Marc Weiss, and Sol Shalit.

The next -- once that matter has been decided, the next order of business is the presentation by the opposition.

Now going to the time lines in just one moment, the Applicant is to present five witnesses in support. That was decided at the last hearing, presentation by the Office of Planning, rebuttal and closing remarks.

And then the last matter is just the matter of timing. Parties are allowed -- these are parties in opposition -- one hour and a half to present its case. The Office of Planning has a reasonable time to present. There's no time limit. Organizations have five minutes, and individuals three minutes.

Madame Chair, the case is now ready for you to move forward.

CHAIRPERSON REID: Thank you very much, Ms. Bailey.

As to the matter of -- now, you said the ANC is requesting that other persons be allowed to speak today. Now, where I'm a little confused is that these are persons in opposition?

MS. BAILEY: These parties are here, and it's preferable I would imagine for them to discuss it, but my sense is, yes, they are in opposition.

CHAIRPERSON REID: All right. Now, Ms. Tyler is a part.

MS. BAILEY: Yes, she is.

CHAIRPERSON REID: So she would be automatically given the opportunity to speak as a party, and now Mr. Weiss --

PARTICIPANT: Dr. Weiss.

CHAIRPERSON REID: Dr. Weiss and what was the other?

MS. BAILEY: Sol Shalit.

CHAIRPERSON REID: And Sol Shalit. Now, all right. Ms. Tyler is automatically a part, but Mr. Weiss and -- I mean Dr. Weiss and Sol Shalit, it would be my thinking that they would be automatically given an opportunity to speak. So --

SECRETARY PRUITT: Madame Chair.

CHAIRPERSON REID: Yes.

SECRETARY PRUITT: In your package, Exhibit 199 is the letter directly from the ANC, and they're asking that they be part of the ANC presentation. That I think needs to be --

CHAIRPERSON REID: Okay. I understand that. I understand that, and what I'm saying is while the request is coming from the ANC, typically once a segment has gone by, then we open it to allow additional people to be added to that particular segment after we had completed that segment.

Nonetheless, I have no problem with them being all allowed to speak. Ms. Tyler is a party and Dr. Weiss and Sol

Shalit can speak as individuals.

DIRECTOR KRESS: Or as for organizations, depending.

CHAIRPERSON REID: Or for organizations. I have no problem with that, and I guess the thing to do would be to put a motion on the floor.

SECRETARY PRUITT: I'm not sure. You may want to check with the applicant if there's any opposition to --

DIRECTOR KRESS: Not the Applicant. You mean the ANC.

SECRETARY PRUITT: Well, the ANC is putting it forward. I believe the Applicant had some comments on it.

DIRECTOR KRESS: Well, perhaps the ANC should.

MS. SPILLINGER: If I may, please.

CHAIRPERSON REID: Sure.

MS. SPILLINGER: At the hearing --

CHAIRPERSON REID: Give your name and your --

MS. SPILLINGER: Barbara Spillinger, Chair of ANC-2A.

At the hearing on the 13th, I indicated that we had witnesses who were not able to be here on the 13th, who would be here on the 26th. I said that as part of my presentation, and I had in mind these particular three people, and I wrote the letter confirming it after the hearing, but none of the three were able to be here on the 13th, and they are here prepared to testify

today.

Well, as you say, Maria Tyler is party to the case, but we would like to have this testimony in support of the ANC position taken at the beginning of the meeting today, and then also we never got to Michael Thomas' presentation last time. He is, of course, a party to the case, and is President of the Foggy Bottom Association and was the lead spokesman on the negotiations with the university, and his testimony, as well, is in support of the ANC position.

CHAIRPERSON REID: I don't think that we have had parties in opposition yet.

MS. SPILLINGER: No, you have not. There are other parties, as well.

CHAIRPERSON REID: Yeah. They will be recognized today. So he will have an opportunity to do so.

MS. SPILLINGER: But we would like to go in that order if we could, with Commissioner Tyler, Dr. Weiss, Professor Shalit, and Michael Thomas.

MS. DWYER: Madame Chair, the Applicant filed a letter indicating that it objects to including Dr. Weiss and Professor Shalit as part of the ANC's presentation. The ANC completed its presentation. There was no request at the end of that for additional time today to call additional witnesses.

We feel at this point in time the ANC is finished. If Dr. Weiss and Professor Shalit want to speak individually as a

person in opposition, they can come in that order, but we would object to them being considered part of the ANC's case. We're ready today to move forward with the Foggy Bottom Association, which is a party in opposition, and we have no objection to Maria Tyler because she is an individual party in opposition, and that her testimony be taken today as an individual party in opposition.

But we do object to including Dr. Weiss and Professor Shalit as part of the ANC since that was concluded at the last hearing. We had no notice at that time that they would be called today. We've had no advanced information about what they're testifying to, and we feel that at this point in time it would be inappropriate to amend the rules to allow the ANC to continue when it clearly finished at the last hearing.

We all conducted cross examination, and that portion of the case was concluded on that date. So, again, we have no objection if they want to stay and come up and speak in the time that other individuals would have, but we do object to them being included as part of the ANC.

CHAIRPERSON REID: Thank you, Ms. Dwyer.

Let me hear from the other Board members. Ms. Mitten.

COMMISSIONER MITTEN: I do have some recollection of Ms. Spillinger mentioning that there were people that could not attend, but they weren't named, and I don't know. I believe someone is looking for the transcript so we can get a specific, so

we can know specifically what was said.

And I did get the sense of closure on the ANC presentation. So, I mean, I think that in light of the fact that the individuals weren't named and that the nature of their testimony wasn't provided in advance and that they will be given an opportunity to testify, I think it's fair if we let them testify as either persons or organizations in opposition, if that's the position they take.

CHAIRPERSON REID: Thank you.

Mr. Sockwell, did you have anything? Ms. Renshaw?

MEMBER RENSHAW: I don't have any trouble having them part of the ANC presentation. I really don't. I think that that was rather left up in the air while their names were not identified. I believe it is within the parameters of the Chair's obligation to the community to advance to us the names. She has at this point, and I don't think that there is anything wrong with having them included as part of the ANC's presentation.

So that's my cut.

CHAIRPERSON REID: What I'd like to do is to move forward and to try to wrap this case up today as soon as possible. So I think that what we may want or may try to do is could we have them to testify as individuals and to write -- could they do that?

DIRECTOR KRESS: You could put them -- I think the request is that they testify in the order, as well as being part

of the ANC.

CHAIRPERSON REID: No, no. My question is could they write a letter in support of the ANC position and testify as an individual?

DIRECTOR KRESS: Sure. In fact they could do that today.

CHAIRPERSON REID: Yeah. And then that way --

DIRECTOR KRESS: They can testify in support of the ANC position.

CHAIRPERSON REID: I think that that -- oh, yeah, they can do both.

DIRECTOR KRESS: Sure.

CHAIRPERSON REID: What we wanted to do is to not prolong the hearing, and as such, they can testify individually in support of the ANC position. Would that be suitable?

MS. SPILLINGER: We would prefer that it be included as part of the ANC position obviously because it is given greater weight.

CHAIRPERSON REID: They can -- can that not be concluded -- I'm sorry -- can that not be included?

DIRECTOR KRESS: The issue is greater weight, and if they aren't part of the ANC testimony, then that part of it does not get --

CHAIRPERSON REID: No, no. My question was if they testified as individuals they could not be also put into the ANC

category, but they could be given great weight if requested by the ANC?

DIRECTOR KRESS: You have to make the decision whether this is a continuation of the ANC testimony which is to be given great weight or whether you decide that it's too late and this is not the appropriate time, and that then they just testify as parties and individuals. That's, I think, the key of the decision that's in front of you.

CHAIRPERSON REID: Well, my concern mostly was to try to facilitate getting things, you know, wrapped up today and to try to be as expeditious as possible, and that was my main concern.

VICE CHAIRPERSON SOCKWELL: Madame Chair, it would seem to me that even if the witnesses were not identified at the previous hearing, if the testimony that they were intending to give had been defined, it would be easier to accept them as witnesses for the ANC.

However, I don't believe in my notes I have anything that states that their testimony was defined, and therefore, it might be considered new information provided as opposed to a continuation of positions established by the Advisory Neighborhood Commission.

CHAIRPERSON REID: And then we'd have to have cross examination. We'd have to allow cross examination.

VICE CHAIRPERSON SOCKWELL: Right.

MS. SPILLINGER: Madame Chair, if I may add, these will not be long presentations. I mean these will be brief presentations by Commissioner Tyler and Dr. Weiss and --

CHAIRPERSON REID: No, Ms. Tyler -- Ms. Tyler is a given. Ms. Tyler is a given. Ms. Tyler is -- well, we know about Ms. Tyler, and she's automatically a party. So she would definitely be allowed to testify. It's the two other individuals.

When you say they'll be brief, how long? Oh, I would say three to five minutes at the most, and then they'll submit written testimony.

MS. DWYER: Madame Chair, again, we object to them being part of the ANC. There's nothing in any of the filings. The ANC has filed at least five different letters on this and resolutions. There's nothing indicating the names of these individuals, the testimony that they're going to present, that the ANC has, in fact, retained them as witnesses. It's a very last moment effort to change the hearing process, and we believe that it's inappropriate.

We think the ANC has concluded its presentation. We should move forward with Foggy Bottom Association and the other parties, and these individuals can present their testimony along with the others that are in the audience as individuals, and they can say whether they agree with the Applicant or the ANC or the Foggy Bottom Association.

But it should be given that weight and taken at

that time in the proceeding.

CHAIRPERSON REID: Okay. I think, Ms. Spillinger, that the objection primarily that I'm hearing is not just from Ms. Dwyer, but also from the Board members. Had you at the conclusion of the last hearing specified that you had these two individuals and given us the names and asked that they be able to be included in your presentation today, it would be a different story.

However, with valid procedures and trying to be fair, I don't think that it's going to be appropriate to do that. So I would move that while Ms. Tyler certainly will be able to testify, that Dr. Marc Weiss and Sol Shalit would be not allowed to testify as a part of the ANC. However, they would be given the opportunity to testify as individuals.

Is there a second?

COMMISSIONER MITTEN: Second.

CHAIRPERSON REID: Okay. All in --

COMMISSIONER MITTEN: May I just interject something? Which is I don't think that there's going to be any problem with capturing -- if there's something about what these folks say that you want to capture as part of the ANC's position and want it to be given great weight, there are still additional submissions like findings of fact and conclusions of law, and you'll be able to capture it that way.

So I think, again, no one is going to be

disadvantaged by the course that I think we're going to take.

CHAIRPERSON REID: Right.

MS. SPILLINGER: Thank you very much. I appreciate that, and I just would like if we could proceed in this order, it will make more sense.

CHAIRPERSON REID: Well, let's vote first, please.

Okay. All in favor?

(Chorus of ayes.)

CHAIRPERSON REID: Opposed?

MEMBER RENSHAW: Opposed.

CHAIRPERSON REID: Okay.

MS. BAILEY: Staff would record the vote as three to one, motion made by Ms. Reid, seconded by Ms. Mitten, approved by --

CHAIRPERSON REID: No, no, no. Oh, did she second it?

COMMISSIONER MITTEN: Yes.

CHAIRPERSON REID: Oh, Ms. Mitten. I'm sorry. I was thinking Ms. Renshaw. I'm sorry.

MS. BAILEY: Mr. Sockwell to approve. Ms. Renshaw is opposed to the motion for the additional witnesses to be presented by the ANC. Ms. Tyler will testify as a party. Dr. Weiss, Dr. Marc Weiss, and Sol Shalit will testify in the normal order of procedure.

CHAIRPERSON REID: Okay. Now, I just need someone

to clarify for me what the rationale was for changing the sequence from letting the persons in opposition go before the persons in support, persons and parties in support.

There was a request from you, Ms. Dwyer, was it?

MS. DWYER: No. It was a request by the ANC and the parties in opposition that their testimony follow each other and be combined.

CHAIRPERSON REID: Oh, is that what it was? Okay.

MS. DWYER: And so we agreed that following the ANC we would go to the parties in opposition.

CHAIRPERSON REID: Okay.

MS. DWYER: But then my understanding was we're going to the support and then the persons in opposition.

PARTICIPANT: No.

MS. DWYER: My understand was not that the persons would be taken out of order as well. It was just that the parties wanted to combine their time.

CHAIRPERSON REID: Yeah, let's make sure we're all on the same page. The understanding that I have, and this is what my notes say, is that the order -- the sequence was changed and the ANC had its report, and then they asked that somehow we got the persons and parties in opposition, and then the persons and parties in support. We just basically reversed the sequence, and then the Office of Planning would come after that.

It's all changed, but that is the sequence.

MS. DWYER: That's fine with us at this point.

CHAIRPERSON REID: Okay, all right, fine. Thank you. All right.

MS. SPILLINGER: We may proceed then with our -- with Ms. Tyler?

CHAIRPERSON REID: Yeah, Ms. Tyler first, and then the persons and parties in opposition. And the ANC has concluded its segment.

(The Board conferred.)

CHAIRPERSON REID: Ms. Pruitt, I think we should explain that on the record so that --

(The Board conferred.)

CHAIRPERSON REID: Okay. Ms. Pruitt, explain that again about the time and how it's divvied up.

SECRETARY PRUITT: Okay. As Ms. Bailey indicated, the parties in opposition, just to recap, the Applicant had an hour and a half. The new regs. require we allow for parity. So the parties in opposition also have an hour and half.

How you divide that hour and a half among the stated parties will be up to you all, but of the nine parties listed, you have a total of an hour and a half to present your case.

(The Board conferred.)

SECRETARY PRUITT: Right, and then just to reiterate, individuals have three minutes, and organizations two -

- I mean, excuse me, five.

CHAIRPERSON REID: Okay. Mrs. Tyler.

COMMISSIONER TYLER: Good morning, Madame Chair and members of the Board. My name is Maria Tyler. I'm an Advisory Neighborhood Commissioner of ANC-2A.

And I submitted in writing my testimony on September the 18th, which I understand from the staff was distributed to all members of the BZA, and I trust that you have that copy with the attachments, which included eight pages of photographs and a total of four attachments.

Therefore, I will just for emphasis summarize some of the main points that I would like to state.

First, my testimony is in line with the ANC-2A's position and resolution of April 17th, 2000. My testimony has to be, written testimony, in that respect corrected from April 16th to April 17th. That is when our resolution was passed.

First, I wish to applaud the excellent analytical report of the Office of Planning. As noted in my submission, there is only one, but important point on which I would place a difference in emphasis.

The Office of Planning report states that in future years the number of full-time undergraduates in the, quote, Foggy Bottom area, unquote, should be at or below the new baseline number. I submit that the number of full-time undergraduate students in the Foggy Bottom area should be underscored below the

baseline number.

It is clear that the tipping point to which the Office of Planning infers, that the tipping point in many parts of our community have been reached with the 1999 enrollment and prior to that if the baseline would be calculated from spring 2001, there is a real possibility, if not certainty, that the number of full-time undergraduate students in the Foggy Bottom area would be larger than in 1999/2000 enrollment, with which we were faced during the facilitation meetings.

Second, the BZA has the authority to establish the ceilings on student enrollment, and thus control the university's expansion through this very important tool.

G.W.'s takeover of land beyond the approved campus boundaries triggered by excessive enrollment violated BZA's order, the zoning regulations at Section 210, and the comprehensive plan which specifically identifies Foggy Bottom as an endangered neighborhood solely because of G.W.'s clutches.

G.W.'s aggression should no longer be rewarded by, quote, give-aways, unquote. The new acquisition should be used to reduce and eventually eliminated, as stated on page 9 of the Office of Planning report, and eventually eliminate the enrollment of the Foggy -- of the full-time undergraduate students in the Foggy Bottom area.

It is a most reasonable request. It is in line with the D.C. laws and regulations. The objectives of preserving

and enhancing residential neighborhoods, which the city is now so anxious to do and the interest of the city as a whole, and moreover, there is more than adequate space within the existing campus boundaries and the university-owned properties outside the boundaries to achieve this.

We do not need an increase in enrollment. If you increase the enrollment in these particular properties that are the boundaries and the university owned properties, then you will be of necessity overwhelming the remaining community. The students will be on the streets. The rest of the community will be turned de facto into a real dormitory.

I'm therefore, pleading with you that the number should be reduced. It should not be a status quo.

The crux of this hearing is whether G.W. should be allowed to maintain its present intrusion of -- excuse me? At what point did I do this?

PARTICIPANT: The crux, when you said the crux.

COMMISSIONER TYLER: Yeah, thank you kindly. Thank you kindly.

The crux of this hearing is whether G.W. should be allowed to maintain its present intrusion of full-time undergraduate students in the Foggy Bottom residential neighborhood. I submit that there is no basis in the zoning regulations, nor the comprehensive plan for the BZA to condone this.

It is not a large number that we are asking for, but we are asking for protection of our residential neighborhood.

Thank you very kindly.

CHAIRPERSON REID: Cross examination, Ms. Dwyer?

MS. DWYER: Ms. Tyler, I just had a couple of questions. You made the statement or included the testimony in the statement that G.W. must substantially increase its on campus accommodations, and as a result of meetings with the community the university now proposes to increase that housing by 2,200 beds.

Do you view this as substantial?

COMMISSIONER TYLER: Well, this is not the way to ask the question, in the first place.

(Laughter.)

MS. DWYER: It's a simple yes or no question. Excuse me.

COMMISSIONER TYLER: It is not substantial in terms of whether you are using these beds for new students or whether you are going to use these beds to siphon off the students which are now in our off campus Foggy Bottom residential neighborhood. That is the question, and that is the crus of my testimony. That is what I testified to, not what you are saying.

MS. DWYER: Then let me understand. In answer to my question as to whether 2,200 beds is substantial your answer is no?

COMMISSIONER TYLER: Absolutely not --

MS. DWYER: Okay.

COMMISSIONER TYLER: -- if it is going to mean an increase in -- further increase in students. The student body -- the Foggy Bottom neighborhood can no longer absorb such a mass of students in our neighborhood, whether they are on campus or -- well, certainly if they're off campus. As a minimum, the off campus students should be taken off that area and put onto the on campus area, and given, as I've stated in my written submission, given the generosity that has been -- that has been offered to G.W. to allow them to use all of these takeovers like --

MS. DWYER: Madame Chair --

COMMISSIONER TYLER: -- the -- the-- quota -- excuse me.

MS. DWYER: -- my question has been answered.

COMMISSIONER TYLER: You asked me a question, and I would like to answer it in full. I do not want you to interrupt me, please.

The -- excuse me. Already they are given a gift --

MS. DWYER: Madame Chair, I would object again. The question has been asked and answered.

COMMISSIONER TYLER: -- of the entire Square 43. All of these properties that they have taken away from the city and from our neighborhood.

CHAIRPERSON REID: But, Ms. Tyler, the purpose of the cross examination is for you to answer the question, not to

testify. So if the question has been answered, thank you.

COMMISSIONER TYLER: Yes, Madame Chair. I understand. These questions are very skewed.

CHAIRPERSON REID: Okay.

MS. DWYER: I have a couple of more questions.

You state in your testimony that the university did not observe the BZA's decision back in 1985, and I just wanted to understand that. In the 1985 campus plan, didn't the Board require the university to designate and build one on campus housing site?

COMMISSIONER TYLER: Well, yes, they did, but that --

MS. DWYER: Thank you.

COMMISSIONER TYLER: -- was not the only thing that the BZA --

MS. DWYER: Thank you.

COMMISSIONER TYLER: -- the BZA or the Board was --

MS. DWYER: In the --

COMMISSIONER TYLER: Number one, it excluded Square 43.

Number two, it specifically stated that buildings --

MS. DWYER: Madame Chair, I would object again. This is going --

COMMISSIONER TYLER: I mean these two questions --

MS. DWYER: I'm trying to have simple questions --

COMMISSIONER TYLER: -- are totally irrelevant.

MS. DWYER: -- with yes or no answers, and the witness should be directed to answer yes or no and not testify.

CHAIRPERSON REID: Well, that's a yes and no answer. I think that she doesn't have to -- she's not limited to say yes or no, and I think that what she was trying to do is to defend the answer, and I have no problem with that.

MS. DWYER: All right. I have one final question --

CHAIRPERSON REID: But --

MS. DWYER: -- for this time.

Do you support the university's plans for Square 54 and Square 80 in order to provide additional on campus housing?

COMMISSIONER TYLER: I think that any kind of square that is used now for housing or students should be -- those students should be siphoned off from what the Office of Planning states as Foggy Bottom area. They should not be counted towards an addition in enrollment. They should not be allowed to add enrollment because our city will be overwhelmed, and certainly our community.

VICE CHAIRPERSON SOCKWELL: Ms. Tyler.

COMMISSIONER TYLER: Thank you.

VICE CHAIRPERSON SOCKWELL: Let me ask one question. In regard to the direct question raised by Ms. Dwyer,

do you know enough about that plan to respond in a more concise fashion?

COMMISSIONER TYLER: Mr. Sockwell.

VICE CHAIRPERSON SOCKWELL: Guilty.

COMMISSIONER TYLER: About which -- which particular plan are you speaking about?

VICE CHAIRPERSON SOCKWELL: The question, Square 54, 10A Court.

COMMISSIONER TYLER: Just one second, please, if I may.

VICE CHAIRPERSON SOCKWELL: Okay. Ms. Dwyer did ask --

COMMISSIONER TYLER: Just one second, please, if I may.

MS. DWYER: Ms. Tyler, if I could clarify --

COMMISSIONER TYLER: Just one second.

MS. DWYER: -- 54 is the old hospital site.

COMMISSIONER TYLER: Now, Square 54 is the old hospital site. That's correct.

MS. DWYER: Yeah, and the question was whether you supported the university's plans for that site, which would include the provision of on campus housing.

COMMISSIONER TYLER: Not adequate on campus housing, and the on campus housing should be counted towards siphoning off students from off campus.

VICE CHAIRPERSON SOCKWELL: Right. We understand that.

COMMISSIONER TYLER: That's my answer.

VICE CHAIRPERSON SOCKWELL: We understand that. You've made that point perfectly clear, but you're not answering her questions correctly. You keep referring back to the point, which I think I understand in the context of your statement. It is very, very specifically clear.

MS. DWYER: Thank you. I have no further questions.

CHAIRPERSON REID: All right. Thank you very much.

All right. I think that probably the parties in opposition should come first. How many parties are here in opposition? Are there any other parties in opposition?

I'm sorry. This is a part of the hour and a half presentation of the opposition. So I suppose you all have already determined what sequence.

MS. SPILLINGER: Yes.

CHAIRPERSON REID: Well, whoever is next. All right. Persons who are going to be testifying as a part of this hour and a half, can you just all come up? Is it just four or five people?

MS. SPILLINGER: I would like to ask. What you are saying, Madame Chair, is that you would like the parties to testify first --

CHAIRPERSON REID: The persons -- all right. The presentations you're making within this hour and a half block of time come up. Just come up, and then you can just continue. Once one finishes, the other one can pick that up for whatever, however you want to do it.

SECRETARY PRUITT: Would you like for us to read over the list of people who are granted party status so you'll know who's eligible to testify during this time period?

(The Board conferred.)

CHAIRPERSON REID: Ms. Spillinger, are you orchestrating this segment?

MS. SPILLINGER: I guess I will. I guess the confusion comes with which people are parties to the case and which are speaking in opposition.

CHAIRPERSON REID: All right. Well, do you want us to --

MS. SPILLINGER: I know who is party to the case, but do we have to take them seriatim or can we intersperse?

SECRETARY PRUITT: Madame Chair, why don't I read off again the parties? Of these nine people I'm going to read, you can put them in any type of order you'd like, of the nine people. Then we do parties in -- I mean, people in opposition. So we're only doing the parties.

So of the nine organizations or people I call out, these are people who would be able to testify now.

MS. SPILLINGER: The problem comes there in that Dr. Weiss cannot stay.

CHAIRPERSON REID: Oh, well, then that's no problem. We can take him out of order. We have that prerogative.

MS. SPILLINGER: Thank you very much.

DR. WEISS: Thank you very much.

CHAIRPERSON REID: Not to worry. Go right ahead.

How many people are here to speak in opposition? Okay. These are persons in opposition, right? Okay. Thank you.

DR. WEISS: Thank you very much, Madame Chair and distinguished members of this very important panel.

I am Dr. Marc Weiss. I have been asked by the ANC 2A to testify pro bono today as an expert witness on this very important matter that you're addressing, drawing on the expertise that I have and experience in economic development, urban planning, real estate development, campus planning, and university administration.

The issue before you I know is a tough one because you have to balance competing interests, and your job is to consider what is the best public interest for the city as a whole, the District of Columbia as a whole.

You've already heard a great deal of testimony in opposition that calls attention to the very considerable negative impacts on the surrounding Foggy Bottom neighborhood in terms of traffic congestion, air and noise pollution, negative impacts on

property values, on housing quality, on historic preservation, on community services and amenities, problems with student behavior, and much more.

If you were just considering that alone, probably the decision would be pretty clear that this type of expansion is not a good plan. However, there's another interest to be considered, which is the role of universities, in general, and George Washington University, in particular, in contributing to the quality of the economic and cultural life of our city, which is an important and considerable benefit.

Oh, I do? I didn't know there was a time limit.

And George Washington has made a case in that regard.

Let me say, first of all, that -- and that's why I passed out not only my bio as I was requested, but the economic plan for Washington, D.C., which I served as the coordinator and author, because, number one, I am not anti-development. I am, you know, very pro development not only for this city, but for, you know, just in the last year did economic development plans for Baltimore and the U.S. Virgin Islands.

I'm also not anti-university. I was a university professor and administrator, and in fact, one of the important pieces of the economic plan was the recognition of what we called the universities, educational and research institutions industry network, of which I worked with Dr. Charlene Drew Jarvis to create

that network and am still an active member. Steven Trachtenberg, the President of George Washington, is an active member, and in fact, I'm going to be addressing that group tomorrow.

But with that in mind, I think what I want to really highlight very briefly is that while there are some benefits to having university expansion, the question is what is the cost, and also there are various ways to expand. It doesn't all happen to be just one way, and there may be more win-win ways for George Washington to fulfill its mission, and for the Foggy Bottom neighborhood to be protected, and that's what I want to ask you to seriously consider.

So very briefly, yes, I know George Washington likes to talk about the jobs that it provides, but actually two thirds of those jobs, as we know by their own documentation, are held by residents of Maryland and Virginia, not of the District of Columbia, which means that we get no income and very little sale tax from those people.

The university, of course, pays no property tax. It talks about the development that it's engaged in, but that -- it's operating in a high value, high demand, over developed neighborhood, and that development --

MS. DWYER: Madame Chair, I'd just like to note for the record, that he's over his time limit. It was three minutes. It has been passed, and I just wanted to make that point for the record in the event there are other witnesses that are going to

request the same --

DR. WEISS: Actually I was told five minutes when I prepared my remarks.

CHAIRPERSON REID: Two things, Ms. Dwyer. We're very conscious of the time, and we are watching it, one.

Two, Mr. -- Dr. Weiss has been afforded five minutes.

MS. DWYER: Okay, but --

CHAIRPERSON REID: And additionally, basically while we do try to adhere to very stringent time lines, occasionally if someone is making a point and we feel we want to hear it, we will allow them some latitude as far as time is concerned.

MS. DWYER: Okay. I understand, but --

CHAIRPERSON REID: But we have time left.

MS. DWYER: It's just that the clock started three minutes. So I understand he was to get three minutes.

CHAIRPERSON REID: We're watching the time.

DR. WEISS: I apologize. I was told to prepare for five.

CHAIRPERSON REID: Sure. Sure, and you do have five.

DR. WEISS: Thank you very much, Madame Chair.

Let me say, again, that in the situation in which George Washington is involved, the development that it engages in

really is displacing other commercial development and other jobs that would take place in that area anyway that would be paying taxes.

And most importantly, I think, for today is the issue of the residential neighborhood. You know, in our economic plan for the city, which Mayor Williams has strongly endorsed and is carrying out very vigorously, we put attracting and retaining residents on an equal footing with attracting and retaining businesses and jobs because the quality of life for the city depends on it.

And also, quite frankly, since we are not able to tax all of the two-thirds of the people who work in this city who do not live in this city, from a fiscal point of view it's vital that we have more people living here who are working here or even living here who work in the suburbs.

And Dr. Alice Rivlin, the Chair of the Control Board, gave a speech just last week at the Woodrow Wilson Center at a conference that I organized making that point. Attracting and retaining residents is critical, and it would be a major loss to drive away the existing population that's there in Foggy Bottom neighborhood, and that's my concern.

So what would be a win-win solution that I think you can play a big role by being a lot tougher with George Washington in terms of how they proceed with the campus plan, and that win-win solution interestingly enough comes from another

client of Maureen Dwyer's, Georgetown University, which showed the way when it built the Georgetown University Law Center and related housing not in Georgetown, which is over developed and was threatening the surrounding neighborhood, but in what we now call the NOMA area at Massachusetts Avenue and New Jersey Avenue.

That was an undeveloped area, which did not displace anyone, which welcomed that activity and actually helped act as a catalyst.

Now, Georgetown did it not just for the reason of the difficulty of building in Georgetown. They did it for a positive reason. They did it because the law school draws on many people who are federal workers and work in the downtown area and go in the evening, and it was a more convenient location to have the law school at Massachusetts and New Jersey Avenue.

Why is that relevant? Because George Washington University could easily come up with an alternative campus expansion plan which would have a Capitol Hill campus that could involve the law school, the school of business and public management, the Elliot School of International Affairs, the school of media and public affairs, graduate student housing, and various related facilities to a new location completely removed from the Foggy Bottom neighborhood.

This would enable George Washington to fully accommodate the rising undergraduate student enrollment without encroaching on the Foggy Bottom residential community.

CHAIRPERSON REID: Okay, Dr. Weiss. Are you wrapping up because you have exceeded --

DR. WEISS: Yes. I'm on my last sentence.

CHAIRPERSON REID: Okay.

DR. WEISS: Sine the suggested locations of the new Capitol Hill campus would promote economic development areas where it is needed and welcomed -- and I can show them major sites in NOMA and also near the Navy yard where they could build facilities that the city would be delighted to have, that the neighborhood would be delighted to have, that would be a net benefit for the university and for the community, both communities, Foggy Bottom and where the university would build, and for the city as a whole.

Now, I understand that George Washington doesn't want to do this. They prefer to do it all at Foggy Bottom, but for you to consider the public interest of the city as a whole, I think you can assert that it would be far better for George Washington to do a Capitol Hill campus, and clearly the university would benefit from it if they would open their minds to this possibility.

Thank you very much.

CHAIRPERSON REID: Thank you.

Dr. Weiss, before you leave, before you leave, there are two things. We have questions.

DR. WEISS: Oh, yes.

CHAIRPERSON REID: And also, Ms. Dwyer does have

time for cross examination afforded her.

I have a question in regards to the theory that you just floated with regards to locating some of the various campus activities for George Washington in other places that in the Foggy Bottom community, did you say that you had discussed that with George Washington?

I heard you say that they don't want to. Is this an assumption or is this something that you've explored with them?

DR. WEISS: Actually I have had conversations, you know. I have been -- every since I was charged, you know, by the city to do the economic plan, I have had conversations with various officials at George Washington University, as well as other universities through the university network and the consortium on this point.

I believe in it strongly. I think people, you know, acknowledge that it could be good, but they're -- my feeling is that they're not going to do it if they don't have to do it.

CHAIRPERSON REID: Okay, but my question was --

DR. WEISS: Yeah.

CHAIRPERSON REID: -- did you have -- did you engage in any type of meaningful dialogue with the officials at George Washington in regard to these suggestions that you made here today.

DR. WEISS: Yes, I have.

CHAIRPERSON REID: And what was the response?

DR. WEISS: People said there was an interesting suggestion.

CHAIRPERSON REID: All right. Well, to take it a little further, I was looking over some of your credentials, and obviously you're very much involved in some of the economic development policies that pertains to the District. Would that be a suggestion that would carry over to all of the universities that may be having similar problems?

DR. WEISS: Yes. In fact, I've talked about it not just with George Washington University senior officials, but with the consortium of the universities. I believe that Catholic University, Georgetown University and other universities that are in similar situations could build campuses or campus facilities at other locations that would be a win-win both for the university and their surrounding main neighborhood, and for the city as a whole in the new areas that they'd be building.

CHAIRPERSON REID: Were there any pros and cons that you explored when you had gone into discussions about this? If Georgetown has put their law school over on Capitol Hill, have you talked to them to find out whether or not that has been something that has been successful?

DR. WEISS: To the best of my knowledge, it's the most successful law school that's located in this city, and, no, I've never heard anything from any Georgetown official that said they had any problem with the fact that they put the law school

where they put it.

CHAIRPERSON REID: What comes to my mind is that it certainly is not anything that you would consider to be a monumental suggestion. Certainly it's been explored because we see what's happened with Georgetown, but nonetheless there seems to be some hesitancy in regard to doing this on the part of the universities because if it were just that simple, I would think that we would see a proliferation of that all over the city.

DR. WEISS: Well --

CHAIRPERSON REID: I would think wouldn't that just be a logical progression of that thought?

DR. WEISS: Well, I think that in the case of George Washington I'll be very candid. They have a central enough location that probably if you look at it in their big picture, it's really more convenient to have everything right there.

However, it's a lot less convenient in terms of the negative impacts on the surrounding neighborhood, and it's not of great benefit to the city.

So what you're saying, which makes imminent good sense is that if they move some facilities, you know, to another central location, it would be convenient for the students. It would be better for the city, and while it would be slightly more inconvenient for them --

CHAIRPERSON REID: Excuse me. Excuse me.

DR. WEISS: Yeah.

CHAIRPERSON REID: Who said that?

DR. WEISS: Pardon?

CHAIRPERSON REID: You said that that's what I said. I didn't say that. I did not say that. So please don't misquote me.

DR. WEISS: Oh, okay.

CHAIRPERSON REID: I was just exploring the possibility because I would look at it --

DR. WEISS: Okay. Well, in --

CHAIRPERSON REID: The way I would look at it --

DR. WEISS: In the spirit of the question you asked.

CHAIRPERSON REID: The way I would look at it is how has that impacted upon the overall operation of Georgetown University, as well as other urban settings that have to contend with the same problems across the country in regards to having the university right in the middle of the city with all of the other types of problems that come about as a result of that. That's all I'm saying.

DR. WEISS: Well, all right. Let me give you another example. I just did the economic plan for Baltimore, and one of the assets was the University of Maryland, of course, main campus is at College Park, but have the University of Maryland medical system and other facilities in downtown Baltimore is a big asset, and Johns Hopkins, which has its campus in the city, is

looking more and more to build more facilities closer to downtown at a separate location because that's turned out to be good for their needs, as well as it's very good for the city economic development and, again, gets around the problem of displacing an existing residential neighborhood where their main campus is located.

CHAIRPERSON REID: Okay. Thank you.

Any other questions from members?

VICE CHAIRPERSON SOCKWELL: Yes. Dr. Weiss, you -- and just following up on the Georgetown Law School, since it was brought into the picture -- in the context of your discussion, you seem to be leaning in the direction that the law school's presence in the neighborhood east of Third Street has been an economic development boost for that area, and far be it from me to see any relevant changes to that neighborhood, and I drive through it every day.

DR. WEISS: Well, let me just say that, you know, it takes a while to build critical mass. It takes a while for the market conditions to be ripe, but I can tell you that as we speak there's a brand new office building being built, a 250,000 square foot office building being built right across the street from Georgetown Law Center.

The Union Labor Life Insurance Building, which is also across the street on Massachusetts' side has just been purchased for a major value increase and is going to get a lot of

new investment.

The Republic Square property, which is where we almost put the world headquarters of MCI, is now being marketed and I believe will be built.

The Department of Transportation is looking at the Gonzaga site, which is just about two blocks away. I think that area is really going to flower now, and the presence of the Georgetown facilities help provide an institutional anchor for that development.

VICE CHAIRPERSON SOCKWELL: The law school has been there for quite some time now, and these developments, I believe, are more the progression eastward of the development of the downtown section of the District, including new projects that are being proposed for 5th and Mass. Avenue, for 6th between H and I, and any number of things, but it wasn't, to my belief as an architect, as a native, as one who knows the neighborhood pretty much like the back of my hand, but who's never been in the liquor store --

(Laughter.)

VICE CHAIRPERSON SOCKWELL: -- that the law school didn't do anything for the community. It didn't provide any catalyst, that the catalyst is one of land values, of the natural progression of businesses to areas where the under developed land is more reasonable to buy and certainly ultimately developable, and of course, if they put that baseball stadium in the middle of

the thing, it would have done something else, but I just didn't see the law school as a catalyst nor anything more than an oasis, and as an oasis and having been in the law school building there, it's just another structure in that case.

Now, had the university attempted to develop a full campus environment in that neighborhood, there might have been an even greater boost or a really acceptable boost. I just don't think that that is a catalyst.

I think there are other economic factors and other development oriented factors that were much more important to what is happening there now.

DR. WEISS: Mr. Sockwell, let me respectfully say I think we are debating entirely the wrong issue here because the issue is first do no harm, and there's no question that Georgetown would have done a lot of harm if they tried to put all of that in Georgetown.

They did no harm putting it where they did, and they did some good, and in every possible sense it was a win-win, and while I did not say that that was the major catalyst, it certainly helped ultimately in that area being developed just as if George Washington University went into the Southeast Federal Center or near the Navy Yard or went into the NOMA area, they would help contribute to the overall development in a positive sense of that area without having the negative impacts they will certainly have in Foggy Bottom.

CHAIRPERSON REID: Let me jump in because we need to move on.

DR. WEISS: Yes.

CHAIRPERSON REID: Ms. Dwyer, did you have questions?

And did you give us your address?

DR. WEISS: Yes, I did, ma'am.

CHAIRPERSON REID: Tell me what it is.

DR. WEISS: Oh, did I state it for the record?

CHAIRPERSON REID: Yes.

DR. WEISS: I apologize. I did not. I put it on the card. It's 426 O Street, S.W.

CHAIRPERSON REID: You don't live in Foggy Bottom?

DR. WEISS: No, I'm here as a pro bono expert witness. I'm a resident of the District of Columbia. I'm not a resident of the neighborhood.

VICE CHAIRPERSON SOCKWELL: He's one of my neighbors.

DR. WEISS: That's right. I'm Bob Sockwell's neighbor. Southwest.

(The Board conferred.)

CHAIRPERSON REID: Thank you. I just wanted to clarify that.

DR. WEISS: Thank you.

CHAIRPERSON REID: Okay.

MS. DWYER: Just a couple of questions. One, since my understanding is that Dr. Weiss is representing an organization, and the organization he's representing is which organization?

DR. WEISS: I'm here on behalf of ANC-2A. I was requested by them to testify as an expert witness on this matter.

MS. DWYER: So the only organization you're representing is the ANC as a pro bono consultant to them.

DR. WEISS: That's correct. Now I have affiliations. I'm a public policy scholar at the Woodrow Wilson International Center for Scholars and a senior fellow in community studies at the Center for National Policy. However, I'm not here today speaking on behalf of either of those organizations.

MS. DWYER: And are you aware that this university spent millions of dollars to expand into Virginia -- and maybe I should wait until the Board finishes.

(The Board conferred.)

CHAIRPERSON REID: Okay. I think that there was some misunderstanding, Ms. Dwyer. I do apologize to you because it was brought to my attention that Dr. Weiss was going to testify as part of an organization. However, on clarification, I'm finding out now that he is really, in effect, testifying as an individual.

MS. DWYER: That is correct. Thank you for --

CHAIRPERSON REID: Unfortunately we can't roll back

the time.

MS. DWYER: I know.

CHAIRPERSON REID: Excuse me. Excuse me one second.

But what we can do in parity is perhaps give your persons in support maybe another minute or two if that would --

DR. WEISS: Madame Chair, Madame Chair, if it would help clarify the matter, I am the treasurer of the District of Columbia Federation of Citizens Associations, which absolutely totally agrees with the position of the opposition in this case, and I'll be happy to speak on their behalf, and I know that I am authorized to do so.

So if that resolves the matter for you, go ahead and enter it that way.

CHAIRPERSON REID: And what organization? What organization?

DR. WEISS: D.C. Federation of Citizens Associations.

MS. DWYER: Which has not filed anything in the record to indicate a position or that Dr. Weiss is speaking on their behalf. So I think at this point --

DR. WEISS: I can get that documentation for you.

MS. DWYER: I think at this point we'd rather just leave the record as it is and --

CHAIRPERSON REID: This is a little too murky,

right? Thanks.

DR. WEISS: Okay.

CHAIRPERSON REID: We have your testimony.

DR. WEISS: Okay. Thank you.

CHAIRPERSON REID: Okay, Mr. Weiss.

MS. DWYER: Are you aware that this university has spent millions of dollars to expand in Maryland and with its Mount Vernon campus in order to relieve some of the pressure on its Foggy Bottom campus?

DR. WEISS: I am ware that the university has spent the money expanding to other locations. I have no direct knowledge that they're doing it in order to relieve pressure on the Foggy Bottom campus.

MS. DWYER: Then can you just state for the record who was it at the university that you spoke with that said that the university was not interested in other locations?

DR. WEISS: I did not say that. I did not say that anybody said they weren't interested in other locations. What I said was that when I have proposed to various people that they should consider this idea, people have said that's interesting. No one has said, no, they won't do it, but if you look at actions speaking louder than words, you wouldn't be here today if the university was doing it.

So I assume that they are not going to do it unless they don't have any other choice.

MS. DWYER: Let me just understand. I wouldn't be here because if the university developed in the NOMA area it would abandon its Foggy Bottom campus and no longer have that?

DR. WEISS: No, I didn't say that either. What I'm saying is that if the university had taken seriously on a significant scale developing a new alternative campus in another neighborhood of Washington, we wouldn't be having this hearing now because the campus plan you're proposing would be far different.

MS. DWYER: And you don't think that the establishment of the Mount Vernon campus was a significant initiative by the university?

DR. WEISS: Well, the Mount Vernon campus, unfortunately is yet another residential area which has its own problems. So I don't think that's the solution either.

Also, to the best of my understanding, the issue there is that has to do with undergraduate housing and instruction, which I know the university wants to keep in high end areas close to Foggy Bottom. What I'm talking about is graduate and professional instruction, which I think would do well in other areas near the downtown as the Georgetown Law School has done.

MS. DWYER: Then to go back to my earlier question, who was it at the university that you spoke with about this proposal that you have?

DR. WEISS: I have spoken with the President, Dr. Tractenberg, and I've spoken with Bernard Dempshaw, who's the Vice

President, I think, for Governmental Affairs.

MS. DWYER: All right, and do you recall when you had those conversations?

DR. WEISS: Probably more than a year ago.

MS. DWYER: Have you had any conversations in the last year with them then on this issue?

DR. WEISS: I think I talked with Bernard Dempshaw maybe about six months ago about this. That was the last time.

MS. DWYER: All right. Thank you

VICE CHAIRPERSON SOCKWELL: If I might just add, I think in Dr. Weiss' discussions of things he may not have intended to state that his dealings with the university had been formalized, and I don't want it to appear that he was making a statement of a formal relationship with the university.

DR. WEISS: Thank you for that clarification. That's absolutely correct.

CHAIRPERSON REID: Okay. Thank you.

All right. So let's continue.

MS. MILLER: Don't we have a right as parties to rebut the cross examination?

CHAIRPERSON REID: No, no, no.

MS. MILLER: I'm sure that that is part of --

CHAIRPERSON REID: Ms. Miller, if you have something to say, come up and say it into the mic, but I don't think there's a -- there is not a cross examination and rebuttal

to cross examination that I am aware of.

MS. MILLER: I'm Dorothy Miller. I'm a party to the case, and I'd like to rebut the cross examination by the lawyer for G.W.

CHAIRPERSON REID: Wait, wait, wait one second. One second.

Ms. Sansoon, can you speak on this matter, please?

MS. NAGELHOUT: The BZA rules allow for examination of witnesses, questions by the board, and cross examination.

CHAIRPERSON REID: No, Ms. Miller.

MS. MILLER: I understood that that changed and we now can rebut.

CHAIRPERSON REID: Has not.

MS. MILLER: Okay. I'll check it out and get back to you. Thank you.

(Laughter.)

MS. NAGELHOUT: Appreciate it.

(Pause in proceedings.)

CHAIRPERSON REID: Sir, can you move it back some and then I think we can all be able to see it?

Ms. Nagelhout, you know, when I looked down I thought that Marie Sansoon was sitting down there. I must -- I wanted to correct that for the record, who was speaking.

MR. THOMAS: Thank you, Chairperson Reid and members of this Board.

I'm Michael Thomas. I reside at 2501 M Street, N.W., Washington 20037.

I'm here today as President of the Foggy Bottom Association, which is a neighborhood association in and for the neighborhood that is variously called both Foggy Bottom and West End for the last 40 years. That is, the Association has been there active for the last 40 years.

I want to first state briefly for the record this: that FBA is not any student, and its members are generally not any student, although there is a wide variety of opinions, but the association is certainly not.

Students are welcome as members of our association. They are, in fact, given discounts on the membership. We partner with the G.W. Student Association on community projects.

Our concerns are rather with the institutional policies at G.W. that have become very damaging to Foggy Bottom West End over the term of this expiring plan. We cannot survive as a residential community if anything like the same policies are allowed over the next several years.

The core problem has two main causes and two principal manifestations. First, G.W. has had no meaningful constraint on enrollment in Foggy Bottom. There are over 20,000 students now, but of course, now they want the enrollment cap to apply only to Foggy Bottom, and there is no meaningful constraint on enrollment, and enrollment has grown in great spurts since

1993, the date of the final approval order on the expiring plan.

There has been no requirement to house added students on campus, and largely G.W. has not done so.

Because enrollment especially in full-time undergraduate enrollment has greatly exceeded on campus housing, two phenomena have been resulted. First, student renters have flooded the private market, turning apartment houses into dormitories essentially and row houses into informal frat houses at least in some cases.

Second, G.W. bought about three dozen properties outside the authorized campus, but within Foggy Bottom West End mostly to house students. The result has been the displacement of large numbers of long term taxpaying residents who are, after all, the stakeholders on our community. They're the people we rely on to hold the community together over time.

The loss of large amounts of tax revenues has also resulted in the evisceration of an old established residential neighborhood.

I've set out here, as I've set out in my earlier, more extensive written submission, the history of the enrollment and how it spurted after 1993. I won't reiterate that. What has resulted is that about a little less than 2,400 full-time undergraduate students had not been offered housing as of fall '99, which was the last set of official numbers that we have been provided in the course of the facilitator discussions.

Of the housing that was offered, which was about 4,466, nearly 1,000 of those spaces were in apartment houses G.W. had recently bought off campus. In addition to the 2,380 full-time undergraduates, about 5,000 or about 4,600 and some actually full-time graduate students were also in the rental market.

So what did this surge of renters and acquisitions mean to Foggy Bottom West End? And that's why I have the map here.

First, I want to point out what Foggy Bottom West End is. There are some varying definitions, and as you know from reading the comprehensive plan, there is a division there in definitions between Foggy Bottom and West End.

It is all served by one ANC. Our neighborhood association covers essentially the same ground as does the West End Citizens Association. So as a practical matter talking about a residential area, we are talking about 19th on the east to the river and Rock Creek on the West and E Street on the south to N Street on the north, which is essentially where the paper ends.

This was a map, by the way, generated by the Office of Planning mapping people.

The authorized campus, which I have covered simply because that is not what I'm going to basically talk about, but also to give you an idea of how large a part of Foggy Bottom West End it already is, as an official matter is the area covered by the tan paper. That is the campus that has resulted from the

orders of this board over time, and of course, the southwest corner used to be part of the campus until it was excluded. That is the infamous Square 43 that was taken out for the express purpose, as the Board found it essential to remove that from the plan in order to protect and preserve the adjoining residential community.

The properties that are colored red on the map are those that George Washington University, to the best of your ability to gather this information, in a cross-check what they've given us against OP and their computer, these are properties that G.W. owns.

As you can see, in the southern tier of what is left of non-official campus G.W., there is a large amount of ownership. Again, Square 43, what used to be the Howard Johnson's, now called the Hall on Virginia Avenue; the Aston, well up north of New Hampshire Avenue -- of campus on New Hampshire Avenue.

The buildings in blue are those that were identified in a survey done by Commissioner Tyler in the first three months of this year, and that was the best information she was able to get. It's hard to get information to indicate which buildings were those where the units were 50 percent or more occupied by students as of that time.

Of course, that changes. I can't certify that this is even 100 percent accurate as of, you know, April 8th, which is

the last time she added to her information, but these are buildings -- the blue buildings are buildings including a lot of townhouses in the historic district, including Snow's Court, for example, including a number of townhouses along 25th which are substantially occupied by students.

This southwest of Square 43 is, of course, Columbia Plaza. Three of the buildings are marked in blue because they are substantially occupied by students. The cross-hatching in red, of course, indicates that the university already owns something a little less than 30 percent. It also has agreements that could lead to 50 percent ownership, and that apparently would put them into a general partnership status there.

The orange buildings are those which by observation have a significant student occupancy, but we don't have any quantification of that. Now, I will tell you that I walked around, and particularly the week before campus when you have a lot of cars escorting students, and their materials and so forth and so on. It's fairly obvious and also from informal conversations.

So that is just to give you some idea of where there are a number of other students. We just can't quantify them, and we haven't been able to get good information from the university. They don't know where their students are at least with any confidence.

The pink, which may not be all that easily picked

out, there are two buildings that are pink, here, which is the Alan Lee on F Street; here, which is One Washington Circle. North of the campus are buildings where the university, to our knowledge has made substantial efforts to buy those properties and may still be in the hunt for those properties.

So relatively little is left of the southern tier of Foggy Bottom West End. G.W. took the removal of Square 43 as a green light to buy and raise the residences that they were able to buy. What they're now asking for you to do is to expressly condone turning almost all of the rest of the southern tier, which includes not just 43, but 58, 81, and 122 into de facto campus, into unregulated campus under this Board's current regulations.

And also that you implicitly approve their continued acquisition of properties elsewhere in Foggy Bottom West End with the right to subject them to university uses in 2005 or later. Remember they have this -- it's very important that you very carefully read their proposals as to their so-called voluntary self-restraint as to acquisitions because it doesn't apply in very many places that we're critically interested in in some ways, and secondly, it runs out by its own terms if, in fact, they were able to meet their so-called housing commitment about which I'll talk in a minute.

They also want your blessing for continuing to turn Columbia Plaza into a dormitory. That's what they mean by the exception for properties where they already own an interest in

their already highly conditioned and time limited offer to curtail off campus acquisitions.

These proposals taken as a whole would give them an argument against regulatory reform of overwrite uses, which the Zoning Commission is now going to be taking a look at. Their argument would be: look. We've already reformed in a way that the BZA has approved in a ten-year plan.

It as well gives them an argument that new regs., if they are adopted, when they are adopted, won't apply to them during the term of this new plan. Their argument would be we've got vested rights under all of the tradeoffs that we agreed to in a BZA approved plan. For those reasons, we urge you to reject those proposals.

To the west they've made very substantial inroads, a couple of times by purchase, many more times by the flow of students. The old, established residential neighborhood is now Swiss cheese if you were looking for stakeholders, permanent taxpaying citizens.

They now want to go north. That is why they define Foggy Bottom to stop at Pennsylvania Avenue, and Foggy Bottom being a defined term then limits where there's any restriction on them at all so that the northern third of our community becomes a free fire zone for G.W.

It may be that the Board cannot stop, and I think that the Board is determined that it cannot stop, off campus

acquisitions, but it should not enter an order that says that they are to be encouraged or implicitly encourage them. They should be discouraged.

Now, I've laid out in this oral testimony in written form and earlier the reasons that we believe or we agree with OP that this violates the current law and so does the proposed plan, and it also violates public policy as set out repeatedly in the last several iterations of the comprehensive plan. I won't repeat that here, but I do invite your attention again to the quote from the 1994 plan, which made very clear even at a time when there were 1,600 fewer full time undergraduate students that the university should be building dormitories not just for prospective enrollment increases, but also to bring back into the campus the increases for which they had not made provision historically.

G.W.'s proposals on housing are completely inadequate. First, that enrollment projections have been uniformly low historically. They bought the Howard Johnson Hotel as an investment property, but then they converted it to a dorm when they were surprised by 400 more freshmen than they had projected.

Dr. Limebaugh, who is here before you today, had testified before you in April that they would have about 7,000 full-time undergraduates in September. They apparently have something like 7,200 or a little less, and no place to put any of

them.

They're asking for an undifferentiated 20,000 student cap with no guarantee against more students living in Foggy Bottom West End. Given recent experience we have to proceed on the assumption that G.W. will do what is allowed and not what is projected. Their official projection is 8,000 full-time undergraduates by fall 2005, but at recent rates of growth, which are five percent a year with freshmen up 20 percent in two years, they will be at 9,189 full-time undergraduates by 2005, and they would still have a lot of room under their proposed cap.

Dr. Limebaugh conceded it was possible they would have 9,000 full-time undergraduates by 2010, although that wasn't just projection. At a five percent annual growth, there will be over 11,700 full-time undergraduates. Even at three percent growth, they would have over 9,500.

There is no unconditional commitment to build any on-campus dormitories. Their conditions may never be met on Square 54, the old hospital, or Square 80, the school without walls. They may never acquire the property that they need on Square 103 to build there. If any of these projects fail the way they have constructed their proposal, even if it is through no fault of anyone, there is no commitment to house 70 percent of full-time undergraduates anywhere, much less on campus.

If the 70 percent commitment ever becomes operative, it still pushes more students into the rental market

than in fall '99. That is, in fall '99 there were 2,380 unhoused, full-time undergraduates. If they housed 70 percent of 1,000, there would be 20 more students pushed into the neighborhood.

At 9,000, however, it's 320 more students, and if they get over 11,000, you're over 1,000 more students pushed into the rental market. But in the best case, even though it is the least likely case, there is no housing commitment beyond 60 percent until 2005. Before then, increases in enrollment are to be absorbed by the community.

For all of these reasons, OP is correct. This plan is flawed as a matter of law and as a matter of very important policies repeatedly set forth by the D.C. Council. So the application must be denied.

Please help us save our neighborhood or what's left of it by requiring a plan that by its terms guarantees that the incursions are rolled back. Such a plan is outlined in our written presentation and also in OP's report which we commend highly.

G.W. recently submitted a draft of the condition on the plan to provide for a five-year review of its progress on housing, and I've added this to my statement only having gotten this this weekend. Let me just briefly say that we've argued that the plan shouldn't be approved for longer than five years because of all the uncertainties as to how to deal with, in a positive way, the likelihood of further incursions of students as

enrollment growth.

Nevertheless, let me mention that there are other inadequacies of this G.W. proposal. It provides only for a status report at five years by G.W. and only then if requested by the ANC -- of course, it would be -- and then comments by other parties. No sworn testimony is provided for. It prohibits testing the status report by cross examination. There is no provision for what happens if G.W. has not met housing commitment. There is no provision for amending the housing, student conduct, or enforcement provisions to respond to any defects in the plan that are identified during the review.

If the Board does not provide for meaningful, unconditional commitments as to housing students and for meaningful enforcement in its order approving a plan, it will be hamstrung later when the plan proves inadequate. I am unaware of anything in the current regulations that would allow the Board to amend a plan substantially in mid-term even if it considered that such amendments and changes were essential.

Thank you very much for the opportunity to present the views of our neighborhood and its association.

CHAIRPERSON REID: Thank you.

Board members, questions?

(No response.)

CHAIRPERSON REID: Ms. Dwyer.

MS. DWYER: I have a few questions, and some of

them relate to your written testimony which we did read and is part of the record, and I just wanted to go back to something in your testimony.

Your written testimony you mentioned that there were numerous advantages to living next to the university, and I was wondering if you could describe those for the record.

MR. THOMAS: Living next to a university that is compactly located and carries out its activities within its authorized campus and provides a number of important advantages, particularly to people like myself who are perennial students. I've taken courses at G.W. in the '60s and '80s and in the '90s, and I appreciate those opportunities.

I didn't always live in Foggy Bottom when I did those, took those courses.

The Foggy Bottom Association is permitted on presentation of its card to go into the Gilman Library. I appreciate that particularly because the National Security Archive in on the top floor and that happens to be my area of interest.

There are social events. There are sporting events. Universities can be very good neighbors.

MS. DWYER: All right. Thank you.

Going back to something you filed in the record, you also filed in the record a pleading from the George Washington University Mount Vernon College case, and in that pleading there was a request for environmental review of the campus plan, and I

was just wondering if you were aware that the Board denied that request in that case finding it had no jurisdiction.

I am generally aware of the procedural history of that case, including the fact that not only, as you say, the Board denied the request, but that the court denied the show cause order.

MS. DWYER: And I'm just wondering by your filing in this case are you asking this Board to rule on that as an issue here or what would have been the reason to file it in the record of this case? I'm just --

MR. THOMAS: We believe that the pleading states what the law should be. If -- yes. I mean we would ask that there be such an environmental assessment on such a multi-faceted series of impacts as are proposed under this plan, and if that is not done, we certainly want to marker in the record that the issue has been fully raised.

MS. DWYER: I'm just wondering if in terms of where the Board is on that, whether that was a formal request that we need to respond to or if that's something in the record that is just for information, but it was filed by the Foggy Bottom, and it was something from another case suggesting environmental review, which, again, this Board has already ruled on in the other case.

So I would just like the Board at some point to know for the record perhaps to reaffirm its earlier decision that that is not something that's within its jurisdiction.

In your testimony today, you stated that if the university were to grow to 9,000 students, undergraduates, that that would mean 20 more students in the rental market, and then --

MR. THOMAS: Let me correct you before you go further. I said if there were 8,000 students and 2,000 --

MS. DWYER: Oh, I'm sorry. Eight thousand. Then it would be 20 more students. And when you say 20 more students, these would be 20 more students living off campus. Is that what you --

MR. THOMAS: Twenty more students who are not offered university housing. That's right.

MS. DWYER: And you're not suggesting that this 20 would all be living in Foggy Bottom as opposed to other areas of the city or Maryland or Virginia?

MR. THOMAS: I haven't any idea where they would live. We don't have any idea of where the current unhoused students live in any great detail. They could all live at Foggy Bottom.

MS. DWYER: But you don't have any way of knowing whether they would or whether they would be taking the Metro to other areas?

MR. THOMAS: That's right.

MS. DWYER: All right. In your written testimony you also stated that the university has proceeded in full accordance with the approvals given by the Board in 1985, and do

you still stand by that statement in your written material?

MR. THOMAS: Let me look at what it is, if you could give me the reference.

MS. DWYER: Okay. All right. You state on page 7 that it is clear that G.W. has proceeded under the sanction of its plan as to enrollment and student housing, and that it has acquired off campus properties and subjected them to university uses without regulatory review as expressly permitted by this Board.

And I just wanted to confirm that you still agree with that statement.

MR. THOMAS: With that statement, yes.

MS. DWYER: All right, and let me just go further then. Isn't it true that in 1985, when the Board approved the campus plan, it did not restrict any off campus purchases, feeling at that time that it couldn't?

MR. THOMAS: Well, it wasn't in 1985, but I think that is a correct statement of what the Board's believe about its authority was.

MS. DWYER: All right. Going back to that earlier order, you also state in a footnote in your written testimony that the BZA at that time set an enrollment cap for the entire university, not just the Foggy Bottom campus, and can you tell me where in the order for the 1985 plan the Board stated that the enrollment cap was for the entire university and not just Foggy

Bottom?

MR. THOMAS: I can't give you a page reference. I read the plan looking for any contrary indication.

MS. DWYER: All right. In your written testimony you also refer to Section 1325.3 of the comprehensive plan, and I have that with me just in case you don't have it handy, and I wanted to refer you to that section and just ask you whether that section lists other causes that contributed to the depletion of the housing stock in this community.

The suggestion seems to be by referencing that that you're suggesting that it was simply the university that caused the depletion of the housing stock, and I was just wondering if you could read the other references in that section where there were non-university impacts on the housing stock in your community.

MR. THOMAS: Which section are you talking about?

MS. DWYER: Thirteen, twenty-five, point, three of the comprehensive plan.

MR. THOMAS: Well, counsel, why don't I just stipulate that as I indicated by showing ellipses in the quote, that I was only lifting that part of the language which was directly relevant to the issues that I was addressing, and that, yes, there are other causes of loss of housing stocks?

MS. DWYER: All right. You mentioned in your testimony as well that one of the site, Square 80, requires the

District and the community to work together in order for the project to go forward, and is your association committed to working with the university so that student housing can be built on that site?

MR. THOMAS: I'm sorry. Now, you're talking about Square?

MS. DWYER: I'm talking about Square 80, which is the school property, and you mentioned that it requires the District and the community to work with the university. I'm asking whether your association is committed to working with the university and the city on that.

MR. THOMAS: We are committed to dialogue on all issues that have the potential for either impact or to ameliorate impact, including that one, and we will continue to be very forthcoming about going to meetings and participating in those.

MS. DWYER: And do you feel the same way about the development of Square 54, the old hospital site?

MR. THOMAS: We will certainly want to participate vigorously in the consideration of what should be done on the old hospital site, yes.

MS. DWYER: Okay. Thank you.

One final question. You state in your written testimony that most students are responsible and respond to encouragement to treat the community as their home, and that you appreciate the university's efforts to educate students as to

standards of conduct and to provide the hot lines and other emergency services. And do you still agree with that statement?

MR. THOMAS: Yes. We applaud all affirmative efforts by the universities to educate its students not only in academics, but also in what's appropriate and where, and all of those efforts can be improved, but we do applaud them.

MS. DWYER: All right. Thank you. No further questions.

CHAIRPERSON REID: Thank you.

All right. What are we doing on time?

SECRETARY PRUITT: We're stopping during cross examination and returning --

CHAIRPERSON REID: All right. So --

SECRETARY PRUITT: There's 30 more minutes. This clock only does 60 at one time. So after this there will be another 30 minute period added.

CHAIRPERSON REID: We've only had an hour -- half an hour?

SECRETARY PRUITT: Yes.

CHAIRPERSON REID: No.

SECRETARY PRUITT: On testimony. There's no limit on cross examination.

CHAIRPERSON REID: I know, but we've had more than a half an hour testimony.

SECRETARY PRUITT: On parties.

CHAIRPERSON REID: Okay.

MR. McLEOD: Good morning, Chairman Reid and members of the Board.

I don't plan to be long, but do I have a specific time limit I guess is my question.

CHAIRPERSON REID: No. Your time is contained within the time frame for the opposition.

MR. McLEOD: Okay.

CHAIRPERSON REID: And each person was supposed to, I guess, check with whoever is coordinating it to determine about how long you have.

So, Ms. Spillinger, how many other persons other than this gentlemen?

MS. SPILLINGER: I think there are just three more.

CHAIRPERSON REID: Oh, okay. So then --

MS. SPILLINGER: No, four.

CHAIRPERSON REID: -- given the fact that you have four people to testify, however you feel it would be --

MR. McLEOD: I'll be quick.

CHAIRPERSON REID: Okay.

MR. McLEOD: I'm James McLeod. I live at 2424 Pennsylvania Avenue, N.W., Number 407, here in the District.

I submitted a statement on September 7th, which is in the record, and I'm going to summarize that, and today I also submitted some documentation to help supplement that statement I

submitted on the 7th.

I do support the ANC's position in April that G.W. should build on campus housing equaling the number of full-time undergraduate students and attending the Foggy Bottom campus.

I've cited to land use regulations which talk about conserving and enhancing existing neighborhoods, and that's my concern. In my statement I included a couple of items, one, a photograph of the front of the building where I live, which used to be -- and I reference my supplements today, Item 1 and Item 2 -- that used to be a G.W. dorm or at least part of the building was.

When that happened, there were 27 units. I said 27 to 33, there's 27 based on being able to verify that number. The building, in effect, converted from an apartment building where you had a lot of long term residents to one where now we have very transient community. About a quarter of the residents still live there long term, and I mean long term. Some have been there for over 30 years.

And that is part of a larger community which I referenced originally becoming a party as the horseshoe of neighborhood around the central business district, and I just wanted to refer to this map for the Commission, and I'll just point out the neighborhoods.

We're in Foggy Bottom, and the essential business district has basically got north of the White House would be the

central part. The Foggy Bottom, the West End, Dupont Circle, Logan Circle, Thomas Circle, and Shaw, Chinatown, and Pennsylvania Quarter, and now efforts to fill in the horseshoe. So maybe it will become a dock at some point, but you have neighborhoods surrounding the entire area, and part of what I'm going to focus on is just my building, where it is and my concerns about the university.

We're in an area where if G.W. -- and I think from their statements -- I am right on Pennsylvania Avenue, and that seems to be an area, a C-2-C zone where G.W. is interested in. What will happen if they divide that area between K and Penn. is they are going to separate historic Foggy Bottom from the West End, this part of West End.

You begin to sever off the communities from each other not with -- what you're severing is long-term residents, people who have lived there for quite a while. If they're occupied by students, the university begins to fill the community, in this case sever links between long-term residents in what I call the horseshoe of neighborhoods around the area.

Now, Mr. Barber during cross examination, I tried to get him to explain what I've attached as Item 4 on my supplement, which is their unpaginated item they submitted on the last time we were here, and I looked at it, and I was somewhat relieved. I said, well, my building is included in this grid, which says Foggy Bottom area, they're committed not to purchase.

And on the first page I've kind of summarized that statement or I quoted the statement, and I asked Mr. Barber, and of course, the Board is going to include how specific his answer was, but I took it to mean no, that when I asked him do you claim to purchase my building, instead of him saying, "No, we don't," he kept referring to they don't plan to purchase residential properties.

Well, my area is in a C-2-C, which according to the DCMR, I believe, is a commercial district. So I believe that would qualify for the first part of the statement, but even if it didn't, the second part of the statement is, well, even if they're not going to buy it specifically to make it a dorm, which they already have done once, and the Aston is now one with less than ten percent of the residents being long term residents there based on their September 20th submission.

The creation of the university of residential halls, they're not going to do that, but they still reserve the right for investment purposes. Well, you can buy the building for an investment purpose, and then after five years they decide to convert it to a dorm or if they've met their 70 percent goal, apparently they can use it toward a dorm.

So they're leaving a lot open there. I testified at a number of BZA hearings during the last three years, and I've seen a little bit, and I attend most of the ANC meetings as well and the Foggy Bottom Association meetings, and I've seen what G.W.

representatives say when they come to the four wards such as this and ANC commissioners, and you have to be very careful about statements they make.

In my supplement I've added the story on the saga of Square 43, and I included a quote in there. I was looking through the transcripts of that hearing back in October '97. There was some in December which the copy was not available, but the quote I got was from counsel for G.W. at that time trying to get approval for the Health and Wellness Center saying, "We are pleased that the University has earned the support of all property owners within Square 42," where the Wellness Center is, "as well as many of those owners in nearby squares."

If you read, Square 43 is directly across the street south of that, and if you read the article, G.W. is the owner of most of those properties, which they ended up raising those townhouses. This is the type of behavior I think you're going to see when they're beginning to talk here about their five years or 70 percent goal.

Virtually everything they're promised seems to be on a time schedule that gives them a fair amount of time. Come back in five years, and there seems to be a lot of zoning problems with their proposed on campus building, which suggests there will be some problems which you'll have some excused to make to this Board when they come back again.

But look at what they did with the Health and

Wellness Center. That was not the first time in '97 that they applied for that center. They came back again, and during that time, what they did was they purchased the housing across the street from it. So as the article points out they could say, "No residents directly across the street might be bothered by the new construction," because there were none. There were no buildings there on the northern half, and then later they took most of the southern half as well.

So I think what G.W. seems to be doing is continuing a pattern where they are being very careful with the language that they use so that it's not binding on them. That's why I feel if you're going to have something binding that has meaning, that puts meaning to the boundaries, what you need to do is to tie the enrollment with the number of beds on campus, and G.W. has a fair amount of commercial space there.

If they're saying that they want to be in the center of things and they don't have enough room, well, they can convert some of that commercial space to classroom space, freeing up more dorm space.

There's an argument that to force them to build new buildings will raise tuition, and that's one argument that's there, but the one statement was made that I think three quarters of the income is from tuition, but that doesn't mean it has to stay that way.

If the university were to take a more enlightened

approach, I'm sure their alumni would be more generous to an institution they saw not as a CEO running a corporation, but as a true university which welcomes its students.

I'm a little concerned about the issue of what I call exclusionary zoning where if that's the solution that the Board adopts and G.W. is able to say they're taking the high road and they don't want to be running over anybody's rights, I think that's exactly what they will do, and they'll look fine to those members of the community to say, well, they're doing something on principle.

What I'd like to see them do on principle is to welcome their students to build housing for them on campus. That gives their students a home. That's the whole issue. We in the community, I in the community, I like to have my home stay where it is and not become 90 percent occupied by students.

If G.W. builds on campus, they provide a home for their students. Their students are happy. The residents are happy. The tension goes away from the community and the university.

And finally, I've made a quote to the Power Broker. It's a wonderful book if you're interested in zoning issues and what can happen when somebody with a lot of power is not controlled, and basically I see that as happening with this university president.

He is paid an awful lot of money, I believe over

half a million dollars a year, and yet the first concern that they have to build dorms is not a cut in his salary. It's an increase in tuition for the students.

But the title of the book is the Power Broker, Robert Moses and the Fall of New York. I think a book of President Tractenberg, I hope it wouldn't read President Tractenberg and the Fall of Foggy Bottom. It can read President Tractenberg, Enlightened Use of on Campus Property that buildings students, to welcome their students, appreciate their students by building dorms on campus, and at the same time acknowledging the importance of the community, which as I stated in my letter I think they need to get their priorities straight to be a world class university. They need to put their community first.

And if they don't show respect for the community, I don't think they're ever going to make it into that top tier that they seek.

If that's his goal, he's going to continue doing exactly what he's been able to do unless the Board speaks for the people and tells them, you know, we don't allow you to step on citizen rights.

And finally, the Office of Planning has agreed that this plan that he has proposed is detrimental to the community. I would hope this Board follows the Office of Planning concern for the community and say to President Tractenberg and the Board of Trustees of the university, "No, this is no longer an acceptable

way for a university to act in this city."

And President Washington, I quoted Washington neighborhoods. Actually in 1798, this is an in-law in Foggy Bottom, and I wonder how he would feel today if he were to go to Foggy Bottom and ask the concerns that the resident, his in-law if he still lived there, and his namesake, the university, not having a very good reputation, in fact, many people feel being very detrimental to that community. I don't think he'd appreciate it.

And I think you can set the university administration straight. The students are wonderful students and should be appreciate by the university, and I appreciate this time to give the presentation.

CHAIRPERSON REID: Thank you very much, Mr. McLeod.

Do the Board members have any questions of this witness?

(No response.)

CHAIRPERSON REID: Ms. Dwyer?

MS. DWYER: No questions.

CHAIRPERSON REID: Okay. Thank you very much.

MR. McLEOD: Thank you.

CHAIRPERSON REID: All right. Next?

Council Member Mendelson at large, Phil Mendelson, we're going to allow the council member to speak out of order given the fact that we appreciate his time constraints.

Sir, would you please allow yourself to be cross

examined? That's the only thing, if you have time for testimony and to be cross examined. Thank you very much.

COUNCIL MEMBER MENDELSON: Thank you very much, and good morning.

I'm Phil Mendelson, a council member at large, and I appreciate your letting me come in here and speak briefly.

I'm really here to make three points, and those are, first, that I think the premise of the campus plan should be different, that it should start from defining the neighborhood.

The second point I want to make is that whatever you do with this case, when you do it there should be a time limit, a fairly short time limit on the order that you issue.

And the third point is that the need to provide incentives or disincentives for student housing is critical, and that if there's a legal obstacle with regard to the Human Rights Act, I will be happy to work with my colleagues to draft legislation.

Let me back up. I've given you a series of documents which are correspondence beginning with two letters that I have written to Mr. Tractenberg regarding the campus plan. They included a letter from five council members that has been submitted in the tax case before the Zoning Commission regarding the campus plan regulations and then testimony that I gave in that same case.

And finally, the letter, lengthy letter that I

wrote back in May to a resident concerned with the American University campus plan and some historical problems there that goes into some of the problems or issues involving campus plans.

I realize that what's before you is specifically the G.W. campus plan, but I think that these documents provide a context for my comments, and particularly the first point that I made, which is regarding defining the neighborhood.

And I'm going to read from the last paragraph in the letter signed by the five council members where we wrote, "Campus plan regulations should be revised to start from a different premise: relationship to the broader neighborhood. Campus planning should no longer start from the premise of bricks and mortar and the university's programs. Rather, first it should define the larger neighborhood, then state how that neighborhood will be protected, and finally build the campus or the university within that framework."

A campus plan can start from the premise what does the university want to be in ten or 20 years, as the G.W. plan before you does, or the plan can start from the premise how will the university relate to its neighborhood at those points in the future.

We strongly believe that this refocusing of the campus plans could have the greatest impact in mitigating objectionable conditions, and this was the theme of my correspondence with Mr. Tractenberg beginning last November.

He was kind enough to let me see a draft of the campus plan. My comment was that I thought that it should start from this different premise, and his response was encouraging that they would do that, and then there were no changes in that regard, and I do think this is critical.

From where I sit as an at large member, I think it's very unfortunate the tension that exists between George Washington University, which does many good things for the city, and the community within which it resides, and if the campus plan was written from the premise of what should the Foggy Bottom neighborhood look like, and there would be a lot of teeth gnashing in coming up with that; but if it was written from that premise, then I think other pieces would fall into place.

But instead what you have before you is a plan that says, "This is what G.W. wants to be in ten years or 20 years, and these are the programs it wants and the buildings it wants," and then you have an audience here, a roomful of people who are saying, "Well, how does this relate to the neighborhood?"

What we seek, what the neighborhood says is what we see is a large institution that continues to march on in changing and destroying the residential fabric of the neighborhood, and I see this when these issues come to the council, residents upset because Columbia Plaza is converting, because Howard Johnson's was converted, because of Square 43 and what's happened with that.

So I think that this premise, the issue of what the

premise of the plan is is critical.

The second point is, as I mentioned before, is that as you know, there are regulations, a text case or two pending before the Zoning Commission to look at the regulations, and there is a lot of very good input and testimony that's going into those cases, and I think that it's important that the benefits of those hearings, of that review and what ultimately is decided, that those benefits should not be lost on this community, on the George Washington University community for ten years, which is the normal time limit for these cases.

And that's why in my testimony before the Zoning Commission which I've given you I recommend a three year time limit on your order so that the new regulations can take effect and can benefit the George Washington University neighborhood.

And the third issue, the final issue is with regard to providing incentives or disincentives for student housing, which I think is important, which I think based on the hearing, the testimony that you're getting, you've got to see as critical; that if the Human Rights Act is an obstacle to that, I will be happy to work with my colleagues to draft legislation so that that is not an obstacle or an impediment to providing necessary incentives or disincentives.

And that's my statement, and I appreciate very much your letting me come in and give it.

CHAIRPERSON REID: Thank you very much, Council

Member Mendelson.

Are there questions, Board members?

VICE CHAIRPERSON SOCKWELL: Council Member Mendelson, with regard to the ten year time limit on campus plans, do you feel that it is valid to provide a foreshortened time period for a fully reviewed and developed campus plan or would you believe that pending legislation and changes to the regulations, a continuation of an existing campus plan for further processing would be more appropriate, the reason being that the planning process is such that the universities have stated in their cases that if you make a campus plan too short, you really don't allow anything to happen, and the development of the campus plans and its elements is more or less time wasted because it goes into a continuous reworking during the school year, during the budget cycle, et cetera.

Would it be more valid to perhaps extend an existing campus plan making no changes to it while legislation is underway or to provide some really abbreviated time period?

COUNCIL MEMBER MENDELSON: The answer is it's not an easy answer, and I think it depends upon the details that are before you in this particular case. If there are objectionable details to the existing campus plan, they ought to be changed, corrected as soon as possible.

The issue for me is not primarily let's fix what is in the existing campus plan. It is rather, with regard to this

point, it's rather that we, the government is looking comprehensively at revising the regulations, and the benefit of those changes should not wait ten years.

Either course, either option that you put forth in your question would address that, whether the case is continued, whether the campus plan is continued, extended or a new one is adopted, but for a short period of time. Either way, the new regulations would be able to benefit the Foggy Bottom and George Washington University communities soon, and to me that's what's critical.

And choosing between them, I think, is a decision that you have to make based on the testimony that you're getting and what's wrong with the current plan and whether those problems can be extended, can wait three years, or whether they need to be fixed right away.

VICE CHAIRPERSON SOCKWELL: I think one of the things about the legislative process is that if we cast something in stone before legislation appears, then whatever is cast is there. If you don't cast it in stone, and you allow the legislation to address the issues that have been most vocally expressed by communities and with a new look at planning as a process, perhaps you get a better result, and it is difficult when one does not know what the legislation might be, which course of action is the most appropriate.

So it sort of leaves us wondering, but certainly

knowing that there is a set of problems out there that have not been properly addressed by the ordinance especially in recent years, based upon the type of development that's taken place, the type of things that are not regulated effectively by the law which we are here to try to administer.

So it's a very difficult issue, and the involvement of sensitive people like yourself and the communities and the universities where they begin to bind themselves into the process is going to make this all much better, but right now we're sort of locked.

COUNCIL MEMBER MENDELSON: When you say "legislation," you mean the tax cases before the Zoning Commission, which are a legislative proceeding.

VICE CHAIRPERSON SOCKWELL: Yeah, and things that the council can do, things that the Zoning Commission can do, things that the Office of Planning will be involved with, et cetera, or sort of a comprehensive look along with the community's involvement at the neighborhoods and how the neighborhoods are affected by the universities and the campus plan process to date.

COUNCIL MEMBER MENDELSON: Fundamentally this is an issue that I've seen in other matters where the Zoning Commission has looked at the regulations through tax cases, and the issue is the same. Presumably what the Zoning Commission is going to do is going to be better than what we have now simply because the whole act and in the premise of revising, looking at the regulations and

revising them is to make them better. That's a valid presumption, whatever they decide, and those regulations should have as current applicability as possible.

And so that is my concern, that a ten-year time limit on a new campus plan delays the applicability of those new regulations, whatever they may be, and I appreciate the dilemma that you're putting forth because you don't know what those regulations are going to say specifically.

But nonetheless, I think there's a presumption, a legitimate presumption that those regulations will be an improvement.

We don't presume that the Zoning Commission will make them worse, and so they should have as current applicability as possible, and that's the reason for either a short order or extended.

CHAIRPERSON REID: Mr. Mendelson, you said -- and let me just get clear, a clarification -- that you recommend a three year term.

COUNCIL MEMBER MENDELSON: Correct.

CHAIRPERSON REID: The campus plan?

COUNCIL MEMBER MENDELSON: Yes.

CHAIRPERSON REID: Now, if the process -- as I understand it now, it takes approximately three years to prepare for a presentation. What time then is left for you to be able to gauge that there are any types of problems that will come about as

a result of the campus plan?

That's one part, and the second part is where did the three year number come from?

COUNCIL MEMBER MENDELSON: Sure. My sense is that the process of developing a campus plan -- I mean it may be that the first meeting occurs three years before the hearing or the final decision, but to develop the plan, the nuts and bolts of it is about a year, and my estimation is that the Zoning Commission is going to complete its work on the tax cases the next year so that the new rules would be in effect by 2002, the beginning of 2002, and that would give a year, a little over a year for the universities to then come in and submit plans complying with the new regulations.

That's how I came up with three years. If the Office of Planning looks at this time and says, no, in fact, it will take shorter or longer, my sense is that they would be better estimators.

CHAIRPERSON REID: Right.

COUNCIL MEMBER MENDELSON: But I figured about another year for the Zoning Commission to do its work and then about a year for the universities to come in. That's two years, and now we're still in 2000.

CHAIRPERSON REID: Wait a minute. Am I understanding you to say that if, in fact, the universities, which many of them, if not all of them, are before us this year, that

if, in fact, they have already gotten approvals during this period of time, then you want to see them come back in three years?

COUNCIL MEMBER MENDELSON: I'm talking about the -- well, right now I'm talking about the George Washington University plan, and I would be --

CHAIRPERSON REID: We've been that --

COUNCIL MEMBER MENDELSON: I would make the same point with regard to any other campus plans that come before you.

CHAIRPERSON REID: Yeah, it would be across the board, wouldn't it? It wouldn't be just with Washington.

COUNCIL MEMBER MENDELSON: Correct. With regard to other plans that don't come before you, I think that's for the Zoning Commission to decide whether -- you know, how it would handle that.

CHAIRPERSON REID: Okay.

COUNCIL MEMBER MENDELSON: I mean, I heard in your question whether I wanted to -- whether I'm talking about a university whose plan isn't pending, and that's why I'm saying that's up to the Zoning Commission.

But with regard to the plans that are pending, this plan which is pending --

CHAIRPERSON REID: Un-huh, and there are other ones that are pending.

COUNCIL MEMBER MENDELSON: Yes, and I would take the same position in three years.

CHAIRPERSON REID: Okay. Thank you.

Ms. Dwyer?

MS. DWYER: I just had a couple of questions on this whole time frame, and --

COUNCIL MEMBER MENDELSON: Good morning.

MS. DWYER: Hi.

-- and while I think it would be great if the Zoning Commission can move as quickly as it did, the haven't -- are you aware that in the past they have looked at this issue?

They've held round tables in the past. After that, they've decided not to change the regulations. So that is a possibility that the Zoning Commission may decide not to change the regulations.

COUNCIL MEMBER MENDELSON: I'm assuming that there will be some changes. As a minimum, we know that the process for considering who considers the campus plan regulations in the future has been set down for hearing, and based on my experience with zoning cases, I think the fact that a case has been set down says -- set down for hearing, says that there will be some changes. That's my assumption.

If, in fact, there are not changes, then we deal with that, but I think it's reasonable to say -- I think it's critical to say -- that in the likely event that there will be changes to the regulations, that they should have as current applicability as possible.

MS. DWYER: Right, and I'm not disputing that. I'm just saying that given past history and the amount of time it often takes to get the end process of a regulation, it might be better to say that this Board should decide this case on this record without trying to anticipate or figure out when the Zoning Commission might change the regulations.

In cases, regulations change all the time, and when the Zoning Commission changes regulations in other cases, doesn't it have within its power the ability to deal with things like grandfathering of existing uses or campus plans? Isn't this an issue that they can decide in the context of that case without asking this Board to try and anticipate or project?

COUNCIL MEMBER MENDELSON: Well, there are some nuances there that I don't want to second guess in terms of whether the Zoning Commission can reopen cases that have been settled. I'm --

MS. DWYER: I'm not suggesting reopening, but when they change the regulations, they can provide for a phasing in of new regulations. They can apply for grandfathering of certain provisions. Is that not true?

COUNCIL MEMBER MENDELSON: Well, my view is that the Zoning Commission needs to make some changes to the text, to the requirements in the text, and that those changes should be applied as quickly as possible, and therefore, any cases that are coming up now should have a short time frame so that they can then

come under the new regulations as quickly as possible.

MS. DWYER: All right. Thank you.

MS. SPILLINGER: Madame Chair, is it possible --

CHAIRPERSON REID: Yes, you may.

MEMBER RENSHAW: Madame Chair.

CHAIRPERSON REID: Thank you, Mr. --

MEMBER RENSHAW: If I may just ask the councilman, you stated that you were going to -- if the student housing is critical, you said you were willing to draft legislation revising the Human Rights Act. Is that something you're going forward with in any case?

COUNCIL MEMBER MENDELSON: I need to look at -- I need to understand whether there really is an impediment in the Human Rights Act. Let me back up because of the way you phrased the question.

Student housing is critical, and I know that there has been talk about providing incentives or disincentives to encourage the location of students in certain areas or to limit the location of students in certain areas.

I think that's critical, and I've been told that the Human Rights Act has been cited as an obstacle, and I don't think so, but I'm going to look at that, and if there is a codable argument to that, then I will introduce legislation to fix that.

So my message here is that don't stop looking at that because of this legal argument. We will fix it in the

legislature.

CHAIRPERSON REID: Ms. Tyler.

COMMISSIONER TYLER: Thank you, Madame Chair.

Thank you, Council Member Mendelson, for your --

SECRETARY PRUITT: Ms. Tyler, your mic is off.

COMMISSIONER TYLER: Thank you, Council Member Mendelson for your input. It's most appreciated.

I would just like myself to have, not having participated in the first round of this discussion, would like to have just a small clarification. I'm not entirely sure that I caught all of the nuances or the details of what you just said, but would you agree that I think I understood you to say that some of the really objectionable details that have been brought out by the community, that those details could be addressed by the BZA now, and that the time frame could be a three year period approval.

Am I interpreting it correctly or would you be good enough to correct me?

In other words, some objectionable conditions that have been brought out before the BZA in testimony by the opposition could be addressed in such a way which clearly would not counter and kind of zoning changes that the Zoning Commission might be undertaking because the Zoning Commission, as you said, would be going in the direction of improving especially in terms of the enrollment, which is, of course, the bottom line of the

whole argument, of the engine that drives the expansion.

That would not be inconsistent with your suggestion, namely, let's say, a three year approval, but addressing the important objectionable details in that three year approval.

COUNCIL MEMBER MENDELSON: I was answering Mr. Sockwell's question.

COMMISSIONER TYLER: Right.

COUNCIL MEMBER MENDELSON: And he presented me with an either/or, and I said that I think the answer depends upon the testimony, and I think either would be, you know, based upon the testimony, would be -- either would be a legitimate approach because the issue that I'm emphasizing is that I think that there needs to be a short time frame on this campus plan. Let me rephrase that.

Because the issue is that any new regulations should be applicable to George Washington University's campus as quickly as possible.

COMMISSIONER TYLER: Yes. Thank you, Council Member Mendelson.

The only apprehension that exists in my mind at this point is that if one does approve something for three years pending the outcome of the revisions without addressing the immediate, as you said, detailed objectionable elements and conditions that have been brought before this BZA for that three

year period and waiting for the three years, for the revisions to occur, within three years, as we know, a lot of damage can be done unless the objectionable conditions that have been brought before the BZA are addressed, in particular, the most important basic issue, the enrollment.

COUNCIL MEMBER MENDELSON: And I think that's the point that you've got to make to the Board.

COMMISSIONER TYLER: Thank you. I believe we did, and I thank you for your clarification again, Council Member Mendelson.

CHAIRPERSON REID: Thank you.

Are there any further questions?

(No response.)

CHAIRPERSON REID: Thank you very much for --

COUNCIL MEMBER MENDELSON: Thank you, again.

CHAIRPERSON REID: -- giving us your time today, Council Member Mendelson.

Okay. There was a request by a student from George Washington who has to go to class, and unless the Board members object, we would take him out of order so that he would be able to get to his class in a timely manner. Okay?

Come forward. Thank you.

MR. BURT: Good afternoon to the members of the Zoning Board. My name is David Burt, and I am the Student Association President at the George Washington University,

representing all 18,000 students that are currently enrolled at the George Washington University, and I'm here before you this morning to testify basically in support of the George Washington University campus plan, which is no surprise.

The Student Association and the Residence Hall Association of the university, which are our deliberative bodies, our representative bodies, have passed different resolutions in full support of the campus plan with amendments and conditions. We have come to understand that over the past few weeks the university has made many concessions to the neighboring communities, I mean, to the neighborhood, in addition to agreeing to add 2,200 new beds, on campus housing, which I think meets much with our criteria of basically making sure that the university increase enrollment at a rate that they can handle as far as the academic and residential facilities.

I think that is very important for not only the students of this university, but for the District of Columbia, as a whole, that this university be able to remain a vibrant academic institution which it has, as I said, all of the things in the plan concur with what the students in the university want and have requested through their representative and deliberative bodies.

And I'd also like to add that the students on our campus, and especially in the Student Association, do a lot within the neighborhood of Foggy Bottom. I don't think that anyone can question that.

Every year we hold an annual Foggy Bottom clean-up, which is coming up at the end of the next month, which we go around the neighborhood with neighborhood residents and whatnot. We have programs like United Foggy Bottom where we have listings and numbers, where we go shopping for seniors and buying their groceries and whatnot, and I think that some things that come out of here as far as a harshness towards student is somewhat misappropriated. That's just how I honestly feel as a representative of the student body.

Another thing that I'd just like to mention is that we are not -- the George Washington University students are not the only ones who are facing the issues and problems. It also is affecting similar universities, such as Georgetown, American, and we've recently formed a coalition to basically discuss various issues.

My Vice President attended the second meeting of the coalition last night. I haven't had a report from her, but we are doing a lot of things and trying to work with the community, and we ourselves, the Student Association, look at ourselves as a branch towards the community, and we work with various members for the Foggy Bottom Association to try and make sure that things are more cordial.

They actually came to our Senate meeting and had us amend a resolution in support of the campus plan, and we added those amendments to there.

So I think that to say that the students support the campus plan and have worked with the community, we have and taken their issues to the thing and brought them to the university as well, and that's where I stand.

And I guess I'm open for questions.

CHAIRPERSON REID: Thank you.

Ms. Renshaw?

MEMBER RENSHAW: Yes. Thank you for your testimony, and your last name is Burt?

MR. BURT: Yes, ma'am.

MEMBER RENSHAW: Yes, Mr. Burt. There has been a lot of discussion regarding campus plan, off campus student behavior, and how has your association dealt with this issue, and how are you connecting with those students off campus to try to rein in bad behavior?

I'd like to hear your thoughts.

MR. BURT: Okay. As far as the concern off campus bad behavior, which I could understand is definitely a problem of the residents, I think the university has taken a step in trying to correct that, in what they have proposed for the campus plan, which is basically saying that a hot line can be set up where students can be brought under the code of student conduct that the university has and where they can receive punishments that residents living on campus can.

As far as what we do, we are currently putting

together, and it should be being distributed very soon, as a matter of fact, because I just had a meeting with my Vice President for Community Affairs who attends a lot of meetings in the area of the Foggy Bottom Association ANC, and we are distributing a thing called students rights and responsibilities in the campus, basically not only saying how they should act, what's appropriate and what D.C. laws are, but saying when you're supposed to take the trash out, whether you're supposed to clean your sidewalks in front of you, how you're supposed to act, and things like that.

So we do do a lot of outreach for things like that.

Now, for me to say that students will always act good, of course, is not necessarily the truth, but I don't think that that can be held against the students of the George Washington University because I think that George Washington University has taken the necessary steps to try and curb that and to try and have the university -- I mean the neighborhood and community assist them in that matter.

The university can't necessarily police everywhere off campus for the neighborhood,b ut if the neighborhood would like to assist them in doing that, I think the university is being more than open in allowing that.

CHAIRPERSON REID: Thank you, Mr. Burt.

You had mentioned -- and let me also say that I think that that is -- I commend the effort on the part of the

students to try to take the initiative in addressing some of the concerns of the community, and not only that, but to also then insure that students there understand what would be deemed proper and acceptable behavior in any living situation.

You mentioned something about a consortium of students with the other schools. Could you please more on that, and were you addressing these types of issues in your consortium?

MR. BURT: Well, yes, especially this year because there's a lot of concern, as I know. I know Georgetown is --

CHAIRPERSON REID: What schools are in the consortium?

MR. BURT: Georgetown, American, Howard, George Washington University, Marymount University, Catholic University and the University of Maryland.

CHAIRPERSON REID: Is this something that was initiated by the students themselves?

MR. BURT: Yes. This is something that over the summer I was contacted by the Vice President of Howard University, and she was starting the thing. We had our first meeting in August, and we had our second meeting which was yesterday, and a large part of the issue is working on this, and I have another issue, but I'm not necessarily sure if the jurisdiction lies here, but it's something that I know has been spoken about, and it's amending the Human Rights Act or something of D.C. that has to be done for discrimination against students.

I think that it's wrong, and it's something that Georgetown is facing right now. An article from our campus newspaper and issues that were brought up in the first meeting were that they were trying to deny qualified students housing in Georgetown areas and limit off campus housing for Georgetown students.

I don't think that it's right for students to be denied housing, and the reason why I say that is because I know there are sometimes bad apples, but the fact of the matter is that a large part of the time we focus on undergraduates, and we forget the graduate students. Ten thousand more than -- there are 11,000 graduate students right now at George Washington University and only 7,000 undergraduates. Graduate students have to live in the community very often, and they also fall under rental students, and I think that is a very big problem because we don't have complaints about graduate students. We normally don't.

What the university is planning on doing is housing and setting a target to house 80 percent of undergraduates on campus, and I think that's very important to note that, that a large number of students that do live off campus are graduate students who are 25, 30 years old, who have jobs, who are responsible members of the community, who do a lot of things, and I think that anywhere when we go towards that point of trying to deny students housing just because they're students is setting a dangerous precedent.

CHAIRPERSON REID: Thank you very much.

VICE CHAIRPERSON SOCKWELL: How do you spell your last name?

MR. BURT: Burt, B-u-r-t.

VICE CHAIRPERSON SOCKWELL: Just B-u-r-t. Okay. I have one question for you. You state that the Student Association working with the Foggy Bottom Association amended its approval of the campus plan or approved amendments to the campus plan.

MR. BURT: Un-huh.

VICE CHAIRPERSON SOCKWELL: Now, this was the result of meetings between the Foggy Bottom Association and the Student Association as a formal meeting?

MR. BURT: Not necessarily formal meeting. What had happened was that we were -- when the resolution for support of the campus plan went to our committee who's responsible for approving it, there were various discussions from the Vice President of Community Affairs last year, who was responsible for keeping in contact with the various neighborhood associations, and his name was Jeffrey Marootian.

What happened was that when it came to the floor of the Senate and when we were discussing it -- I could read the amendments if you would like -- the amendments that the Student Association made was that we support the campus plan, and one of the major things was plans for university properties near, but not within the boundaries of Foggy Bottom campus should be discussed

in the committee composed of university administrators, student association members and members of the community chosen by the communities, guidelines for future acquisitions in the neighborhood should be established and published.

And that was something that Foggy Bottom Association requested.

They also requested that communication with the surrounding neighborhoods must be substantially improved as demonstrated by the concerns of recent acquisitions of Hall of Virginia Avenue, which is an old Howard Johnson's, and a partial stake in Columbia Plaza, and they felt that it was important and we as students felt that it was important always remembering that we are here, yes, but we are temporary residents, and we do not live here forever.

The residents here have been here for a long time, and we felt that it's important that we make sure that the university -- and express our view that the university work much closer with the community in order to do that.

VICE CHAIRPERSON SOCKWELL: What level of active participation does the Student Association have among the student body?

MR. BURT: As far as active participation?

VICE CHAIRPERSON SOCKWELL: Say when you have meetings of the Student Association. Obviously there's --

MR. BURT: Meetings of the association, for

example, we hold various events. As far as main deliberative meetings, such as senate meetings or whatnot, participation, if you'd like to come there's actually one tonight where the participation will be extremely high because we're discussing many matters, but on a general basis when we have meetings there are I would say about 30 or 40 people there in addition to the Senate.

We approved the campus plan, the room was actually overflowing. We couldn't have people in there on the resolution for that.

I mean as far as participation, other points in time, there are lots of parts of the Student Association. There's Student Association seminars, but there's also different bodies, such as the Resident Hall Association, which has representatives from all of the residence halls, and they have all of their own hall councils who have various meetings, and there are schools that have their own things, their class councils.

I mean there's a lot of various representatives.

VICE CHAIRPERSON SOCKWELL: So, in other words, the Student Association is based on a sort of federated relationship among the various factions which then bring the issues and whatnot--

MR. BURT: Yes.

VICE CHAIRPERSON SOCKWELL: -- back to the central organization?

MR. BURT: The that would -- yes, it's my job to

basically seek out the input from all the various organizations around campus and bring that as President to the senate. The senate is the representative body of all G.W. students. It's composed of 29 students, undergraduate and graduate.

VICE CHAIRPERSON SOCKWELL: Now, this is a bit subjective, and I'll make it brief.

MR. BURT: Go ahead.

VICE CHAIRPERSON SOCKWELL: Do you feel that the university administration, if you can state this, has been supportive of the student involvement in its projections of its future to the extent, in particular, that the neighborhood relationship between students and these residents of the community be improved considerably?

Are you getting a strong feeling from the university hopefully that the relationship between the university student body and the surrounding community needs to be improved?

MR. BURT: Yes. I mean, that's demonstrated by a large part of, I think, some of the concessions which are in the campus plan, but personally from my point of view, I mean, I don't necessarily think that it's the university's place to, like what you were saying, to support us, to support them. I think that is our place to try and do that, and we tried very hard because there's the -- I don't know if she's in the room right now because I didn't see her, but there's a lady everyone knows in the Student Association because she's in the office regularly. Her name is

Olga Khoury, and she has a button that says "I Love G.W. Students."

I mean, we work with members of the community. The Student Association does itself.

As far as support from the university that we receive from that, yes, but we don't necessarily need it because we are an independent student organization. Therefore, you said it's subjective, and I can say what I honestly feel and what I should be saying on behalf of the students of the university, and we do receive support from the university in our programs.

The Foggy Bottom clean-up started from the university, and we've taken it over and stuff like that. So the university is supportive, if that's the answer to your question.

VICE CHAIRPERSON SOCKWELL: Okay. Thank you very much.

MEMBER RENSHAW: Mr. Burt, does your organization get funding from the university? Is that how you are allowed to or able to continue your activities?

MR. BURT: We don't necessarily get funding directly from the university. We get funding from a fee, which is a student fee, which is on our tuition.

MEMBER RENSHAW: From all students?

MR. BURT: Yes, from all students.

MEMBER RENSHAW: Do the students feel that they are members of your organization, or do they just assume that you're

representing them because of this fee on the registration?

MR. BURT: Do they assume that they're members? Well, by the charter, which has been approved by the Board of Trustees, all students are members of the Student Association.

As far as whether they think that they're members, if you're asking about -- I can tell you personally they do because when I, for instance, walk around campus or go to various meetings, I make sure that I go to various meetings of the various organizations on our campus. We have over 300 various student organizations on campus. I make sure that they know that we're here to represent them, and they bring their concerns in those forums when they're having their individual meetings.

So the student association is a representative body, yes, of all the students. So they are members.

Is that the answer that you were looking for?

MEMBER RENSHAW: That's an answer. That will do.

And would you tell the BZA what was the date that your organization had the vote on the full support of the plan, for the record?

MR. BURT: The date? Goodness. It was -- the date is not on the actual resolution, but I do believe it was some time in April. I can get that information to you from our Senate records.

MEMBER RENSHAW: All right. I think it would be good to have. So April of 2000?

MR. BURT: Yes.

MEMBER RENSHAW: Some date therein. Thank you.

CHAIRPERSON REID: Okay. Thank you very much. Is there any cross examination? Oh, sorry. Do you have any cross examination?

MR. THOMAS: Just very briefly.

CHAIRPERSON REID: Okay. Because the reporter needs a break. He's asked. So I don't want to -- and I know you have to leave, right, to go to class? Okay. So is it okay to take a couple of questions more before you --

THE REPORTER: That's fine.

CHAIRPERSON REID: All right.

MR. THOMAS: Mr. Burt, I'm Michael Thomas. I'm the incoming President of the Foggy Bottom Association, and we haven't met, but I appreciate your carrying on the traditions of Hugh and others who have really worked with our community and our association.

I just had a couple of questions so that the record is clear. One of the things you mentioned very early on in terms of the basis for the Association's support as stated, with the conditions that you have, was that there were 2,200 beds being proposed as additions.

Have you gone through those proposals in any detail to know what is being proposed and what those proposals depend on?

MR. BURT: As far as in detail as far as examine

the campus plan or questioning initiatives about it? I'm not clear as to your question.

MR. THOMAS: Well, for example, there is a proposal to add 500 beds at Square 54, which is currently the existing hospital that's about to be replaced, and so, for example, the question would be: do you know what their proposal is or how they condition it? What has to happen before they would do that?

MR. BURT: Not necessarily, no, but I would assume that the new hospital would have to be built and the people would have to move out.

MR. THOMAS: Right, and --

(Laughter.)

MR. THOMAS: -- at a minimum, at a minimum.

(Laughter.)

MR. THOMAS: But were you aware that their commitment there depended upon their being given approval not by this body, but by the Zoning Commission for a planned unit development, high density commercial development, 900,000 square feet on Pennsylvania Avenue and so forth?

MR. BURT: No, not necessarily, but I don't necessarily -- I'm not an expert on District government, but I couldn't necessarily see this after approving a campus plan for something like that, that being rejected at a future stage, but that's not necessarily -- what we take into account is what the university says that its commitment is because we understand that

to a certain level is bound by what is passed up here as a campus plan. So if that's what they're going towards and that's the direction, then that's what we take.

MR. THOMAS: Okay, and all I'm trying to determine for the record is what your understanding of the commitment is. Do you understand that there is an unconditional commitment to add 1,350 beds on campus or 2,200 beds overall?

MR. BURT: What I understand the commitment is to house 70 percent of undergraduates in university housing in five years. That's what I understand. Eighty percent over ten years.

MR. THOMAS: And that they're going to do that without any conditions, without anything happening that depends on external events?

MR. BURT: Well, that's what they're going to do. What exactly are you getting at?

MR. THOMAS: Let me -- I don't want to belabor this, but let me represent to you that their proposal for Square 54 is 500 beds, but if they get other approvals that allow them to do other things. On Square 80, it's 650 beds, but that's if the District deeds them the School Without Walls and they're allowed to do essentially a complex development there, which they've just proposed.

MR. BURT: Yes.

MR. THOMAS: And their proposal for Square 103 is 200 beds if and when they get the title to the property that would

be necessary before they could build the dormitory.

And if any of those things fall through, then there is no commitment to do 70 percent.

MR. BURT: Okay.

MR. THOMAS: Did you understand those things?

MR. BURT: Well, I don't misunderstand that, but the question that I have to ask you is are you necessarily -- are you trying to say that the university can't do these things in the way or do you not trust the university working towards them?

Because from the stance that we take, we trust the university is going to do the best job it can do to house the undergraduate student population on the campus because when speaking with the various administrators to vice presidents, they're extremely serious at turning G.W. into a very highly ranked and highly rated undergraduate institution. In order to do that, they have to build community amongst undergraduates, which requires them to have more undergraduate housing, and that's what it is.

So I mean, when the question is whether the government will give them this, the government will give them that, where they can get this, that's what they want, and I'm quite sure that I mean -- I hate to say this in a manner that would be condescending or whatever, but I'm quite sure that you realize that after a while the university has a way of getting some certain thing.

(Laughter.)

MR. BURT: So, I mean, those conditions --

CHAIRPERSON REID: Order.

MR. BURT: -- those conditions, they're going to -- they're going to --

CHAIRPERSON REID: Order please.

MR. BURT: I mean you can't be opposed to one thing. I mean if you're saying that am I aware of these conditions, I'm not necessarily sure whether that's relevant because the fact of the matter is the university would like to do that, and it's whether you support it or not because don't you want them to build these things on campus? That's -- I'm just sort of confused on that.

MR. THOMAS: I think and we want an unconditional -- I think I do understand your testimony.

One other thing. You made a statement that at least I took down as saying that denying students housing or housing choices is a dangerous precedent. Do you understand that anybody in the room is proposing that students be denied housing choices?

MR. BURT: I'm not necessarily saying that in particular. I would just like to reference, for instance, an article that was in our campus newspaper about the first meeting that the coalition had where students from Georgetown were saying that there were certain instances where they were trying to limit

a certain amount of students who can live in a certain area, which would basically, in effect, if someone wanted to live there and there was a cap, deny qualified people of housing there.

And I said that such a proposal, were it to come out, I think that it's very dangerous.

MR. THOMAS: You wouldn't have any problem, would you, with incentive programs where the university makes it more attractive to live in a certain place and then lets the students make their own choices?

MR. BURT: Do I?

MR. THOMAS: Well, if they provided a housing option that was not at Foggy Bottom and then made that very attractive and let the students make up their mind, that's an incentive program.

MR. BURT: Exactly. I mean, no, that's not --

MR. THOMAS: That wouldn't be a problem.

MR. BURT: No. That's not a problem. What a problem is is if a student wants to live in Foggy Bottom and there's a place open. As I understand the law, it's not -- what's it on? -- it's illegal for them to be denied on the basis of the fact that they're a student.

And what has been discussed or what was discussed at our first meeting on the coalition was that there was a move to amend something so that they could be denied by basically only on the fact that they were a student, and I think that that's

extremely dangerous.

MR. THOMAS: And if you were insured that, in fact, nobody from our side of the room was proposing that, would that reassure you as to that?

MR. BURT: Oh, I don't even think that the Board necessarily has jurisdiction over that. I was just mentioning that as something that I think is a very dangerous thing.

MR. THOMAS: Thank you.

CHAIRPERSON REID: Thank you.

VICE CHAIRPERSON SOCKWELL: Just one more thing before the next. There is a constitutional question about such as that, but I just wanted to make sure that Mr. Thomas was trying to make the point that he wanted you to understand, Mr. Burt, that the university's proposals are contingency based, and that when a contingency based proposal is put forth, it is not the same as a promise.

CHAIRPERSON REID: Let me jump into this. I think that what I understood was that Mr. Burt made -- the point he was making and his understanding was that whether or not the promise for additional housing on campus was contingency based or not, predicated upon what Mr. Thomas was telling him, that he felt that George Washington would somehow find a way to be able to accomplish the goal because of his faith, the faith that the students have with the administrators of the university; one way or the other, that they would be able to accomplish this. He

feels that they would accomplish what they had set out to accomplish.

Is that what?

MR. BURT: I mean, I guess that's basically it. I mean if the university can't give a guarantee because it's not necessarily feasible, if I have to wait for the city council to do something or something like that, I don't necessarily think that's, in my opinion, completely relevant.

The point is that this is a campus plan, and this is what the university would like to move, and this is what they're saying they're trying to do, and that is the way that they're going to move forth on that. That's why I'm looking at it.

CHAIRPERSON REID: Okay. More questions? Cross examination? Okay.

MS. SPILLINGER: Mr. Burt, I'm Barbara Spillinger, Chair of ANC-2A.

MR. BURT: Good morning.

MS. SPILLINGER: I appreciate your coming here today.

I have just three very quick questions. You talked about the need to increase enrollment at G.W.. Is it not my understanding that currently there are problems with parking, classroom space, and dormitory space, all three, with the current enrollment?

MR. BURT: I'm not necessarily sure if I said that there was a need to increase enrollment, but I said that there's a need to balance undergraduate enrollment. Right now the undergraduate enrollment is at 7,200 or 7,150. The university has stated before that it that it would like for it to be at 8,000, and it has stated this numerous times and the facilities with that.

The campus plan, if you're asking the questions about classrooms, new classes are being built. If you're asking questions about parking, new parking spaces can be built, and what was the last thing you were asking for?

MS. SPILLINGER: Dormitory space, of course.

MR. BURT: Dormitory space. That's in the plan for 2,200 additional beds.

So, I mean, what our main concern is from a student point of view is that -- and you're right. I share what you're saying because students complain to me all the time about that they feel cramped, but right now there are new buildings going up all over our campus, and I think that that is the point of what we're trying to get to, is that -- and it was passed, I mean, in the first part.

I didn't necessarily read the first part of the amendment that we actually made to the resolution as it came, but we said the university shall maintain student enrollment commensurately proportional with the availability of academic,

residential, and recreational facilities.

And that's extremely important to us, but we think the university is trying to fill that commitment through what it has spelled out in trying to increase academic space.

I mean we're getting a new business school. They're building a new Elliot School. A new school of media and public affairs will be open in January, and stuff like that.

We think that it is increasing the academic space, and when it does that, you can also increase the undergraduate enrollment, I mean.

MS. SPILLINGER: I guess my feeling is that if the undergraduate enrollment at the current time is not satisfied with the facilities that are there, the enrollment should be held until these other facilities are available.

MR. BURT: I disagree for the one fact that the additional facilities are coming on line within the next -- well, additional ones. I mean, the school of media and public affairs, which will be more classroom space, will be done in January. The Elliot School, which they have just broken ground on, I mean, will become available within two years.

And another thing that we had a lot of concern over is just students ourselves with the Smith Center. Our new Health and Wellness Center will be open very shortly. I mean, it's the fact of the matter that as a finance major in school, I understand that you can't, you know, build a house with --

MS. SPILLINGER: Yeah. There's a time line to all of this. That's why you're spread out a bit.

Right. I also wanted to comment on the resolution passed by the Senate. I understand that some of the other associations on campus have also passed resolutions, and that a number of these contain clauses that are sympathetic to the community and recognize the concerns of the community, and we appreciate that.

Just the third point I'd like to make. You talked about G.W.'s wish to be first tier, and that has come up several times in these discussions, to be a first tier university.

MR. BURT: I'd just like to qualify that. I don't necessarily -- I don't put a lot of faith in rankings and whatnot. I would just like to say a world class university.

MS. SPILLINGER: All right.

MR. BURT: Which I think we already are, but we can become more of one.

MS. SPILLINGER: I will accept that the effort is to become a world class university.

However, those universities that are currently ranked among the first ten in the country generally have smaller enrollments than G.W., and I think that it needs to be pointed out that you don't have to be larger to be better.

CHAIRPERSON REID: Is that a question or are you testifying, Ms. Spillinger?

CHAIRPERSON REID: I just want to know if you're aware of --

MR. BURT: Whether I'm aware? Well, if -- well, let's go back to your statement. If you're talking about first tier, there are a lot of large universities in the first tier of schools. What it basically comes down to is the fact of the matter whether the university can make the commitment to the academic facilities that the students need.

They want to make an academic commitment, but they understand -- and this is my opinion -- that they live in a community which is not necessarily theirs. They have a part in G.W., but they are in Foggy Bottom, and there are residents that have been here for a long time. Their number one commitment is academics. That's what all universities should be.

What the residents don't actually want academics -- I mean, they do. I'm not saying they don't, but that's not their number one concern. Their number one concern is how far is the university going to infringe on their part.

So I think that it is a delicate balance act between going what you were talking about, bigger is not better, but I honestly think that the way that the university is going right now, that 8,000 is a very acceptable number. I don't think we should get any bigger than that because I don't think that is manageable.

But the graduate enrollment is coming down, and

they would like to focus on an undergraduate enrollment a little bit more.

MS. SPILLINGER: We realize, and of course, that's the part that is --

CHAIRPERSON REID: You're --

MS. SPILLINGER: Thank you.

CHAIRPERSON REID: -- okay, testifying.

Ms. Tyler, how many questions do you have? Be quick.

COMMISSIONER TYLER: Speaking of the world class or something like that, classes, being in that category, I contacted in that regard, among others, Howard College, the Registrar of Howard College, the undergraduate student body, and the Registrar in terms of asking what the student enrollment figures were over a period of, let's say, the last 20 years --

MS. DWYER: Is that a question, Madame Chair?

COMMISSIONER TYLER: And the answer was --

CHAIRPERSON REID: She's formulating it.

COMMISSIONER TYLER: -- that it was a standard figure.

Now, this leads me to the question of Mr. Burt, of Mr. Burger, what was a steady figure, and when I said how is it possible, and he said, "Well, it's limited by the number of beds we have on campus."

My question to Mr. Burt is the following. When a

student enters George Washington University, is it not true, as it is true in many other universities, that the student signs a contract with the university?

MR. BURT: Yes.

COMMISSIONER TYLER: In that contract, there are certain conditions specified, and it's up to the university to accept the student based on the conditions that they specify to the student; is that correct?

MR. BURT: What -- what -- can I ask what contracts we're actually talking about?

COMMISSIONER TYLER: I'm speaking of the general contract, and I understand from our attorney that the university can request at the time when the contract is signed as a condition to specify where the student is going to live. That is up to the university, given the enrollment cap that is imposed upon the university by the authorities.

And I have a further follow-up question on that from Mr. Burt specifically on that because you addressed this. You said students should be allowed to live anyplace they want or something to that effect. I don't want to paraphrase you in a misstatement, to make a misstatement.

CHAIRPERSON REID: Mr. Burt, do you understand that question? I mean --

MR. BURT: I'll try as best as I --

CHAIRPERSON REID: I'm not really clear myself.

MR. BURT: -- best as I can understand.

COMMISSIONER TYLER: Well, I could be more specific --

CHAIRPERSON REID: Yes, please.

COMMISSIONER TYLER: -- if you didn't understand.

CHAIRPERSON REID: Please.

COMMISSIONER TYLER: I would like to know whether George Washington University, when they admit a student, whether they have them sign, him or her sign a contract and whether that contract as one of the conditions specifies where the student is going to live, whether the university imposes that condition in the contract, which it can.

MR. BURT: As I understand and as I know at this point in time, no student is required to live on campus. That's my understanding, and the reason I know this is because I know freshmen that do not live on campus and this is how I understand it. And maybe it's because they might live near.

But as far as if they choose to live on campus, freshmen are guaranteed housing. Therefore, if they say they want to live on campus, as a condition of their mission then, yes, they will be housed on campus.

COMMISSIONER TYLER: So if I understand your answer correctly, the university does not impose -- does not include a condition in terms of living in that contract.

Now, I would like to clarify that question by

saying that there was a recent case, perhaps something like two years ago --

MS. DWYER: Are you going to ask him another question?

COMMISSIONER TYLER: Yes, it's a question.

CHAIRPERSON REID: Don't -- don't --

PARTICIPANT: Help us.

CHAIRPERSON REID: Right. Just ask the question. Just cut straight to the chase.

COMMISSIONER TYLER: Yes. Cutting to the chase is that I found out just now from Mr. Burt that the university doesn't impose this condition.

CHAIRPERSON REID: Right, right.

COMMISSIONER TYLER: And I would like to say that there are universities that do impose this condition.

CHAIRPERSON REID: Is that a question? You've already said that though. You've said that once, Ms. Tyler, or maybe twice. What's the question?

COMMISSIONER TYLER: The question is why does -- why does he think if the authorities in the District of Columbia impose an enrollment cap and certain conditions, that the university cannot include living -- specifying where the student will live as one of the conditions in the contract, as is done by Yale University, for example. Why does he think that that is not constitutional, because it is?

MR. BURT: I'm not sure. I think you may be confusing my statements, but I do know that from my knowledge of the campus plan the concessions that the university has made to the neighborhood, that incoming freshmen and sophomores shall be required to live on campus. So I guess that answers your concern there.

COMMISSIONER TYLER: But not -- but not the entire full-time undergraduate student body.

MR. BURT: That's up to them whether they want to move off campus or not.

COMMISSIONER TYLER: So that's all the clarification I wanted to know. I know that G.W. has not included that condition in the contract.

Thank you very much, Mr. Burt.

VICE CHAIRPERSON SOCKWELL: Ms. Tyler, Ms. Tyler, before you get up please, I think one of the issues, and I'm not going to claim that I'm a legal legal on this, but I think the issue of whether a civil rights act is constitutional in making certain requirements and whether or not a private institution which by contract may be considered to be a member institution can require its members to be as one class or another, living in one locations or another is a different thing, and I think that Mr. Burt was responding more to the civil rights issue than to the university issue when he first raised the point of whether or not students could or could not be required to live one place or

another.

COMMISSIONER TYLER: Yes. Mr. Sockwell, I appreciate your comment, and I hope I did -- I'm not in the best of health right now, but I hope I did understand this clarification.

VICE CHAIRPERSON SOCKWELL: Oh, you're doing quite well.

COMMISSIONER TYLER: I just wanted to say that in terms of private universities like Yale University, that particular question was challenged in the courts. There were two students of certain religious beliefs who claimed that they should not be living in a co-ed dormitory, and they challenged the university to change the living conditions.

The judge ruled that if they did not like the living conditions which were imposed upon them in the contract when they were admitted, they could choose another university. That is why I wanted to clarify this question.

CHAIRPERSON REID: All right. Let me just say this. We have got to break. The reporter asked about 20 minutes ago and I said a couple of minutes. He's got to stop. I'm going to have to break now for about five minutes and come back.

I'm sorry? Well, Ms. Tyler, are you done? We have to.

And then we'll come back, and what I'd like to do is to complete the opposition.

MS. MILLER: The cross examination.

CHAIRPERSON REID: Excuse me, Ms. Miller.

I'd like to complete the opposition part before we break for lunch, and the opposition, I think we only have about --

(The Board conferred.)

SECRETARY PRUITT: Approximately an hour.

CHAIRPERSON REID: Okay. Well, I was trying to stop at a good break point.

MS. MILLER: Mr. Burt, we put him ahead because he needs to go to class.

CHAIRPERSON REID: He's got to go to class, but, Ms. Miller, I'm sorry, but the reporter has got to stop.

MS. MILLER: Can we submit some questions and have him answer them?

CHAIRPERSON REID: You may do that, but -- you may do that. However, the reporter has got to stop, and other than that, you know, we're going to have a problem.

MS. MILLER: He can wait five minutes. We've been waiting all day.

CHAIRPERSON REID: He --

VICE CHAIRPERSON SOCKWELL: Ms. Miller, please. You don't have to make those statements. I don't think that was fair or proper.

CHAIRPERSON REID: All right. Put your questions -

- any other cross examination questions of Mr. Burt? He's got to go to class and the reporter has got to stop. We've got to break right here.

You said another hour?

SECRETARY PRUITT: Yes, approximately another 55 more minutes.

CHAIRPERSON REID: Can we go ahead and break now for lunch?

SECRETARY PRUITT: That's up to you, Madame Chair.

PARTICIPANT: They only have four witnesses though. They may not take --

SECRETARY PRUITT: Right. They may not take it, but it is allowed.

CHAIRPERSON REID: Then let's break for five minutes and let the recorder have his break, and then come back, finish up.

Oh, I thought you were done.

MR. BURT: No, can I be excused? I'm just asking.

CHAIRPERSON REID: Oh, no, that's what I'm saying, to allow you to leave so you won't be held up any longer.

SECRETARY PRUITT: I'm sorry. Mr. Burt, before you leave --

CHAIRPERSON REID: And the questions will be put to you in writing so that you can respond to it because, you know, you can go and then we'll come back in five minutes, and then

we'll finish up the first part and have lunch, and then we'll break for lunch.

SECRETARY PRUITT: Could you give us a copy of the resolution you presented?

MR. BURT: I will definitely give you a copy.

SECRETARY PRUITT: Thank you.

VICE CHAIRPERSON SOCKWELL: Mr. Burt, we really appreciate your testimony. Thank you for coming.

MR. BURT: That you very much, sir.

CHAIRPERSON REID: Very much so. Thank you for coming down here.

(Whereupon, the foregoing matter went off the record at 1:02 p.m. and went back on the record at 1:12 p.m.)

CHAIRPERSON REID: The hearing will please come to order.

All right. Time-wise, Ms. Pruitt, when you were out on break you told me that there was an update on the time.

SECRETARY PRUITT: Actually, just for clarification, I believe Ms. Becker is going to be testifying as a party.

MS. BECKER: No.

SECRETARY PRUITT: Okay. Well, then we've completed --

MS. BECKER: My party became Michael.

SECRETARY PRUITT: Great. Okay. Then great. We're actually now into the persons in opposition.

CHAIRPERSON REID: All right.

SECRETARY PRUITT: So this is going to be a three or five minute time frame depending upon individual or if they're representing an organization.

CHAIRPERSON REID: Okay. The persons or organizations, individuals or organizations who are wanting to testify, please come up. I think there are about four or five. Please come up to the table at this time. Everyone who wants to testify as a party --

SECRETARY PRUITT: No.

CHAIRPERSON REID: -- I mean as an organization or as an individual in opposition, come up at this time. Have a seat.

Okay. So we have what, four people? Okay.

PARTICIPANT: There's one more.

CHAIRPERSON REID: Where is there one more? Okay. Well, you can come up.

Oh, there is not another chair. Could we pull another chair up so everyone can be here at the same time?

Okay. Sir. All right, now. Do you want to start, ma'am?

PARTICIPANT: One more is missing.

CHAIRPERSON REID: Well, they can come up once

someone leaves. Then another person can come up if we don't have enough room at the table.

All right. Who wants to go first? Okay. Go ahead.

MR. SHALIT: My name is Sol Shalit. I'm --

SECRETARY PRUITT: Excuse me. Excuse me a second.

MR. SHALIT: Hello?

SECRETARY PRUITT: Excuse me, Mr. Shalit. Before you testify, could you indicate if you're testifying as an individual or on behalf of an organization, please?

MR. SHALIT: As an individual.

SECRETARY PRUITT: Okay. Thank you.

MR. SHALIT: My name is Sol Shalit. I'm emeritus professor of economics at the University of Wisconsin.

My wife and I moved here a few months ago. The address is 2500 Virginia Avenue, N.W., Washington, D.C. 20037.

We were not utterly naive, but we believe that a new era has dawned on the District, and we like Foggy Bottom. I remember telling my wife, "Hey, look. There is a diner there," which to me conveys a feel for a real neighborhood. We walked around. We loved the entire area, and we bought the apartment.

Soon after we moved, we discovered that the diner was gone, the Howard Johnson's was gone, and the big sign was saying George Washington University, and I asked, "How could this happen? This is outside the campus."

And people raised their arms, and they said, "You are new. You'll get used to it. They can do practically anything they want."

I'm not an activist, but I got curious. So I carefully read the campus plan and the Fuller plan, and this one here. You will find my analysis in a very brief, but very readable document, no figures, no graphs, no algebra, nothing, no jargon, plain logic and common sense.

The document I've submitted to you, just a six-page thing, and I urge you to read it. I'll just cut to the bottom line, just one thing after another.

First, the Fuller report does not support the university plan. In fact, it is entirely irrelevant to it. You will find the full reasons in my written submission, but briefly the report was commissioned and funded by the university itself. It deals with total impact when the marginal impact was called for, and it only lists the benefits leaving entirely the cost side of the equation.

It is as relevant to the Board's deliberation as would be Firestone report detailing the company's total contribution to the U.S. economy in the midst of a current tire recall.

Second, I explained why the university growth, philosophy, and its implementations are fundamentally flawed both from the District point of view and from the university's own.

Despite the good will of full parties, the plan does not need just some negotiated tinkering. It ought to be flatly rejected as inadequate and nonresponsive.

Third, the city planning authorities, including this board have now an exceptional opportunities to break with a piecemeal approach with the past, and I think must confront the hub and long overdue question: what should be George Washington University proper size?

Ultimately you cannot regulate the university real estate purchases, nor their behavior, nor students' behavior, parking whatever it is. You must regulate structure. Structure determines behavior, and this means one word: enrollment.

In absolute numbers, not ratios, not square footage, not utilization, and you have the full statutory authority to do just that. You have already sufficient evidence to find the university in violation of stipulations and commitments of prior planning documents.

In conclusion -- yeah?

VICE CHAIRPERSON SOCKWELL: Go ahead.

MR. SHALIT: One more sentence.

VICE CHAIRPERSON SOCKWELL: Go ahead.

MR. SHALIT: Restraints on growth and expansion are never going to come from the university, but must always and should come from the regulatory bodies set up for that very purpose. Growth is surely not a university right. It's a

privilege.

Zoning boards and planning commissions all over the nation evince no hostility to higher education and need not feel guilty when they curve the appetite of urban universities and impose strict limits on their expansion. They are just doing their job.

Thank you for giving me this opportunity. I hope my detailed but short submission is helpful in your deliberation.

Thank you.

CHAIRPERSON REID: Thank you very much.

Questions, Board members?

(No response.)

CHAIRPERSON REID: Cross examination, Ms. Dwyer.

VICE CHAIRPERSON SOCKWELL: One question, Mr. Shalit. What is your background? Are you in finance or in anything that deals particularly with forecasting or real estate or those kinds of things?

MR. SHALIT: My background is I have a Ph.D. of economics from --

VICE CHAIRPERSON SOCKWELL: Doesn't matter where from actually.

MR. SHALIT: No, I think it does.

VICE CHAIRPERSON SOCKWELL: Not really.

MR. SHALIT: University of Chicago.

VICE CHAIRPERSON SOCKWELL: Like I said, not

really.

MR. SHALIT: Okay.

(Laughter.)

VICE CHAIRPERSON SOCKWELL: Appreciate it, but it's just that --

MR. SHALIT: Okay.

VICE CHAIRPERSON SOCKWELL: -- Mr. Fuller is --

MR. SHALIT: And my background is economics.

VICE CHAIRPERSON SOCKWELL: Yes.

MR. SHALIT: Economics and finance, and I've been a professor in the school of business administration. So my background is in business administration, finance, and economics.

VICE CHAIRPERSON SOCKWELL: Thank you.

MR. SHALIT: Un-huh. You're welcome.

CHAIRPERSON REID: Sorry. Go ahead.

MS. BECKER: Madame Chair and members of the Board, Eleanor Becker, and I reside at 2528 Eye Street, N.W.

I'm Vice President of Foggy Bottom Association, and during a good part of these campus planning discussions, I was serving as president.

Earlier witnesses have laid down the major issues which concern Foggy Bottom residents. My comments, I hope will deal with less cosmic, but still important information provided by the university in its written and oral testimony.

For example, on page 8 of its December 28, 1999

filing, G.W. congratulated itself for, quote, preserving and enhancing the natural beauty of Foggy Bottom, quote, and, quote, maintaining the cleanliness of Foggy Bottom streets, quote.

It would have been more accurate to claim enhancing the beauty of the Foggy Bottom campus, not all of Foggy Bottom.

Moreover, the need for at least part of the student clean-up, which we do appreciate, is a result of some of the students living off campus who do not clean up after themselves.

Again, on page 16, G.W. outlines a series of meetings with the community beginning in February 1999. Attached to my statement, which I will give you, are two documents pertaining to that community dialogue which I understand is really a requirement.

Members of the FBA Executive Board, officers of the West End Citizens Association, and the ANC-2 Commissioners were invited to these meetings, which began in February '99. The first document I have attached is a letter dated May 11 to Bernard Demchuck of G.W. withdrawing the participation of the meetings of FPA because to date, quote, G.W. has imparted no information about the stated purpose of the meetings, the campus plan proposal, quote.

The content of the presentation seemed to us to be pure propagandizing. That letter was sent after the third meeting.

The second document is another letter written on

July 3 reiterating and reinforcing our decision not to participate until concrete information was provided.

The ANC soon broke off the meetings as well for the same reasons. These are submitted to counteract the oft expressed claims by the university that meaningful dialogue continued over those months early in the process. Those claims are not true.

I also wish to point out that an illustration I find disturbing and I refer to the fourth page of G.W.'s April 26th presentation, a page entitled ownership. At the upper left of the diagram are shown Squares 40 and 41 showing -- they're undivided -- showing G.W.'s alleged ownership of the former 2300 block of Eye Street. It's currently a pedestrian mall, but I'm unaware of any ownership of that former street by the university.

It has the use of the area. It also has plantings which are very nice, but it does not own it. I would have suggested they would perhaps alter this drawing.

CHAIRPERSON REID: Ma'am, are you aware that you're over time?

MS. BECKER: Okay.

CHAIRPERSON REID: Do you have just a wrap or something that you can finish quickly?

MS. BECKER: Kind of a personal comment. I moved here in 1963, and I have been involved in the neighborhood almost continuously since then. I believe, and I've contributed tax-wise income tax, and I bought a home and real estate taxes.

I think if I came now I would not live in this neighborhood. Then I was not too long out of college, and I had already lived in a dorm. I would not -- I would not want to live in a dorm, which our neighborhood is becoming, and if something is not done, D.C. will be losing the participation and the support of people like me because we will not do it.

Thank you.

CHAIRPERSON REID: Thank you very much.

MS. BECKER: Oh, may I make one comments? Sorry. An important part.

I wanted to place in the record, and it's on the sheet, the names of 502 residents who signed and mailed cards. I have them here, which I won't give you.

CHAIRPERSON REID: Okay.

MS. BECKER: Some of these were signed at meetings. This is support of ANC and FBA, and they were mailed. Most of them were mailed, and that's kind of unusual to have that many people in Foggy Bottom support something and put a 33 cent stamp on it.

So it really represents more than 500 names.

Thank you.

CHAIRPERSON REID: Thank you.

Oh, I'm sorry. Were there any questions, Ms. Dwyer?

MS. DWYER: No.

CHAIRPERSON REID: Or any Board members?

(No response.)

CHAIRPERSON REID: Okay.

MR. NANTZ: My name is John Nantz. I live at 5700 Nevada Avenue, N.W., Washington, D.C. 20015.

I want to begin by expressing the regrets of Dr. Donald Cruiser. He would have liked to have been here today to make an oral statement to the Board. However, he's out of town. He did file an initial statement before the Board prior to the April hearing. He has also filed a supplemental statement some time last week. I would hope the Board would consider his statements.

He does quite a lot in his supplemental statement to show that the rosey economic benefits of the fuller report claims that the university provides to the district may not be as it seems in the Fuller report.

In terms of my statements, I'm concerned about the contingent commitment of the university with respect to on campus student housing. They want to get the benefits of the Square 54 proposal, which is contingent on some conditional approval of a planned unit development.

They get a double benefit here. They propose housing. Geez, we're really giving it a try. Assuming that the Board approves their proposal, it then puts the onus on the Zoning Commission to approve the PUD, or then they say, "Aw, shucks, we

tried."

The same thing pertains to the Square 80 proposal where the School Without Walls would have to be transferred by the District government in order for them to meet their commitments.

Those two, Square 54 and Square 80, are over half of the commitment that they're making for on campus student housing. I believe that, number one, the plan as presently proposed should be rejected by the BZA. However, if the Board were to decide to approve the plan, it should be a conditional approval for at most three to five years.

The conditions should be that they comply with the provisions of the order as drafted by the Board. The Board should include a specific condition that in the event that it's determined by a preponderance of the evidence that they've violated any of the conditions imposed by the BZA on the approval, that the BZA of successor organization with authority shall have a right to suspend or revoke approval of the campus plan, meaning that you'd put some teeth in your conditions, i.e., that if the approval of the campus plan is evoked, they would lose the benefits of campus plan approval with respect to cumulative FAR and parking.

And I'd like to make one final statement, that -- oh, I'll be brief.

CHAIRPERSON REID: Did you say that you wanted to make one final statement?

MR. NANTZ: I will.

CHAIRPERSON REID: Are you going to stop now?

MR. NANTZ: Yes.

CHAIRPERSON REID: Okay. I have a question. When you say that, that we should somehow put some teeth into the campus plan for enforcement with perhaps a revocation of their campus plan if, in fact, there was violations, were you then saying that that could be achieved through -- how would you -- how would you suggest that be done?

MR. NANTZ: Well, as I understand the regulations, they currently give the BZA authority --

CHAIRPERSON REID: Mic, please, into the mic.

MR. NANTZ: Oh. As I understand the current regulations, the BZA has authority to approve campus plans.

PARTICIPANT: To improve or approve?

MR. NANTZ: The approve campus plans. Within a general approval, it would seem to me that the Board would also have authority to give conditional approval. You give conditional approval based on G.W.'s compliance with the conditions that you impose in your order granting the conditional approval.

I perhaps being an attorney, out of an over abundance of caution would also include in there that in the event that it was determined that there was a violation of the conditions imposed by the Board's order, that the Board will have authority to (1) either suspend or preferably to my mind revoke

approval of the campus plan.

Once the approval is revoked, G.W. would lose the benefits that go with the approval of the campus plan in that each particular new building that they wanted to construct in the campus or, I believe, possibly even renovate would be required to stand on its own in terms of meeting requirements in terms of FAR, parking and the like.

CHAIRPERSON REID: I understand that, and I think that your point is well taken, and it is an issue that has been before us many times. If you go out to the enforcement aspect of the Board of Zoning Adjustment, unfortunately while we do have the authority to impose conditions, we are completely -- we have no enforcement capability whatsoever. That is only done through the Mayor, which is what these types of cases -- as handled through DCRA. We have no enforcement capability whatsoever, unfortunately.

MR. NANTZ: If I can respond to your response to my response --

(Laughter.)

MR. NANTZ: -- by doing what I suggested, you would give the mayor another regulatory tool in that once the approval goes away, they lose the benefits of the campus plan.

CHAIRPERSON REID: That is the problem, the enforcement. The whole aspect of enforcement is something that has caused us quite a bit of difficulty because of the face that

the regulations that we promulgated did not include that. Nonetheless, when we testified before the City Council just this year, I specifically asked that somehow that there be some provision made either through the Zoning Office or through DCRA to try to address that problem, and heretofore it has not been addressed.

Nonetheless, it's on the table, and it's being looked at to try to see what we can do not just for George Washington, but just for the zoning regulations, conditions to orders in general. I appreciate your bringing that point up.

Thank you.

MR. NANTZ: Thank you.

MS. DWYER: I have just one question. Where was it you said you lived? What was your home address?

MR. NANTZ: 5700 Nevada Avenue, N.W., Washington, D.C.

MS. DWYER: Nevada Avenue, N.W.?

MR. NANTZ: That's correct.

MS. DWYER: Which is about what distance from the G.W. campus?

MR. NANTZ: Oh, I don't know, maybe about five, six miles as the crow flies.

MS. DWYER: All right, and --

MR. NANTZ: I am a taxpayer in the District. I've resided here whatever 1966 to now is.

MS. DWYER: Okay, yeah. I was just clarifying. Thank you.

CHAIRPERSON REID: Thank you very much.

Okay. Next?

MR. CARROW: My name is Milton Carrow. I'm testifying here as an individual. I reside at 914 25th Street, 20037. It's a row house, and although I'm appearing, as I say, as an individual and as a resident, I do have some background.

I have practiced law. I was a professor at George Washington University, and I have a few other experiences, but I want to make a statement simply as an individual here and as a resident and as an interested citizen.

I have two points that I'd like to make. One, on public policy aspects, I have some experience with public policy in the university, and second, as an individual resident.

On the policy aspects, I understand your function is to make findings of fact and find conclusions of law, but you also in this instance, and I'm sure in many others, have a responsibility for deciding on public policy. What is a good public policy here?

One point I want to add to what's already been stated and I fully support what Michael Thomas stated on behalf of the Foggy Bottom Association, and Maria Tyler, who made an excellent statement. I just want to add one thought regarding the policy aspects, and namely, there is a widespread movement

throughout the country on what is called neo-urbanism, and that is with suddenly discovering that it's very good to live in the neighborhood. We can walk to shops where you can get public transportation to where you're going, and that you don't have to be confronted with gridlock.

Well, Foggy Bottom is one of the best examples of the best of neo-urbanism, and here we have a situation where the university is making inroads on that, and as you've heard from many people, on the verge of getting it to disintegrate, and I think in terms of public policy, you have to take that into consideration.

Now, on my personal residence, I lived here for 15 years on 25th Street. I have spent a lot of money in remodeling my house, and I love it. Incidentally, I gave up my voting rights to live here. I used to live in McLean, Virginia. I've lived in Connecticut. I've lived in New York, but I gave up my voting rights because I thought it was a great place to live, and I do still think so.

CHAIRPERSON REID: At this point --

MR. CARROW: Thirty more seconds or so?

CHAIRPERSON REID: Yes, yes, you can go ahead and wrap up.

MR. CARROW: Yeah, wrap up.

Well, three doors below me -- I live at 914 -- 902, 904, 906 are occupied by students. They are unsupervised. They

change every semester and every summer. Some of them are very nice kids, fine. I talk with them, but others unfortunately have parties. They're wild. They drink. They make a mess, and we have to call the police, and that's not a very good way for us to live.

And I know that situation is duplicated in many part of Foggy Bottom.

Thank you.

CHAIRPERSON REID: Thank you very much.

VICE CHAIRPERSON SOCKWELL: It's Mr. Carrow, is it?

MR. CARROW: Carrow, C-a-r-r-o-w.

VICE CHAIRPERSON SOCKWELL: Carrow.

MR. CARROW: C-a-r-r-o-w. I did submit a statement here incidentally. It's called "Why the Foggy Bottom Residential Community is Important."

VICE CHAIRPERSON SOCKWELL: By the way, along with giving up your voting rights, think of the gain. Taxation without representation.

(Laughter.)

CHAIRPERSON REID: Okay. Next?

Any other questions?

MS. DWYER: No.

CHAIRPERSON REID: Of Mr. Carrow?

Okay.

MS. RUBIN: Good afternoon. My name is Marilyn

Rubin, and I'm here as an individual, but I serve as the President of the Columbia Plaza Tenants Association, which is a five building complex surrounded by 23rd Street, E Street, Virginia Avenue.

Columbia Plaza has about 825 apartments, and the CPTA has about 100 members. It was built in the 1960s, and the first tenants moved in in 1967. It was part of an urban redevelopment of the city and was insured by the Department of Housing. It was financed by FHA though, but insured by HUD.

It was supposed to serve as a residence for moderate income renters to bring people into the city.

In the past, George Washington University has promised to stay within developmental limits imposed by the campus plan incorporated into Washington, D.C.'s comprehensive plan. George Washington has consistently strayed from its campus plan, imperiling residential rental housing in the Foggy Bottom community.

The pattern started in about 1990 when George Washington University signed an agreement with the owners of the West End Apartments at 2124 Eye Street and became the master lessor with an option to purchase within a ten-year period.

George Washington University prevailed in a court challenge to the master lessor practice withstanding the argument that the agreement should have led to the tenants having the first right of refusal to purchase the building under the Renal Housing

Conversion and Sale Act.

George Washington has successfully emptied that apartment, having taken it out of the residential housing market, leaving only about ten senior citizens left in the building. Senior citizens under the Housing Conversion Act have a right to lifetime tenancy and cannot be evicted if a rental building changes use.

George Washington University has continued its vigorous expansion plans in violation of the campus plan as we speak. In December of 1999, it received a donation as part of their 28 and a half percent ownership in Columbia Plaza. G.W. is now using Columbia Plaza as part of its housing lottery, as an arrangement set up to assist its students in finding housing since it doesn't have an adequate on campus housing.

George Washington has an agreement with the majority owner or owners of Columbia Plaza that whenever a vacancy appears, occurs, George Washington will have preference in filling that vacancy by sending a student's name over to Columbia Plaza Rental Office within one week. Only if G.W. doesn't fill that vacancy, send a student over can anybody except a student get that apartment and live in the unit.

This practice raises a host of questions about whether the university has --

SECRETARY PRUITT: You have more time.

MS. RUBIN: -- whether the university has knowingly

and voluntarily violated the established District of Columbia and federal laws. For instance, a question exists as to whether G.W. has violated guidelines and federal anti-discrimination laws by discriminating against everybody but students in its ownership capacity at Columbia Plaza.

Second, a question exists as to whether G.W. has violated the District of Columbia Human Rights Act by discriminating in favor of students, which is an obvious question of age discrimination.

Third, a question exists as to whether G.W. has violated its campus plans. It has not only vigorously asserted control over Columbia Plaza, but has ruined the residential housing at the Aston on New Hampshire Avenue and buildings on Pennsylvania Avenue by coming in and placing students in these formerly residential buildings.

Fourth, a question exists as to whether G.W. has violated this housing conversion sell by acting as a master lessor at Columbia Plaza. After the West End incident, the Housing Conversation Sell Act was amended to give the tenants the first right of refusal if a third party, such as G.W. would come in as a master lessor.

Fifth, a question exists as to whether G.W. has violated this Rental Housing Act by attempting to turn buildings such as Columbia Plaza and the Aston, among others, into dormitories or other transient housings.

This would also violate the D.C. Housing Code 14 DCMR, preventing residential housing of going to dormitories, 95 percent student occupancy.

And, sixth, there is a question as to whether G.W. has now influenced Columbia Plaza to illegally raise rents to tenants who have lived there.

The CPTA --

CHAIRPERSON REID: Let's see. How much more do you have?

MS. RUBIN: Just one more paragraph.

CHAIRPERSON REID: Oh, okay.

MS. RUBIN: CPTA -- well, I can -- that G.W. has violated the laws in most, if not all, of the examples listed above. That's why Steven Joel Tractenberg and G.W. cannot be trusted to give verbal assurances or even written assurances of a voluntary nature.

The mendacious words and acts in the past belie any attempt that Mr. Tractenberg thinks he has made -- any attempts he has made to resolve the issues. He misled the community about G.W.

s involvement at Columbia Plaza earlier this year, just to highlight the university's sincerity in dealing with the District.

G.W. and Tractenberg are like two pit bulls. The city has leash laws and muzzle laws to prevent pit bulls from harming people and neighborhoods, and they should also be muzzled.

Thank you for this opportunity.

CHAIRPERSON REID: Thank you.

Are there any questions?

MS. DWYER: We have none.

CHAIRPERSON REID: Wait a minute. First of all, questions, Board members.

COMMISSIONER MITTEN: I have a question.

CHAIRPERSON REID: Okay.

COMMISSIONER MITTEN: All the issues that you raised about the alleged violations of various laws, what action have you taken? Because you know that we don't have any jurisdiction over those issues.

MS. RUBIN: I have called; I have written. We've been in touch with HUD. We've been in touch with counsel. We've been in touch with Zoning because every week there's another issue that comes up that's a problem, and so far they want to see what happens with this hearing. People are working as they can, but really nothing has happened.

COMMISSIONER MITTEN: So there's been no action taken regarding alleged violation of HUD guidelines. There's been no action taken regarding alleged violation of the Human Rights Act. There's been no action taken on issues of displacing residents, illegally raising rents, nothing?

MS. RUBIN: Let's start with HUD. I have been talking with HUD for two and, again, starting in February when we

found out about this acquisition, nothing has happened. HUD has taken the information to Philadelphia. Philadelphia has referred to Richmond. Richmond falls asleep at the switch, and nothing has happened.

I have called. The only person I have talked with is the one in the Discrimination Office that is saying, "Well, yes, we can do something with discrimination."

I have a discrimination suit that has been filed. I don't know what's happened. Nobody has gotten back to me. So I really feel that I've been stonewalled.

VICE CHAIRPERSON SOCKWELL: Well, one questions now. The buildings are controlled under the D.C. rental accommodations, and my past history as a long term resident, having fought people with HUD mortgages, is that HUD is fairly unresponsive, always turns it over to the local agency in the end. Then the landlord has the opportunity to support his or her or their claim, and it is a very long and very difficult process, especially since in the case of the city they may not have the resources to adequately review whatever material may be submitted by the landlord as back-up to its claims.

But you have to just stick with those kinds of things if you want to get to the bottom of it and find out what the actual issue may be.

MS. RUBIN: Thank you. We're trying.

CHAIRPERSON REID: Thank you.

Ms. Dwyer?

MS. DWYER: Just a couple of questions. You mentioned that you have contacted HUD for their review of this, and you've gotten no response from them?

MS. RUBIN: I've had some response.

MS. DWYER: And what has the response indicated, that there's a problem or that everything seems to be fine?

MS. RUBIN: On, no, there's definitely a problem.

MS. DWYER: What has been the response from HUD?

MS. RUBIN: Initially the advertising that Columbia Plaza was doing was huge ads saying short term rentals, furnished apartments available. They felt that this was certainly discriminatory for anyone who wanted to live on a long term basis because they would immediately turn out.

They haven't told me yes, but the ads have been changed.

MS. DWYER: And was HUD in contact with the management company that runs the building? Is that --

MS. RUBIN: I guess I'm just not privy to that information. I know the bottom line was the ads were changed.

MS. DWYER: Didn't HUD this year give this building an award for its top project in the country?

MS. RUBIN: I don't know, but when I got a letter, I think they did the interview over the phone.

MS. DWYER: But the party did receive an award by

HUD?

MS. RUBIN: I'm not aware of that.

MS. DWYER: You're not aware of that?

MS. RUBIN: No.

MS. DWYER: Has the Rental Accommodations Commission reviewed the rent increases in the building and made a determination on those?

MS. RUBIN: Yes.

MS. DWYER: And those increases have been approved by the REC?

MS. RUBIN: I think that there's a gray area, and they feel that there is something wrong, and the building has rescinded them.

MS. DWYER: All right.

MS. RUBIN: So, therefore, they must have some concerns about the legality of a 30 and 40 percent increase, as well.

MS. DWYER: But in any event, there was a review by the Rental Accommodations Commission --

MS. RUBIN: Right.

MS. DWYER: -- and that has gone through those channels, and a decision of termination has been made by them?

MS. RUBIN: Not a definitive one because each unit has to be determined individually, and they don't have the manpower. So I'm sending people down to review each unit and its

rental history.

They did not want to give us any information on the rental history. What they're saying is that these are unimplemented rent increases that could go back 30 years, and it seems they're going back five years. I've only heard from the people who have lived there between two and ten years, and so each one of those has to be determined individually.

Apparently because of the change of students, the turnover, constant in and out, each unit has its own rental history, and at first I was told we would not be privy to that information. The Rent Administrator said that by law they have to give us the information, and therefore, I think that was one of the reasons that these huge rent increases were rescinded to 8.8 percent.

MS. DWYER: But in any event, my question is: is this a matter that's being reviewed by the Rental Accommodations Commission which does have jurisdiction over these kind of issues?

MS. RUBIN: I think so.

MS. DWYER: Thank you.

CHAIRPERSON REID: Ms. Pruitt?

SECRETARY PRUITT: Madame Chair, I believe we have a request for someone to testify in support before you go on break because --

PARTICIPANT: One more person.

SECRETARY PRUITT: Excuse me. Okay.

-- after this because they have a time commitment.

PARTICIPANTS: Two more.

SECRETARY PRUITT: Two more.

CHAIRPERSON REID: Now, wait a minute. Just a few minutes ago when I did an assessment, there were only --

PARTICIPANT: She just asked a few minutes ago.

CHAIRPERSON REID: She just did what?

(The Board conferred.)

CHAIRPERSON REID: I asked if everyone who was in opposition to come forward or to raise their hand and let me know who was here, and these two other people --

PARTICIPANT: She was out of the room.

CHAIRPERSON REID: All right. She and who else? Were you here?

PARTICIPANT: She was out of the room at the time.

CHAIRPERSON REID: You both were out of the room. Okay. All right.

PARTICIPANT: I guess so, but not together.

(Laughter.)

CHAIRPERSON REID: All right.

VICE CHAIRPERSON SOCKWELL: Ms. Rubin, I want to ask one quick question. Did you state the size of the HUD mortgage that was involved?

MS. RUBIN: The amount of it?

VICE CHAIRPERSON SOCKWELL: Yes.

MS. RUBIN: I don't know. It was set up in 1961 or, I guess, when the building -- 1961. Apparently it's 40 years. It ends next year.

VICE CHAIRPERSON SOCKWELL: Okay. So it's a very short term remaining.

MS. RUBIN: Balance, yes.

VICE CHAIRPERSON SOCKWELL: Balance. Thank you.

MS. JULIAN: Good afternoon. To the District of Columbia Board of Zoning Adjustment regarding the subject matter, George Washington University and the hospital, from a parking lot to a proposed six story, state-of-the-art hospital bringing no part --

PARTICIPANT: Did she identify herself?

MS. JULIAN: Oh, my name is Barbara Julian.

CHAIRPERSON REID: Where do you live?

MS. JULIAN: I live at 2475 Virginia Avenue, Apartment 620, zip 20037.

Shall I go on?

CHAIRPERSON REID: Un-huh.

MS. JULIAN: With no parking, i.e., no garage for doctors, nurses, staff, nor for visitors of patients, volunteer staffers, or even the myriad of other hospital consultants and even medical sales persons.

The site abuts the historical district and is an infringement on the character and atmosphere of the neighborhood.

Many of the homes are built of half sized brick wall construction with no garage. Most were built prior to the advent of the automobile over 100 years ago.

There's no parking for residents unless by sticker, and then they can find a space. A 24 hour a day problem.

Car rental space maximized out is from 150 to 300 a month, and usually several blocks away.

The one loading dock proposal for the hospital means for food coming in, trash going out, chemicals in, and disposals, poisonous and infectious disposals out.

Fifty to 63 delivery or pick-ups a day have been authenticated. It is an obstreperous area. It's hard for me to believe a university, a place of higher learning, would ever adopt such an obdurate position.

Such two blocks away is Columbia Hospital. Thirty-six thousand people use the Foggy Bottom stop daily for ingress and egress. It is virtually on and under the proposed hospital site now being excavated.

We just cannot handle the traffic now. Bringing ambulance, police, and fire department vehicles, trucks and vans into these old fashioned streets is just not plausible.

Impurities of the air are now prolific. The smell and breathing problems are afflicting the neighbors. According to the Department of Health Environmental Assessment, 1999, it, the air, is now near the saturation point.

Barbara Julian.

Thank you.

CHAIRPERSON REID: Thank you.

Questions? Board members, Ms. Dwyer?

(No response.)

CHAIRPERSON REID: All right. Thank you very much.

MS. BREWSTER: I'm next?

CHAIRPERSON REID: Un-huh.

MS. BREWSTER: My name is Mary Brewster. I live on 2528 Queen Ann's Lane, which is between 25th and 26th Street. It is one block long. We have nine townhouses on each side of the street.

My husband and I moved there in January 1, 1966.

All of the residences are privately owned, except for one home which has been rental, and for the past few years, they've rented to George Washington students, and I gather these homes all have two bedrooms on the top, and in this one residence that's rented by George Washington, there are always between six and ten people who live in this two bedroom house.

The students are very nice and very pleasant, but they enjoy themselves, and they have lots of parties, and the police are there several times a week in our neighborhood.

Finally we were so rattled we wrote to Chief Ramsey, and he wrote a very nice letter, and now the police are trying to help us, but the George Washington University police

cannot help because it's off campus, and we're trying very hard to be neighborly with the students, but they don't seem to understand that you don't have to party until three or four in the morning, and it's very disruptive to our neighborhood, and we don't know what to do about it.

Thank you.

CHAIRPERSON REID: I have a question. Have you informed the officials at George Washington about this problem?

MS. BREWSTER: The students? There were no students there until George Washington -- they can rent the house for several thousand dollars a month, and now a number of students live there, and before there were always single families, I guess, until about three or four years ago. They started renting to students. Before that it was always single families who live there.

CHAIRPERSON REID: No, I said have you informed or contacted George Washington University officials about this problem, with the students in the house causing disruption.

MS. BREWSTER: Yes. The students are the problem, and it's D.C. police who have to take care of them, and they say it's really the George Washington University police can't. So when they live off campus, there's nothing that can be -- really it's very difficult to do anything when they're off.

CHAIRPERSON REID: Well, my question --

MS. BREWSTER: If they were on campus --

CHAIRPERSON REID: My question was specifically: have you contacted -- I think I heard the students say that there was a hot line number or there is a --

MS. BREWSTER: Yes, 1010. Yes, we call them. They're the people who come, but I feel that I think it's too bad that something can't be done about this.

CHAIRPERSON REID: Are they the George Washington --

MS. BREWSTER: Why should the police have to come to our neighborhood several times a week?

CHAIRPERSON REID: I understand that.

MS. BREWSTER: Yeah.

CHAIRPERSON REID: That's made clear, but -- 1010 is D.C. police? What's 1010?

MS. BREWSTER: That's actually --

CHAIRPERSON REID: Oh, that's non-emergency. Oh, no, no. The point I'm making is my understanding is that there was some mechanism in place where if there is some complaints from the community as far as noise and disruption or what have you, that you could contact the school itself to report that you were having problems.

MS. BREWSTER: We have contacted the school, but they can't do anything.

CHAIRPERSON REID: That's what they told you?

MS. BREWSTER: Un-huh.

CHAIRPERSON REID: Who told you that?

VICE CHAIRPERSON SOCKWELL: Well, they can't.

MS. BREWSTER: Well, the Office of Community Relations.

CHAIRPERSON REID: Okay. Do you know the person's name?

MS. BREWSTER: No, I didn't ask.

CHAIRPERSON REID: Okay. Thank you.

Any other questions, Board members?

MEMBER RENSHAW: I'd just like to know if you have communicated with Mr. Birch of the Student Association.

MS. BREWSTER: No, I have not. I did not know that. I've had -- we've contacted several people at the university and letters have been written, but if they're off campus, it seems like they can't take -- they're not able to do or they don't do anything.

MEMBER RENSHAW: So this is a --

MS. BREWSTER: And the campus police are very nice, but they say, "We can't help you," and they say, "Contact the metropolitan police."

So we really finally wrote to Chief Ramsey, and he wrote a very nice letter and has tried to be helpful, but the house is owned by a family who live in Annapolis, and he just doesn't have any interest in who lives in the house, and he's interested in making money we've decided.

And everyone else owns their own home, and we really -- it's a nice neighborhood. We like it very much, and the students are not bad. I mean they just want to enjoy themselves. You know, if they can party all night, well, that's okay.

MEMBER RENSHAW: But did Chief Ramsey say that any time you call an officer is going to come out and stop the shenanigans of the kids?

MS. BREWSTER: He did not say that in the letter. He contacted the precinct, the lieutenant in our precinct, and he has been down to speak to the students and to some of the neighbors.

He said it's very difficult to do anything about this.

MEMBER RENSHAW: It's a quality of life problem.

MS. BREWSTER: Yes, a quality of life, and the owner lives in Annapolis, and he doesn't speak to anyone on the phone. You have to go through his agent.

So I just wanted you to be aware of it. It is better to have them on campus if it's possible.

CHAIRPERSON REID: Okay. Ms. Dwyer?

MS. DWYER: Yes.

MS. BREWSTER: Thank you.

MS. DWYER: No, I want to ask you a question, ma'am. Ma'am.

MS. BREWSTER: Excuse me.

MS. DWYER: I just need to ask you one question.

MS. BREWSTER: Un-huh.

MS. DWYER: Are you aware that as part of its revised campus plan the university if proposing to extend its code of conduct so that it would apply to students living off campus?

MS. BREWSTER: Well, no one has told us that.

MS. DWYER: Okay. Thank you.

But that is one of the proposals that has been put before the Board. So in future situations, students living off campus would be subject to university's disciplinary proceedings and have sanctions imposed by the university.

MS. BREWSTER: Un-huh.

MS. DWYER: Can you tell me the address of the property that you've been talking about? I know you stated your address for the record.

MS. BREWSTER: Mine is 2527 -- I mean 2528. Theirs is 25 -- do you know what theirs is, Ellie?

PARTICIPANT: No.

MS. BREWSTER: Twenty -- let me see -- I think it's 2537.

MS. DWYER: Okay, great. Thank you very --

MS. BREWSTER: Next to the last house, I believe.

MS. DWYER: Okay. Thank you.

CHAIRPERSON REID: Ms. Dwyer, while you're there, just as a follow-up, the proposed revisions to the student conduct

-- the code of conduct that you mentioned, as well as Mr. Burt, this is going to be effectuated when, so that everyone in the community, you know, will be made aware of it? You know, it will be publicly announced or whatever.

MS. DWYER: Right.

CHAIRPERSON REID: When does that start?

MS. DWYER: Mr. Barber can address that.

CHAIRPERSON REID: Because I think that's very important --

MS. DWYER: Yes.

CHAIRPERSON REID: -- that while this is something that is being proposed, that at least the community be made aware of the fact that this is something that the university is undertaking.

MR. BARBER: Thank you.

Charles Barber, senior counsel for George Washington University.

It was precisely this kind of incident that the university came up this summer with the proposal of extending the code of conduct to our off campus conduct by students, and I think it would address this situation.

We talked about responding to landlords and tenant associations, but this new code of conduct would also respond to police reports, and so were there police document in private homes, which sounds like the situation here, the university could

take action.

She is correct that our university police have no jurisdiction, but we would commit as part of this program to work with D.C. police and be able to take action on the basis of their documenting the misconduct.

In terms of the timing, this is a new policy. We need to publicize it and get it in place and let students know what the new ground rules are. We came up with this in the latter part of the summer. So it would be implemented for the following school year, fall 2001.

We certainly have begun to do things about working with the Student Government Association, informing students of their responsibilities as citizens. Those kinds of things have already begun, but in terms of revising the code of conduct, it is part of the students' contract, if you will, and so we have to time it to when a new contract comes in place, that is, when they begin a new school year.

CHAIRPERSON REID: Okay, all right. Thank you, Mr. Barber.

MEMBER RENSHAW: Mr. Barber, I'd like to ask you since Ms. Brewster is outlining some problems which she is having now, and I meant to ask Ms. Brewster how long this has been going on, but what can you do now to help her and her neighbors right now rather than wait a year?

MR. BARBER: Well, I hear you. I think there's

some informal things we can do. I think to take disciplinary action we cannot at this time. We don't have a sound legal basis for taking disciplinary action if you have not put students adequate notice about changing a policy.

But I think there are informal things we can do. I think, quite frankly, we can have a talk with some of these students and speak to them about their responsibilities and seek their cooperation.

We don't have the stick, if you will, at this time, and that requires a certain change in the legal framework and our contractual relationship with the students, and that's what we're committed to moving forward on.

But even before then, I think, again, we can try to use the power of persuasion, and we have the address, and we can make contact with these students.

MEMBER RENSHAW: And when are you going to do that?

MR. BARBER: I think the question is who is the right person to do it, and I think we can, you know, act on that within the next couple of weeks.

MEMBER RENSHAW: Can't you do it before that? I hate to press you, but it sounds like --

MR. BARBER: When would you like it done, Ms. Renshaw?

MEMBER RENSHAW: -- a community -- by the end of the week.

MR. BARBER: By the end of the week? I will commit to making contact, of having somebody at the university making contact with these students by the end of the week.

MEMBER RENSHAW: And report to Ms. Brewster, please.

MR. BARBER: Yes, ma'am.

MEMBER RENSHAW: Thank you.

CHAIRPERSON REID: I'm sorry, but this particular segment of the hearing is over.

MS. BREWSTER: I just wanted to say that the students --

CHAIRPERSON REID: But you cannot -- but you cannot -- but -- but you cannot at this point, ma'am.

MS. BREWSTER: Okay.

CHAIRPERSON REID: The portion of the or the segment of the hearing as to the opposition is over, and we have to move on.

MR. BARBER: Ms. Reid.

CHAIRPERSON REID: Other than that, then once we open that door, ma'am, we would have to allow all of those other people back there who are just, you know, raising their hands and making all kinds of motions to me come forth, and we can't do it. I'm sorry.

Yes?

MR. BARBER: If I could just add onto that last

response, it may be possible and it may be appropriate for the student government association -- and we'll talk to Mr. Burt -- about assisting students to help out in this type of situation, having student-to-student contact. So I didn't want to leave you with the impression that it was necessarily going to be a university official, but we'll see that somebody contacts these people this week.

MEMBER RENSHAW: And would you let us know, please?

MR. BARBER: Yes, ma'am.

CHAIRPERSON REID: Okay. All right. Now, status. We're going to take a lunch break -- oh, I'm sorry. There was one person who wanted to come up.

SECRETARY PRUITT: One person in support.

CHAIRPERSON REID: Yes. Come forward before we take lunch. I had forgotten that just momentarily.

MS. KAY: Good afternoon. I'll try to be brief.

My name is Susie Kay, and I have been a teacher for the past ten years at H.D. Woodson High School, located in Washington, D.C. I'm also the founder and the director of the Hoop Dreams Scholarship Fund, and I'm here to testify on behalf of George Washington University as a wonderful and very committed community partner and neighbor in the best sense of the word, not only to the Hoop Dreams Scholarship Fund and to local inner city D.C. public high school students, especially in their pursuit of a college education offering resources, counseling, room in their

institution for us to hold our programs and, you know, many, many resources.

And when I started the Hoop Dreams Scholarship Fund I had in mind two goals: number one, to raise academic college scholarship money for deserving local high school students to go to college, but, number two, just as importantly to connect inner city high school students from Washington, D.C. to member of the business community in the hopes that we would be able to galvanize resources and opportunities and connections for the students that would work on their behalf.

And George Washington University has really stepped up. They have provided us space at Fungor Hall and Martin Center, throughout the university for us to have a mentoring program which connects students from D.C. public high schools to members of the local business community. By doing that we don't have to go out and rent a space, and all the money that we raise can go to scholarships for the students.

They have provided us with speakers from their Admissions Office and Financial Aid Offices and use of their computer lab because we are not hooked up to the Internet at H.D. Woodson.

And so I can only testify really as wonderful -- as what a wonderful partner and neighbor George Washington University has been, and I really do feel that it behooves the city to really support George Washington University. I know that this is a tough

issue, and it involves, you know, neighbors and a lot of people from the community, and we want to do what's fair and what's right for everybody, but I know that George Washington has really extended itself not only to Hoop Dreams, but many, many other organizations as a wonderful neighbor in trying to make sure that everybody in Washington, D.C. gets access to the opportunities and resources that it provides.

CHAIRPERSON REID: Thank you very much.

Board members?

MEMBER RENSHAW: Ms. Kay, what is your address, please?

MS. KAY: My address is 333 Second Street, N.E., Apartment 106, Washington, D.C. 20002.

CHAIRPERSON REID: Thank you very much.

Were there any cross examination questions? Ms. Miller?

MS. MILLER: I just have one question. Where did she get that neighbor policy from when she lives that far away?

MS. KAY: I'd like to answer that. What I meant by that was neighbor in the very truest and best sense of the word, that they are reaching out to students who live east of the Anacostia River who are high school students and providing them with resources and use of their institution so that we can hold a monthly college prep. mentoring program, and if it wasn't for George Washington University, we had a very difficult time finding

space to do that.

So when I said neighbor, I meant young people living throughout this entire city. I don't necessarily mean literally the immediate neighborhood.

MS. MILLER: I think you should have used a better word.

CHAIRPERSON REID: Ms. Miller, you know, you're not supposed to be testifying.

MS. KAY: Okay. I'd like to use the word "partner."

CHAIRPERSON REID: Yeah. Ms. Miller, you know you're not supposed to be testifying at this point, and if you are going to cross examine, you can, but you cannot testify. And then you do continue to testify, then I'm going to have to cut you off. I'm sorry.

All right. Now, I've just received a note that we have one other person in support and that would then conclude the persons in support. Is that true? There's only one other person.

So rather than taking him after, we may as well just go ahead and finish their few minutes before lunch, and then we'll finish. We'll be done with that, and we only have to do the Office of Planning report and closing remarks, and we're out of here. Okay?

MR. LEHKER: Good afternoon, Madame Chair. Thank you for taking me this morning so I can do other things.

CHAIRPERSON REID: This afternoon.

MR. LEHKER: Afternoon it is, indeed.

I am speaking as an individual. My name is Roland Lehker. I live at 2440 Virginia Avenue, one of the buildings in the notorious now complex of Columbia Plaza.

I have lived in the apartments for three years, but have been in the Foggy Bottom area for five years.

After the death of my wife, I spent two years looking for the place best suited for my retirement. I had lived and worked in Michigan for over 40 years in the field of education. Columbia Plaza's proximity to George Washington University was a major factor in my selecting the District and Foggy Bottom for my home.

The university adds so very much to the quality of life. I find that in contrast to the benefits I heard mentioned earlier this morning, I find that the benefits are legion, especially for a retiree. There are many cultural events, most of them free.

There are many splendid things that a college campus offers: a library, gardens, open space, and attractive landscaping. I enjoy the vigor of youth, not the least of which is making me feel comfortable when I walk home late at night by having many people around me, but just the vigor and enthusiasm of youth as we heard testify today adds so much to the quality of my life, and I enjoy having them as my neighbors.

I enjoy, I appreciate the nearness of a hospital, which also provides ancillary medical services that I can easily walk to, and they are there because of a fine hospital.

I appreciate the improved lighting that has been provided recently by G.W. I appreciate the availability of courses and physical activities for seniors. I appreciate the added police protection, transportation services that are provided for us, and I also appreciate having the campus serve -- as a new resident for only five years, I appreciate the fact that I see G.W. as a buffer against the intrusion of office buildings that vacate at five o'clock in the evening, and I have neighbors around me.

I find the university to be a very good neighbor and feel that it must have flexibility in its development, but I have been dismayed by the intense hostility I see that would make it appear to an outsider that Foggy Bottom is not a desirable place to live.

Obviously this area has great attractions, but the inordinate town-down hostility would make retirees and professionals reluctant to consider it as a permanent place to live.

I have just a bit of conclusion.

CHAIRPERSON REID: Go ahead and wrap, please.

MR. LEHKER: The one concern I have is that we need both to protect the middle income housing that we now have and

encourage cooperation among groups and agencies to develop middle and even low income housing in the area, and I have heard voices raising this as a possibility.

I don't know the political implications, but I have heard that this is, indeed, possible even though, however, much more could be done now informally to encourage a broader cross-section of the population to live in our area.

While I have endorsed the campus plan, my support is increased and intensified now when I see the adjustments in it, which I presume came about from positive community leaders cooperating with the university. I commend them for their efforts.

I believe the plan represents a good faith, strong commitment on the part of the university to assist in maintaining and even improving the Foggy Bottom area. So I sincerely believe the best years can be in front of us.

CHAIRPERSON REID: Thank you very much.

Questions, Board members? Ms. Dwyer?

(No response.)

CHAIRPERSON REID: All right. Then that would conclude the first section -- first session, rather. We'll now have a lunch break. We'll try to come back within 30 minutes, and then we'll conclude the rest of the hearing at that time.

Thank you.

(Whereupon, at 2:15 p.m., the public hearing in the

above-entitled matter was recessed for lunch, to reconvene at 2:45 p.m., the same day.)

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(3:00 p.m.)

CHAIRPERSON REID: We will please come back to order.

Okay. I think that we're now at the segment for the Office of Planning report.

All right. Mr. Altman, are you ready?

DIRECTOR ALTMAN: Yes, I was just coming.

CHAIRPERSON REID: Okay.

DIRECTOR ALTMAN: Okay. We'll get started.

Thank you.

My name is Andrew Altman. I'm the Director of the Office of Planning. With me today and will be taking parts of this presentation and will also be available to respond to your questions and examination, David King, who is Special Counsel at the Office of Planning; Julie Wagner, who is Special Assistant in the Office of Planning; Ellen McCarthy, who is the Deputy Director of Development Review.

The four of us, but particularly the three of them, have been working very diligently for the past six months or so on the campus plan issue with respect to George Washington University.

We have -- our presentation today really is in two parts. I'm not going to attempt to go over everything that's in the report. I think you've had the report now. So it's pretty

through. So I won't take your time going page by page through it, but will summarize sort of the principal points in the report and, in particular, the perspective that we took in looking at the George Washington University campus plan. That will be part one.

Part two, which Julie Wagner will walk us through, is the actual recommendation and Approach that we have as an alternative to how we believe the impacts of the George Washington University expansion can be mitigated such that there is not an objectionable impact on the neighborhood, and we'll walk you through that approach.

There are actually two recommendations. We will walk you through both of those in some detail so you can understand how we believe that that is a workable solution.

So let me go back to sort of the beginning here in terms of our perspective. We really in the Office of Planning had some very simple goals in looking at this campus plan. When I was appointed a year ago, one of the concerns I heard over and over throughout the city was with respect to how do we make campus plans have meeting. How do we have campus plans that are enforceable? And how do we have campus plans that truly give certainty as to what will unfold in any given neighborhood as a result of the university expansion?

And that was a goal that the mayor also had when he said we want campus plans that have meaning. "I want campus plans that have teeth. How can we achieve that?"

And so that's what we set out to do. One has to look at a campus plan not just from the narrow confines of the campus itself. Our mandate both through the comprehensive plan, through the zoning regulations is to look at the campus plan in the context of the neighborhood within which it sits. So those two are inextricably linked.

You cannot look just at the university and what it needs with its boundaries, but what happens as a result of that expansion on the surrounding neighborhood?

And that really is fundamental to the perspective that we are taking as a broader planning approach in understanding campus plans that are presented to us and campus plans that are presented to you. You really have to ask that sort of very basic, very simple question. What impacts will result from this campus plan?

And the question in the zoning regulations is very straightforward, that if we believe there are objectionable impacts, and there are a number of factors which I will cite later, and the answer to that is yes, then the campus plan fails that test. And the question is: how do we meet that test and meet that standard?

So we looked at three basic objectives. One is from the neighborhood perspective. What is the result of this campus plan, with the intent of saying how do we protect the character of our neighborhoods, allow for diversity of

neighborhoods, which is a principal objective of the comprehensive plan and the ward plan?

Two, how do you allow for the growth of the university? Universities, as you've heard in testimony, are very important to our economy. I think that it's clear that as a sector of our economy and as an employment base, they offer tremendous benefit to the city. So how can we accommodate their growth is objective two.

And the third is how do we have certainty in this process, real enforceable measures, real certainty, not goals, not promises of what might be, what might be built, what percent might be achieved, but actual enforceable measures.

So how do we make those goals real? And how are they enforceable? If the goal is not achieved, what then is the remedy? That's absolutely critical or we're just talking about a ten-year plan that is hollow, and we need to guard against that because fundamentally what is at risk is a neighborhood. So you have to have real enforcement and real certainty.

Those were the principal, I think, motivating objectives of what we're going to do. It's important here that we look at each campus plan, the context of its neighborhood. Foggy bottom is different than Berleith. It's different than Georgia Avenue. So you have to look at what is going on in the neighborhood. What is the neighborhood dynamic that is occurring?

And each one is very different. So you have to do

an analysis that says what is the stability of this neighborhood. What change has occurred in this neighborhood? What is likely to result in the context of this neighborhood?

So you try to tailor our approach to each campus plan, and in George Washington University's case, we have a situation of what we characterized in our first report as the tipping point.

I'll explain a bit more what that means, but our notion of that is that you have a neighborhood right now that is very fragile, very at risk, has suffered for many, many years through a series from urban renewal through campus expansion to a point where it cannot really tolerate further impacts without losing the character and the fabric of that neighborhood.

That is the point at which it's reached. In fact, it's a point that may have already been exceeded and passed, that threshold, and so what we're trying to do now is to stop that and look at no further impacts, no new impacts on the George Washington University campus.

Let me walk you through -- we'll go back to this in a minute -- just a little bit of some of the chronology because I think it's important to put this in historical perspective, and then what I'd like to do, David, is go back and use these as summary points since I'm reading off here, but thank you for trying to keep up. It's good that you're doing that.

(Laughter.)

DIRECTOR ALTMAN: The technical team is completely in sync with the -- anyway.

Going back a little bit we've done some research, and it's important to look at this. It threads the Foggy Bottom, are neither new nor were they caused exclusively by George Washington University, but since the 1940s, the neighborhood has been transformed by massive public works projects, urban renewal, and university expansion, and as far back -- I say as far back -- but as 1959, planners were already concerned about the fate of this neighborhood.

And the National Capital Planning Commission in 1959 and again in 1965 had the following quotes about what was occurring in the neighborhood.

One, the university scheme has not yet a plan tied with the city. It does not have plans for blocks and squares. It does have plans for blocks and squares, but not in complete accordance with the developments around it since these developments are not yet known.

It is imperative for the university and for the city that its own scheme be coordinating with the neighboring scheme. I mean they are very concerned about what would happen with the neighborhood then.

Secondly, they talk about the future expansion could be accommodated through more intensive uses of land rather than through horizontal spread, meaning that we want to look at

greater density within the confines of the campus plan as opposed to spreading throughout the neighborhood because already in 1965 it was noted that it was a severely impacted area.

Fast forwarding to 1995, you see amendments to the comprehensive plan which sounded alarms over university encroachment into the Foggy Bottom neighborhood. Quote, continuing pressure from the university resulting in the destruction of housing, the extensive construction of buildings leased for commercial use, and the complete lack of construction of dormitories is of grave concern to the Foggy Bottom residential community. Additional measures will be needed, including adequate dormitory construction and conversion of buildings leased to commercial use for dormitory use if an acceptable urban campus environment for G.W. is to be achieved.

Moreover, in 1999, and this is really the last of the quotes, it talks about how the, in quotes, the expansion of the university resulted in the diminishment of housing and the construction of buildings for university purposes. This and other commercial usage is of grave concern to the Foggy Bottom residential community.

Intense student pressure on Foggy Bottom's housing stock outside the campus, combined with the impact of university generated traffic has had a negative effect on residential Foggy Bottom.

So these are just some quotes to show you that

there's nothing new about identifying threats to Foggy Bottom. There's a clear history of that in our planning, in our comprehensive plan, in the review of the zoning code that implements a comprehensive plan. The difference this time are two.

One is that the Office of Planning seeks to protect the neighborhood before, and we believe it's at that point, it ceases to exist.

Secondly, we believe that it is at the point. It really is, after all of the dire warnings of 30-some years. Now the decision before you is nothing less than the risk of losing that neighborhood irretrievably and irreparably. That's what's fundamentally different.

So the approach we took, while maybe strong and maybe different than past purchases in the past, is to say that that is what fundamentally is before us, and that is what the tipping argument, point, argument was all about, that you cannot just have promises. You have to have certainty. You have to estimate those impacts, and you have to account for all of those impacts of you have nothing less than the threat of the loss of this neighborhood.

So OPs position -- and let me just say one more thing about this tipping point argument before I discuss the position a bit, is that there is no way to predict necessarily when you reach that point. It could be one block. It could be

two homes. It could be three blocks, but by definition, once it arrives, it's de facto too late to do anything about that, which is why the risk of inaction and not having very, very clear measures that we will lay out is so great.

The fate in some ways of Square 43, which in the past review of the campus plan, the past order specifically was taken out of the campus plan because in order to insure and protect the residential diversity of the residential character of the neighborhood and now will be converted to dormitory use shows you, I think, and showed us, was illustrative of the concern that we had, which was of the continued erosion of the residential neighborhood even when that was taken out of the campus plan; that the university's needs and expansion to acquire additional properties, and now you see that whole southern flank, which has been included in George Washington University's proposal is essentially in their proposal lost; again, tells you that the very fabric of this area which has been identified in successive plans is fundamentally at risk today with the plan that's been proposed by George Washington University.

Let me walk through a little bit here. I think most of this I've probably gone through, the 40 years of concern.

The university requirements. Zoning requirements of the university shall be located so that it's not likely to become objectionable to neighboring property because of noise,

traffic, number of students or other objectionable conditions.

The number of students is very important. What that says to me fundamentally, and our read of the zoning requirements, what we are legally mandated to follow in our analysis is that the number of students, the impact of that is where will those students go to find housing. What will be the impact on the neighborhood?

It's not just a question of behavior. I think that's very important to distinguish. It's not just behavior. It is also that students are entrants into a housing market, and as people looking for housing in a neighborhood, that fundamentally changes the character of that housing market.

I mean, it's a very basic point, but it's important because there are two different issues: behavior of students and the sheer number of students. So when I look at this, I say the number of students has to be taken seriously and you have to start to estimate how many of these students are likely to move into the Foggy Bottom neighborhood, putting pressure on that neighborhood and changing its fundamental character.

So we have an obligation to do this, which is what we've responded to in our proposal.

Our conclusion, and it's difficult here, as you've heard before, because we do not have accurate accounting, the university saying how many students actually live in the neighborhood. So we have to know -- estimate how many could be in

the neighborhood, and that's one of our proposals, is to rectify that.

But we believe that any new impacts to the neighborhood -- and we call it the no new impact policy -- are likely to create objectionable impacts because of where the neighborhood is; because of the fact that there is so little left of the neighborhood housing stock and the neighborhood fabric.

So if the university's enrollment increases, if the increase in the undergraduate enrollment is not accounted for by providing adequate housing, those students who are not housed, potentially a percentage would be looking for housing in Foggy Bottom. That creates the objectionable impact.

So having said that, critical to the office of planning that G.W. plan has one meaning, which as I said are real housing provisions.

Two is certainty, which are real measures to impact that growth.

Three, strong enforcement, which is not just goals but if actions aren't taken to mitigate this, there is real enforcement. That means enforcement that either can be not only further processing of academic facilities, but potentially limits to increases in enrollment in order to say that this growth does not proceed without being mitigated, and that's what we tried to achieve in this plan.

We talked about the historical pressure in Foggy

Bottom, the continued concern. We have covered most of these points for you, and then Julie Wagner will take us to the next step, which is to actually walk through the campus plan picture at this point, what it looks like.

I just want to say as part of my -- we'll have more discussion about this -- my comment is this. You're going to hear a lot. You've heard a lot of discussion about percentages that are thrown out or various numbers that are thrown out, and it's very confusing. Is it 65 percent, going to 70 percent? Have we gone from, you know, 2,000 new housing units from, you know, 50 new housing units?

The bottom line question is, you know, when you look at when it's said and done at the end of the day, how many beds have been provided. How many students have been allowed in terms of the increase in enrollment?

And you're going to see a chasm. There is a big gap, even with a 70 percent, 65 percent. If we were to take the university's plan as presented and their growth as projected, there is a very significant gap, and the question is where does that gap, meaning those students who are not housed, where do they go?

A large number of them are going to go in the Foggy Bottom. It is inevitable, which is why you have to look at the neighborhood impact. they're inextricably linked, what happens with the growth and what happens with the neighborhood.

And if you don't account for those students, at least I have to say for myself as the neighborhood says to itself what will happen to our neighborhood. How do I know it will happen to our neighborhood if I don't have certainty as to where those students may potentially go?

And that's what it means to have a campus plan with real meaning. It's not just a question of G.W.'s acquisition of properties, though that's important; that there are restrictions on that, but also it's a question of what will be the result in the neighborhood housing market.

And if the answer to the question of objectionable impacts is, yes, there are objectionable impacts or if the answer to the question is maybe, then you have to reject the plan and say it does not meet the test. The risk is too great, and we need to have assurances, which is why we have an approach which we believe provides that to the neighborhood and allows both for the growth of the university, which is important, but also for the protection of the neighborhood.

And although I think it's unfortunate, that I say as an editorial comment, that we have to try to solve these in the context just of Foggy Bottom, that there are other parts of the city that the university can grow and expand, what's before us is the Foggy Bottom neighborhood. So we're trying to have a location based approach to a location based problem, and I think that's what we tried to achieve here and bring before you today.

So with that, why don't I turn to Julie Wagner who can walk through our analysis and our proposal?

MS. WAGNER: Can you hear me?

Okay. Good afternoon. I'm Julie Wagner.

SECRETARY PRUITT: I'm sorry, Ms. Wagner. The reporter is still not picking you up. Is the little red light on?

MS. WAGNER: Yeah.

SECRETARY PRUITT: You may need to move it up higher.

MS. WAGNER: How's that? Would it just be easier for me to sit?

Okay. Good afternoon. I was the Special Assistant to the Director, but I am actually now the Chief of Staff for Development Review. So I just wanted to make note of that.

Okay. I want to actually talk a little bit about how the Office of Planning --

DIRECTOR KRESS: Ms. Wagner, excuse me, but you're not being picked up by the recorder.

MS. WAGNER: All right. I'm just going to sit down. That's all right. I'll just sit.

I'd like to talk a little bit about how the Office of Planning approached this case. Perhaps in reading the report one may say that it's clear that we may be looking and focusing particularly on the needs of the neighborhood, but, in fact, as we really spend some time in working through and understanding the

merits of this case, it's important to understand that the Office of Planning really focused on the duality of needs in the Foggy Bottom area, on one hand, really looking at economic development, the success and the viability of this university and how they're going to pursue their academic mission, and that was also important to us.

On the other hand, we were really needing to look at the neighborhood integrity and the concerns that have been raised over a number of years with respect to neighborhood presentation, and it was the tension, if you will, on how to balance those needs that has been particularly difficult for our office.

And that actually was really what had motivated our office in trying to facilitate some discussions with the community, with the university, and that's what this summer was all about for us, and we didn't get there. We did not actually get and develop a solution that everyone felt comfortable with.

So I will then later in this presentation sort of walk through some of the specifics that we are still pursuing and wanting to move forward.

First though let me talk about how we looked at this. We attempted to look at it as much as possible from an analytical standpoint. There were a couple of challenges in this case. Two happened to be with respect to data.

I know you've been hearing this over and over

again, but it's real important because it was particularly struggling for the Office of Planning, and one being the issue of data with students.

There was no data presented by the university. They currently have no data on where students are living locally. So that was somewhat of a constraint.

The other constraint had to do with projections. There was no data presented by the university on how they saw the growth with respect to enrollment over the next ten years, with a particular emphasis with full-time undergraduates. There was no information that we could really put our hands on.

At the same time, the Office of Planning had a commitment to get as much of a full picture as possible, and so in doing that what we've done is actually put together a range of projections to sort of help us understand what the scenarios in Foggy Bottom in the next ten years could look like.

This top line here is actually one of the projections that we had developed. This was based on the trends. It was a trend analysis that was based on the last five years of enrollment data.

We also looked at one that had the last seven years, and then another one we looked at the last ten years of enrollment data.

These projection numbers are lower than some other members of the community have presented. At the same time, when

you look at the year 2000, what we found is that actually what the university now has for enrollment for the year 2000 is slightly higher than what we've projected.

So in some respects, although it's just one data point, we're feeling as though this is somewhat conservative, but on the right track.

So the point of this though is to understand the relationship of enrollment figures for the next ten years with the proposal for beds. This is one campus plan picture that was particularly relevant to our argument, and it's recognizing the gap between the enrollment figures and the number of beds.

This is of concern to the Office of Planning, and honestly the concern has to do with at any period of time that you walk down, if you're looking at year 2005, yes, there is an improvement with the number of beds. The problem is what happens before then. What are the interim measures?

We have not had enough evidence from the university that there are going to be interim measures in place that will satisfy and mitigate the actual impacts of a growing student enrollment. This was disconcerting to the Office of Planning.

If you continue past five years, what you see when you look at the hard numbers, 9,543 students and only 6,240 beds. So if you look at the hard numbers, albeit a projection, what that means in terms of the Foggy Bottom area is there's going to be some additional impacts.

The proximity of those neighborhoods is desirable, and so what we're needing to do is think through creatively how can we try to mitigate those impacts.

One last point before I move on. If you go and if you look at year five, it's 2005. One of the interesting comparisons that we found was that with a 24 percent increase in enrollment, you relate that to a five percent increase in beds. So a five percent increase in beds is meant to satisfy a 24 percent increase in enrollment??? There's a huge gap there, and that gap is something that we just can't ignore.

And so if you want to move on to the next.

So that was really sort of one piece of our understanding of this case. The other piece has to do with what's happening physically out in the Foggy Bottom area. Now, this is a very simple graphic. This is in no way to the same extent as some members of the community have presented, but essentially it does demonstrate that there is a desire and an interest on the part of the university to purchase and convert to dormitory use, and even those that they don't have ownership completely 100 percent, that even the one in the pink, Columbia Plaza, owning an interest with a high number of students living in that building, that you do see then a physical change in the Foggy Bottom area.

So when you look at the physical change, and you're looking at the numbers with respect to projections and beds, it's those two pieces of information that has really motivated the

Office of Planning to try as much as possible to develop a balanced, win-win solution for the university and the community.

That was our attempt. Okay. I want to move on.

Because of the particular constraints and the challenges that we have been confronted on this case, as Andy had pointed out, what we've been trying to do and think through creatively is a location based solution for a location based problem.

And this graphic illustrates what we've defined as the proposed Foggy Bottom preservation area. It's what's outlined in green, and that that area is the area that has a disproportionate amount of impact, and that the proposal that I'm going to present to you is really focused on that area.

The goal and the point of this approach is to not try to affect the university policy unilaterally. It's to try to touch on and stitch the pieces of their policy that have direct influence on what's happening with the Foggy Bottom area. We're trying to provide as much flexibility for the university as possible, at the same time not at a consequence of the surrounding neighborhood.

Can we go to the next slide?

Okay. So let me move on to the proposals. Proposal number on is the baseline approach. This is by far and away our preferred approach. We think that this does the best on trying to understand and get at the core issues of both the

university and the community.

One of the key components of that is to have an annual count of students in the Foggy Bottom area, that area that was outlined in green. The number of students that are counted let's just say that if it's in 2001 -- those number of students become the baseline number. So if the number is 1,000 that baseline number is now 1,000.

What happens is in additional future years when the university is either growing or not, they continue to do this annual count. If the number is below 1,000, let's say the number is 800. Eight hundred students are living in Foggy Bottom. The university proceeds as plans. They grow as they want. The enrollment increases if they want to expand in other areas outside of the Foggy Bottom or on campus. It's a green light essentially.

If they are above the baseline number, what happens is there's a triggering mechanism in which the university then takes some time and develops some incentives. Those incentives could be anything from additional housing. Perhaps there's an issue of affordability with housing. Perhaps they look at the rate of how much the housing costs. Perhaps they're leasing some spaces, maybe in NOMA, maybe on the waterfront. That is up to them, but essentially the goal is for the university to think creatively on how they can provide incentives for their students to think about other housing choices.

The point of that is to have the burden on the

university, not on the students. The issue of the D.C. Human Rights Act, which we know is an outstanding issue, is one where we're trying to think through how to amend the D.C. Human Rights Act in a way that allows the university greater latitude in working with their students. It is not an attempt to limit their fundamental human right.

Another key aspect of this proposal is the enforcement mechanism. The enforcement mechanism, we see it as the most critical. We understand that the BZA has questions about their ability with respect to enforcement. Here in this approach it's built in, that after one year that the university has failed to stay at or below the baseline number, that no further processing of cases will be accepted, and this is a role that the Zoning Administrator would be playing.

Moreover, there would be a freeze in enrollment. The reason why that additional piece has been added is the fact that the processing of cases only happens when there is a case to be filed. If there are a number of years where George Washington is not building any buildings, what happens then? What happens with respect to enforcement?

That was a question that remained for us, and so this is an attempt to really get at how to motivate and encourage the university to really think seriously about how their policy and how their decisions may be influencing the adjacent neighborhoods.

Although it's not on here, one thing I do want to add is, although it's in the report, is the five-year campus plan, that it would not be a five-year review, but that it actually be a duration of five years; that the issues are severe enough and are acute enough that extending to a full ten years is dangerous in our mind.

Okay. I'll make this one quick. The proposal number two, which is what we see as could either be a temporary proposal until there is amendments to the D.C. Human Rights Act, is one that attempts to satisfy some of the same problems with respect to the Foggy Bottom area. Essentially it's one bed for each student above the current enrollment; that the beds are provided on campus or outside of the Foggy Bottom area, again, trying to minimize the impacts in Foggy Bottom.

The concern that we have with respect to what happens before the year 2005 is addressed here: that you would provide interim measures for housing. Leasing space outside of the Foggy Bottom area is the way to go, and the Office of Planning has articulated to the university that we'd be more than happy to try and help them in identifying spaces.

Again, annual counting of students. We believe that it's critical that the university has a sense and a pulse on where their students are living.

And, again, the enforcement mechanism. After one year, no further processing of cases will be accepted for filing.

Okay. In conclusion, I think it's important to impress upon you that we truly are committed to no objectionable impacts to Foggy Bottom. Through our analysis, through discussions, through the conversations of the summer, it has been clear that we can't afford to have any additional impacts on Foggy Bottom.

The issues and the problems are just too acute. It is to our misfortune, we believe, that the G.W. proposal does not meet this test with respect to no objectionable impacts, and so because of that, the Office of Planning has put together two proposals which we feel does the best in trying to address the issues of impacts in the Foggy Bottom area, with the baseline approach being by far the preferred approach.

And then lastly, in order to make that baseline approach work, there does need to be some additional work within the District of Columbia, and as we learned earlier, Council Member Mendelson is more than willing to champion that effort.

So the way that the Office of Planning sees at this point is that we're at a fork in the road. We can either go on Road A or we can go on Road B, and Road A continues as we have been going for the last 40 years, a continual growth and expansion of G.W.

We have a slow eroding, continual eroding of this neighborhood. That's Road A.

Road B is that we try to have a new strategy, a

creative strategy that tries the best that it can to try to get at the issues and the interests of both the university and the community. That is the goal, and we really encourage you to think about Road B. I don't think we can honestly afford not to.

Thank you.

DIRECTOR ALTMAN: I just want to make a couple of concluding remarks before questions. I just want to emphasize a couple of things that Julie has discussed here that I think are a few points very quickly.

One is we've talked about the importance of the neighborhood perspective. This is not a new concern. It dates back to the National Capital Planning Commission in 1959 and reaffirmed in all subsequent planning documents and discussed that the impact on Foggy Bottom is tied to the expansion of George Washington University.

The question of the zoning regulations of objectionable impacts, our view fundamentally is that there should be no new impacts on the neighborhood as the result of the expansion of George Washington University. Those need to be mitigated.

What we tried to demonstrate here analytically as best we could looking at the trends and the information before us is there are both temporary impacts. How do you construct housing over the next zero to five years? Students are still increasing. They're still coming to the neighborhood. That's something that

has to be strongly accounted for, not promises that they might go here or there. What happens in the next five years as new housing is being constructed?

Secondly, at the end of the day, when you saw that graph it says that there is a five percent increase in housing. So maybe it's at 70 percent, but you have up to a 25 percent increase in new undergraduate students.

Even if those numbers are somewhat off, the bottom line is you have a huge risk area of impact that is not being addressed. So when you ask yourself, which we had to do, the very hard question, does this meet the test of the zoning regulations, no, it failed the test because it creates objectionable impacts.

Does it meet the test of the comprehensive plan? No, it failed that test because it further exacerbates the diminishment of housing, which as the comprehensive plan and the ward plan showed was directly related to growth.

So what's the bottom line? We think we have an approach that could allow the university to grow and address those impacts so it can meet that test, but the approval of the plan as presented unfortunately fails that, and the risk of that is great.

The mayor has asked us to come up with a campus plan that has real meaning. Real meaning means addressing the housing issue in this context. You can't have a campus plan with meaning without saying how much housing and where those students are going to be living. That's at the heart of what the campus

plan test is in this case.

That is why we have unfortunately come to the conclusion and we've taken the unusual measure of recommending denial of this application. That is unusual. We normally try to work things out as best we can. You saw that in the case of George Washington and Mount Vernon, a very different case; tried to do mediation. We could not meet that here, and unfortunately we have to come before you and say it does not meet this test, and in good conscience nothing less than this neighborhood is at risk.

We do not have the certainty that these impacts will be addressed, and what we're saying is just like a business that the cost of their growth, they can grow, but they have to absorb the cost of that growth and not have that be born by the neighborhood.

Economists call this externalities. They have to absorb the cost of their externality. That needs to be factored into their expansion, and if there are any doubts as to that, I think these numbers demonstrate very strongly what the risk is and what that cost is.

So in conclusion, thank you, and we're prepared to take questions at this point.

CHAIRPERSON REID: All right. Mr. Sockwell.

VICE CHAIRPERSON SOCKWELL: First, I want to say that the two proposals, one and two, are obviously potentially valid points for achieving a level of control over the

university's growth.

However, I have a disagreement with the fundamental premise of the Office of Planning's position on this simply because the university is treated -- the term "externality" was used. I had that in my notes in a different way.

The university is looked at as an interloper, one, that has forced itself upon a neighborhood, and the neighborhood should be protected at all costs.

The university has been in that neighborhood since 1821. The university and the neighborhood developed together whether as partners willing or partners unwilling. The two are inextricably related specifically because of the fact that we don't know in five or ten or even 30 or 40 years of planning the extent to which the university made the neighborhood or the extent to which the university was made by the neighborhood, and the problem that we have is that the two are not coexisting effectively together, but they are together.

And regardless of the way we approach resolving the problem, we do have to look at the fact that the two really are very much related. Just about every university in this town has a long history, Howard 1867, this 1821, Georgetown the same type thing.

So we cannot base our conclusions on the fact that a university should be tossed over here and the community set over there . Even though we may come to the same conclusion as to how

to solve the problem of enrollments, there are many people living in Foggy Bottom today that may not have ever moved to Foggy Bottom if that university has never existed there. We have no idea what Foggy Bottom might be.

CHAIRPERSON REID: Or what it used to be.

VICE CHAIRPERSON SOCKWELL: Or, yeah, the way it used to be.

The point is that I just want to make it clear that my position is that must survive; that without the university, Foggy Bottom may not be the kind of place that any of the long term, short term or future residents would want, but that's really where I am.

I agree with the direction that the Office of Planning has taken in trying to solve the problem, but I just felt that the fundamental premise that the University might be considered as external to the community because these kinds of relationships between community and university tend to break people apart, but that premise was not one that I could accept.

DIRECTOR ALTMAN: May we respond?

VICE CHAIRPERSON SOCKWELL: Un-huh.

DIRECTOR ALTMAN: Because I think we do not -- the premise that we started from was not one of university versus the neighborhood. In fact, the issue for us was one of co-existence because you're absolutely right. There is the synergy between them, and I can't figure out which caused which.

The question is for us -- and the evidence for that is that we did not come in and say freeze enrollment, put a cap on enrollment, don't allow them to expand, don't allow the facilities that they need. We believe all of that is fundamentally important. I absolutely, as I said in my statement -- we were trying to balance the duality. How do they expand, and at the same time, how do we look at what happens in the neighborhood?

So that our approach was that we accept the enrollment cap as it. We're not questioning that. We're not putting an enrollment cap, and I should be very clear because there were discussions of this early on that said we should put a cap on undergraduate enrollment, for example. We did not accept that as a basis because we thought, frankly, we want to allow the university to expand.

Our question was: okay. How do we allow that and at the same time try to solve for this problem? And the problem or the issue really is the continued diversity in the neighborhood where students can live and providing for that housing, allowing for their growth which is important to their expansion needs.

The financing of those needs, we hear that quite a bit in discussions with them, that they have to know that they can expand and count on a certain number of students, and what we said is let's find a way to build in that as you're planning for that projected growth, you find a place to house them. That could either be on campus, and there are provisions of how to allow them

additional density to do that, or it may be not necessarily in that Foggy Bottom area. It could be an adjacent downtown area.

We didn't want to tell them where that should be, but at the same time give some certainty as to how the two could coexist so that this neighborhood could continue to thrive and, in essence, try to create what would be a win-win situation.

So we didn't start from that premise of that either, I should say.

VICE CHAIRPERSON SOCKWELL: One of the things that I just want to make sure is that what is going to solve the problem between Foggy Bottom and the university is not necessarily what we decide here today or what we do with legislation and/or changes to the text and map of the zoning ordinance. What's really going to solve the problem is that the relationship between the community and the university has got to be resolved because if they had a love relationship rather than the hate relationship that they have today, there might be even an embracement of more housing of students off campus if it were handled in a way that people liked it.

There is nothing specifically absolute in any of this. There are other places where students are housed in the community and they don't have a problem.

You all may believe that it can't work, and for this situation maybe it won't, but there's nothing to say that it can't happen. It's just that here it doesn't.

There are places around the country where it's not a problem, but when the university comes to talk only when they need something, when they come to the community only when they need something, you get nothing back but this kind of a situation. Where we solve it, we'll put down something that will keep them from expanding. We'll put down something that will keep them from getting what they want, and if they didn't deserve it, they don't get it.

But it could be better. That's all I'm saying.

Thank you.

MS. McCARTHY: Mr. Sockwell, we certainly agree about the importance of improving the relationship between the university and the community, and we think, in fact, that bringing in the mediators and the negotiations that we spent a considerable amount of time on this summer did begin to address that and did begin to improve that situation. We found some areas where people could find some common ground.

And I think that's witnessed by the fact that the campus plan that is before you today has only a few limited areas of disagreement, albeit they're significant.

Where I think there's a real danger though is for the Board to conclude in campus planning cases that it is just a matter of relations or it is just a matter of better control --

VICE CHAIRPERSON SOCKWELL: Oh, I didn't say that.

MS. McCARTHY: -- of student behavior.

VICE CHAIRPERSON SOCKWELL: This Board doesn't think that way. You should know better.

MS. McCARTHY: Right. I know, but I really want to emphasize that. I think it was a point that was very well made today by Dr. Shalit and by his report, that what we concluded, and I think what Julie was trying to address in looking at historical information on Foggy Bottom in her research was it's a structural issue, and there is so little left of the residential fabric of Foggy Bottom that even with the best relationship between them and even with the best efforts to accommodate students off campus, there is so little left of the residential fabric in Foggy Bottom that almost no additional movement of students displacing non-student residents is possible without changing Foggy Bottom into entirely a student district, and that we felt going back to the comprehensive plan that was not something that was considered in the comprehensive plan.

There was clear language in there about the importance of those residential communities that ring the downtown from remaining there, remaining viable. They help give life to the downtown. They are buffers between the downtown and the rest of the city, and we think that Foggy Bottom as a residential community, not entirely a university community is an important thing to preserve.

VICE CHAIRPERSON SOCKWELL: I do wonder sometimes what it would look like if it had been all C-3-C-4.

CHAIRPERSON REID: Let's see. I'll tell you. This report that was generated by the Office of Planning is by far one of the most exhaustive and comprehensive that I have had the pleasure of having to read through. And the thing about it was as I did so, several questions came to my mind.

One was in the beginning of your report you say that the Office of Planning recommends that the Board of Adjustment deny the university's current application, and then you go through a course like making your various analyses and your recommendations. Then you conclude at the end by saying the Office of Planning recommends that the Board set the duration of the campus plan at ten years with an automatic five-year status review on the issues of housing enrollment and student impacts and enforcement.

So what are you saying? What are you saying? On the one hand, you're saying deny. On the other hand, you're saying a ten-year approval, and I have a lot of questions like that.

MR. KING: Where are you reading from on the approval --

CHAIRPERSON REID: I'm starting out on the first page 2.

MR. KING: And I know that --

CHAIRPERSON REID: The first paragraph, the recommendation.

MR. KING: Right, and when you were talking about approving for ten.

CHAIRPERSON REID: On page 33, I think it's 33 at the end.

MEMBER MOULDEN: And 27 it starts.

CHAIRPERSON REID: It starts on 27?

MEMBER MOULDEN: Yes.

CHAIRPERSON REID: Okay. Mr. Moulden says it starts on 27.

MEMBER MOULDEN: Twenty-seven, number two, Office of Planning recommendations.

CHAIRPERSON REID: Yes. Yeah, from 29, and then it goes forth and it culminates with the recommendation of a ten-year.

MR. KING: Yeah, what that is, Madame Chair, is a response to the university's proposal. In other words, in that section of the report we went through, and we went item by item and addressed each of the university's proposals, because as you well know, it's a very, very extensive presentation that the university made.

And so what we're doing there, if you turn onto page 26, it says "Duration of Campus Plan," and then it outlines the university's proposal there. And what we do is we are responding to that section of the university's proposal.

Our overall recommendation is listed at the very

beginning of the report, but we felt that if the Board found certain portions of the university's proposal acceptable, that what we did is we broke down and we gave our recommendations on various portions of the university's proposal. So that's what that goes to.

DIRECTOR ALTMAN: I think the answer also is that what it says is that you reject the university's proposal as presented. If, and we have a series of recommendations of how that proposal would be amended per our recommendation if the Board were inclined to improve that campus plan. We think there are four or five, and you can see we went line by line of how to amend that.

And that's because of the two approaches we took, one being what we think is the idea approach, which is to amend the human rights legislation, which we think is achievable, but in the meantime we have a campus plan before us. So this gets to the heart of the one-for-one proposal that we talked about.

So, in other words, you would reject the plan as presented or it would be amended and it would have the provisions in it related to one for one, related to the duration of the plan, related to which squares are included or not included as with respect to university owned or controlled housing, is very important, a fundamental difference there as to what the university has included, which is the entire southern blocks. We believe that that's too excessive.

So that's why we went one for one through that, so that you could amend it accordingly.

CHAIRPERSON REID: Okay. On page 25, okay, well, let's start on page 24. What you did was you analyzed. You made a presentation of the proposal line by line from George Washington, and then you gave your own recommendation thereupon.

Now, on page 24, you go into discussion of the parking and traffic mitigation measures, and the university proposal, and then I didn't see an Office of Planning recommendation on this particular section as you did in all your other sections point by point.

MR. KING: Yeah, that is a typographical error, and as a result we concur with all of those.

CHAIRPERSON REID: What's a typographical error?

MR. KING: Well, the section was left out there. We --

CHAIRPERSON REID: It was an omission?

MR. KING: It was an omission, exactly.

CHAIRPERSON REID: Okay.

DIRECTOR ALTMAN: I should just note that the Department of Public Works, Ken Laden, is here in the audience if there are questions regarding the traffic impacts.

CHAIRPERSON REID: Okay. Thank you.

Typically when we receive an Office of Planning report, which we really need and we rely on to kind of like frame

the issues for us and give us some type of guidance -- this report was so large that it kind of -- you know, you lost track of things. It was kind of unwieldy for me to be able to absorb it, you know, immediately. So I had to read it over and over.

But the thing that I'd like to see that could be presented to us, I would have liked to have seen, was for you to have given us an analyses of the situation and the issues, and then made recommendations, and then typically, as has been done in previous reports, is that you then recommend conditions to mitigate the adverse impact.

If, in fact, you're saying -- if it does go forward, then this is what we would recommend. So I had to kind of like pull that out.

But also I'd like to just kind of segue on what Mr. Sockwell was saying in regard to Foggy Bottom and the community there. Now, what I garnered from the gist of the presentation and also from the report was a kind of an alarmist type of atmosphere reaction that the university is somehow now absorbing the community to the point that you feel that the community is threatened with annihilation or just completely absorbed by the university.

And I don't see that. What I think is, as Mr. Sockwell said, the university has been there for some time, and the community has evolved into that university's area over a period of time.

Now, the persons, the community that lives there in Foggy Bottom today moved there when George Washington was already in existence, and they knew it was there when they moved there, as well as in most of the communities in this city.

And being a native Washingtonian, I've seen a vast change in the Foggy Bottom community over a period of years as it is, and at this point in time, it disturbs me when you have communities that evolve after an entity is already in place to come and say, "Well, this particular entity has taken over or is so bad and it's not sensitive to the needs of the community."

I don't think I agree with that necessarily. I think that in an urban setting, like Washington, D.C. being a very small city where you have universities -- and I happen to live in the Howard University community. So I'm very much aware of what can happen -- that there has to be a coexistence. It is not all or not -- it can't be everything that is for the benefit of the community, nor can it be everything for the benefit of the university, and I think that you have to find a happy medium, and you have to weigh the sensitivities of both sides and try to find a mechanism by which they can co-exist.

I don't think there can be any other way. I think that George Washington has its pros and cons, yes. There are many things about the university that the community may find troublesome.

Nonetheless, at the same time, there are very

positive things that George Washington does for the community and for the city, but by the same token the people who live in the George Washington community should be able to have a good quality of life and, as such, the problems with the students have to be addressed.

And I think that that's what we should look at. How can the behavior of the students be controlled or be in some way modified so that the persons living in the community will not find them to be so troublesome. I'm not saying that they all are.

And the other issue in regard to the beds and the enrollment, now, I think that what should be done should be for there to be some type of apparatus put in place that would bring that gap between the number of beds and the enrollment closer together.

I mean we have great minds looking at this in the city, Office of Planning, as well as the university, and to determine how can we best achieve that goal. And I think that's what the community wants to see.

I don't think that the community is unreasonable, even though they were very passionate and very emotional about their community, and I can understand that because this is where you live, and of course, you do have strong emotions about that.

But at the same time, I think that if they were respected and there was some consideration given to the fact that the university is recognizing that they also have a right to exist

and to exist in peaceful harmony, that it would go a long way in getting them to come closer to working with the university.

And the university, I think, is now making some inroads to reach out and to make concessions, to try to show the community that they are interested in working with them.

Now, there was a time, and I know this because I've been here for six years; there was a time, and the impression that I got was that like many of the universities in the city, not just George Washington, that they were not sensitive to the community. They were the big entity in the middle of the community, and that they basically did not adhere to some of the complaints or some of the accusations. They were not sensitive to them, and as such, there became a very contentious relationship that evolved.

However, at this juncture, I don't see that. I see both sides now realizing that George Washington University is not going anywhere, and the community is not going anywhere. So the only thing to do is just to see what they can do to try to work together to live in harmony.

And I'm not trying to advocate a perfect world, an oasis where everything is just completely ideal, but I think that if both sides try to work together that they could at least have some compromises where they could at least try to live as best they can, and that's the way I see it.

And I hope that the subsequent reports that we get won't be so comprehensive and so involved, that they will be more

simplistic and just basically give us the facts, give us the analysis, give us your premise, and then give us your conclusions and your recommendations, and if you deem it necessary, to give us any conditions that you would add if, in fact, the case happens to be proved.

COMMISSIONER MITTEN: Madame Chair, I guess I'm seeing this a little bit differently, and I just want to say that I think that what the Office of Planning has pointed out to us is that this issue goes well beyond us mediating differences between the community and the university, and I just have to quote Professor Shalit's -- one of his closing statements in his report to us, which is, "Constraints on growth and expansion are never going to originate from within the university, but come only from the regulatory bodies set up for that very purpose."

And what the problem is, and it's been pointed out over a period of four decades, is that the university has been growing, and there is a concern over their relationship with the residential community that exists in Foggy Bottom and the West End, and the regulatory bodies that were in place to protect, to insure that objectionable impacts did not occur, failed the community.

PARTICIPANTS: Right.

COMMISSIONER MITTEN: And I have to say I'm getting -- I'm very emotional about this because I'm just so concerned that we not miss the big picture here.

The Office of Planning has given us an excellent framework from which to go forward and insure that the protections that this community needs are in place, and this is going to be the hardest case that ever comes before the people on this Board. This is the hardest case, bar none. I can't see how there could be anything more difficult.

The complexity of the issues presented in the Office of Planning report are just what we need. They presented to you just what you asked for. They laid out the issues. they discussed the pros and cons, and they made recommendations.

The fact that it's complicated is because the issues are so complicated. So, please, please, please, do not overlook the importance of what is before us. Do no overlook the importance of the role.

Now, if I could just segue into asking questions of the Office of Planning, since we're not supposed to deliberate at this point.

We had talked to the university about the fact that they have contingent plans for the on campus housing that they have proposed. For instance, the existing hospital site would be contingent on getting rezoning. I think it's Square 80, the School Without Walls. You know, they would have to have -- there would have to be some deal struck there.

And in response to asking like, well, is there more flexibility and given that you have sites that are designated for

other uses, they said, "Well, in the context of the way we see the university and in trying to, you know, have our medical campus or whatever on this side and have, you know, the grouping of the uses, they feel that they're somewhat constrained in the potential sites for on campus housing.

Is there any assistance that the Office of Planning can give to the BZA in terms of understanding where there is -- and within the logical framework that exists for the existing campus -- where some additional on campus housing can go that it need not be contingent?

MS. McCARTHY: While it's certainly clear that there is -- if the university chose to fill Square 54, the existing hospital site, with housing, they could accommodate a huge number of housing units there, we felt that it was not -- the Office of Planning did not want to usurp the university's role in terms of designating what made the most sense as locations for housing on its campus.

So we did not attempt to second guess their sites, and in fact, the proposal for the School Without Walls site was one that we had put on the table during negotiations, although it turned out it was something that the university had also been thinking about for quite a while.

We have also -- what we attempted to do to try to make it possible for win-wins is to also say to the university we were very willing, and we discussed this with the community and

the community was willing as well; we were very willing to go back and relook at the overall density cap for the campus or the density or height restrictions on individual parcels within the campus if, by virtue of shifting more density onto those sites, we could accommodate academic needs on one place and free up sites for housing or if we could increase density or increase height and accommodate more housing on a particular site and free up other academic sites.

We basically have indicated we're willing to provide the flexibility to the university to meet their needs in the way that they themselves know best, and we're just saying do that within these constraints. You need to accommodate the costs that you would be imposing on the community otherwise by making sure that you provide for housing for the students that you -- the increased enrollment that you would be --

COMMISSIONER MITTEN: I guess the reason that's become even more important to me is when I heard Mr. Burt testifying about -- you know, I still don't fully understand what it takes to make a full tier, put you into the first tier, but I'm getting little bits and pieces from people, but one thing he said which made a lot of sense is to create this community, you know, a university community, and that's important for the university and the students.

And in order for them to do that, they can't be flinging their students all over town. That doesn't support their

goal.

So that's why I was -- and I don't feel comfortable to second guess the university either, but I thought, you know, since it's a campus plan, you guys could give a little bit, some guidance about what level of flexibility there might be to accommodate more housing on campus, given that that's the only thing; that's the only way that we're going to meet the sort of dual goal of alleviating pressure on the community and allowing them to create the environment that they need to create to, you know, have the students together as opposed to disbursed.

MS. McCARTHY: Well, I guess there's two points to make in response to that. One is that we mentioned the model, which I think everybody is very well aware of, of George Washington University having moved its law school into the downtown, which took all of that space that otherwise would have needed to be on campus and put it downtown and better accommodated its students, including the large number of its students that come in the evenings because it's closer to downtown. It's Metro accessible. It's close to the courts and to government operations in the center of town.

And we mentioned that as something that the university might think of with regard to their professional schools.

We also talked to the university, and I know they're actively trying to think this through themselves. They

have this Mount Vernon campus. They have looked at that as at least one of the primary uses they're thinking about there now being a focus on women and women's studies and possibly women athletes because of the athletic facilities that are there.

But they're trying to think through, as well, are there some -- how can they take advantage of the potential for 1,500 beds that are permitted under their campus there and the obvious space for providing academic programs there.

But over and above that is the -- it's another place where the lack of information on where G.W. students actually live makes a problem for us and for the university in trying to plan because when we have talked to the university about the need to accommodate dormitories on campus, they have indicated to us that they feel that the problem is exaggerated by the residents of Foggy Bottom, that there aren't really as many students as are claimed living in Foggy Bottom, and that they think a very large number of their students come by Metro from places outside of Foggy Bottom.

So our sense is if that is the case and you are already relying on the fact that you have a large amount of your student body which is not living on campus or in the vicinity of Foggy Bottom, then establishing satellite dormitories or encouraging your students by financial incentives, by increased assistance on off student housing in the off campus housing office to find housing that's outside of Foggy Bottom, but which is Metro

accessible or which is someplace where students could get to campus, that that is a potential solution to the problem, which is one reason why we had developed our Plan A.

Just locate your students outside of this area of Foggy Bottom which we are trying to protect as a residential enclave, take advantage of the fact that you have a Metro location. You don't have to actually build the housing yourselves. You just have to help them encourage them to find housing outside of the immediate Foggy Bottom area, and the university, you know, can help solve its problem.

COMMISSIONER MITTEN: Well, just to follow up on that idea, I mean, what would happen if you found that there were significantly fewer students in Foggy Bottom than were thought to be and so we've reached or we're approaching or we're just past this tipping point, and then it would be, well, it's from a source that we didn't -- it must be from another sources then.

MS. McCARTHY: Which?

COMMISSIONER MITTEN: If we were to find after the survey was done that there are already a lot of students living outside of Foggy Bottom, wouldn't we then be in a situation where Foggy Bottom would be in the tenuous situation, you know, that it's in, but it wouldn't be because of students. It would be because of other influences, and how would we at that juncture deal with it?

MS. McCARTHY: Well, that's one reason why we said

that the campus plans shouldn't be for a duration of longer than five years, because we should reassess when we look at the real numbers, and that's why we said that ought to be a baseline, that we ought to count those numbers and look at that as a baseline when we had some concrete numbers to go by.

Certainly the anecdotal evidence is and the real evidence is of a very large number of what were existing apartment buildings in Foggy Bottom having been either purchased by the university or having been de facto turned into dormitories because of the very high percentage of students that are there.

But I suppose what we should also do is to make clear when we've been concerned about the erosion of the residential fabric in Foggy Bottom it's been from two sources. One is this de facto notion that we're talking about where by virtue of not providing enough housing on campus for its students, they begin to, in effect, take over apartment buildings, and that's extremely difficult to control student behavior when you're living right next door to somebody in an apartment building.

The other thing has been the university's extensive program of real estate acquisition. So it has just bought building after building in the Foggy Bottom area, and as the university has pointed out to us many times, we can't prohibit the university from buying land. That is their right just as it's the right of any other person with the money to do it.

But what we can do is to control where the

university can use that property. That's what campus planning boundaries are all about, and that's why we've talked about the twin controls of if you can't count the number of students -- if the university acquires additional buildings in the Foggy Bottom area under our first plan, under our baseline plan, they'd have no incentive to do that because they can't count any of the students that they would put in those buildings against their baseline mediation number. They could only count students that were outside of the Foggy Bottom protection area.

And so we figured it dealt indirectly with the university's acquisition, what they've been doing in terms of building acquisition, and it dealt directly with reducing the impacts of students on displacing existing residents in Foggy Bottom.

COMMISSIONER MITTEN: Okay. I'm not done yet.

Another question. We had been given some information in some of the supplemental filings about the Department of Health's report on air quality when they were looking at the hospital and the approval of the hospital, and I don't know enough about how these issues are raised, but what was raised in the report that the Department of Health issued was that we're reaching the maximum. I don't know exactly how it was termed, you know, but there's not a whole lot more room for putting anymore bad air over there.

And I don't know. Is the only time that the

Department of Health considers things like air quality would be in the context of an EIS review, or would it be appropriate for the Department of Health to be asked questions like, well, if 500 beds or 900,000 square feet of commercial space or whatever it is that's sort of like one of the hinges of this plan, at least from the university's perspective, is it jumping the gun to ask them for their input on whether or not that's likely to be approved?

MS. McCARTHY: I think it would make a lot of sense for the Board to ask that question of the Department of Health. We are all part of the same government, it's true, but the Office of Planning, up until this point in time up until very recently had no role in the environmental impact process in the city.

That is now in the process of being redone, and there is an environmental impact screening form that is being modified and which will go to the Office of Planning, and we will be one of the people that would be doing the reviewing.

But I have to admit we're in the early stages of that. I've looked at that Department of Health report, and it would appear to place some severe constraints on further development of the university.

I don't really understand enough about how they operationalize that program to be able to speak very well for them, but I think it would make a lot of sense for the Board to ask them to submit something to explain to you what the impact of that determination is.

VICE CHAIRPERSON SOCKWELL: Generally, if I might interject, anything that's constructed outside of the central employment area requires the environmental impact screening form of which the statement is made that if 50 or more units of housing are part of the development, then there may be a need for further inspection.

MS. McCARTHY: Right, or more than 200 cars.

VICE CHAIRPERSON SOCKWELL: Well, it's actually more than 50 cars additional parking built in a garage or otherwise, and the construction of 1.3 million in adjusted dollars in construction, not including interior construction.

Then DCRA is the lead agency, sends the report out to six different agencies, including the Office of Planning, Traffic at DPW and several others, and they have 30 days calendar, I believe, now to return their reports to DCRA to be compiled in Denzel Noble's office, and DCRA has taken the lead role away from Department of Health, which didn't have it anyway, but used their people to do it because they were the technically proficient ones.

COMMISSIONER MITTEN: Well, I guess my concern is that if there is a mechanism for getting some information from the Department of Health sooner as opposed to later, I mean, if we're going to be, for instance, relying on the fact that 500 units of housing are capable of being constructed on the existing hospital site and that that's contingent on getting permission to build, you know, hundreds of thousands of square feet of office, and we

could know now that that's not possible, then that would, I think, impact how we would go forward.

So if it's possible to find out that sooner as opposed to later.

Also, in your written report, I want to understand from the perspective of the Office of Planning. Do you feel now with the regulations where they are that there is any enforceability of the campus plans?

MS. McCARTHY: I think as you will see in the report that we are planning on giving to the Zoning Commission in October that we have concluded -- and this exercise has definitely helped us come to that conclusion -- we've concluded that the enforcement mechanisms that exist now are really woefully inadequate.

I mean really basically the major enforcement mechanism we have on campus plans is for the Board to refuse to hear further processing because of the project being out of compliance. That's very difficult for the Board because you're there with a set of criteria that somebody is supposed to meet in order to get a special exception, which is the process that somebody needs to go through for further processing, and those criteria are very specific about adverse impacts.

So if you have an applicant that comes in, meets those impacts, and yet is out of compliance with the number of parking spaces they were supposed to provide on a completely

unrelated project, it's in the past been very difficult for the Board to say, "Well, we think this project is okay, but we're being told they're out of compliance on that project. So should we not" -- you know, it's just very difficult the way the system operates now.

So that's part of what we're trying to address in the new campus plan regs., is what sort of enforcement mechanism would be more effective.

COMMISSIONER MITTEN: Okay. Well, given that we do have one enforcement mechanism perhaps, and on page 28 of the Office of Planning report it says, "The history of G.W.'s noncompliance with the Board's prior orders," and then it goes on.

I mean, has there been any determination made whether G.W. is in compliance with the existing campus plan?

MS. McCARTHY: The Zoning Administrator has indicated a willingness to get involved in the process, which the Zoning Administrator up until recently has not been very involved in. I think he indicated that at the round table.

And its his office which is most directly charged with determining whether somebody is in or out of compliance. One could certainly look at the past campus plan and say that there was clear language in there on the part of the Board when they took Square 43, for example, out of that plan; that that was done because they intended that to remain a residential square, not part of the university, and the university has essentially

acquired virtually every lot in that, has torn down all of those houses, and is going to use that as a dormitory proceeding on the fact that they can do that as a matter of right.

So some things about compliance are judgment calls about was that or was that not intended in the campus plan, and that kind of situation is part of why we tried to come up with this new way of looking at the plan and our proposals, because it's a lot easier to tell based on either one of our proposals are you in compliance or are you not in compliance. Whereas, the existing system it's a little bit more gray.

COMMISSIONER MITTEN: Well, I want to be sure I understood what you said. The Zoning Administrator is not -- he has not rendered an opinion about whether or not G.W. is in compliance with the existing campus plan. You said he was interested in getting more involved. That sort of suggests that he hadn't really gotten involved, fully involved.

MS. McCARTHY: Right. I think it would be safe to say that the Foggy Bottom community is in contact with the Department of Consumer and Regulatory Affairs and has brought some situations to their attention and to the attention of the Zoning Administrator.

As far as I know, the Zoning Administrator has not made a determination one way or the other, except that I know there was a cooperative effort between the Zoning Administrator and the community and the university to go out and ascertain what

was the true number of parking spaces being provided on campus, and you know, that was done with the participation of everybody so that everyone could feel at the end of that time that the number of spaces that had been determined were an accurate reflection of the number of spaces provided.

COMMISSIONER MITTEN: Well, I would like to get an opinion, a written report from the Zoning Administrator, and I don't know if that's for you guys to ask for or for us to ask for directly, that says yes or no, the university is in compliance with the existing campus plan.

Because if the one method of enforcement that's available to us is that this Board does not move forward of the case for further processing or for the campus plan until compliance is reached and they're not in compliance, then we don't have any credibility if we're not willing to take that one step towards enforcement.

So I want to make sure that we've covered that base or touched that base.

I have one final subject that I'd like to explore with you, which is that you've talked in your report and today about the Human Rights Act, and I don't fully understand that either, but it was raised as it relates to Columbia Plaza, and it comes into play for me in other cases like West End Apartments, I think, is the name of one place, West End, where they talk about transitioning property that they own from being rental property to

being more student and this idea of transitioning.

And I'd be interested in knowing when, for instance, as it was portrayed today with Columbia Plaza, when preferential treatment -- we know that it's a violation to discriminate against students in a housing situation just because they're students. In a rental situation is it discriminatory to give them preferential treatment over other people?

MR. KING: In a word, it appears so. One of the concerns that was raised over our baseline approach was that -- I'll bring this to Columbia Plaza, but one of the concerns that was raised about the baseline approach is that we had suggested that the university come up with an incentive package for their students, and we weren't going to dictate, and we wouldn't dictate what that package looked like as long as it encouraged students to live in areas of the city outside of Foggy Bottom.

And it was brought to our attention that the language of the D.C. Human Rights Act includes a clause that makes it illegal to both discriminate against certain protected classes by prohibiting them from entering into certain transactions or inducing them, giving them advantage or preference for entering into real estate transactions.

And so we're obviously not the Office of Corporation Counsel here, and we're not experts in this area, but a lay person's reading of the legislation or the act would indicate that giving preferences based on a protected class, for

example, matriculation, giving preferences to students may be violative of the Act.

COMMISSIONER MITTEN: So, again, in terms of what's going on out there, how do we get a handle on what's going on in practice in terms of converting, you know, rental properties into predominantly student housing?

I mean, just based on your layman's explanation to this lay person, it doesn't sound like that should be allowed.

MR. KING: It doesn't sound like that should be allowed. I think though that a more complete answer of that is really outside of the jurisdiction of the Office of Planning. I mean, I don't think that we're really qualified to give an opinion on that at this point.

COMMISSIONER MITTEN: So we should query the --

MR. KING: I think it's Corporation Counsel's.

COMMISSIONER MITTEN: Okay.

MR. KING: There's also an office of -- what is it? There's a Commission on Human Rights, right. There's a Commission on Human Rights, as well. So between the Office of Corporation Counsel and the Commission on Human Rights, I think those would probably be more appropriate avenues to pursue.

CHAIRPERSON REID: I think that in addition to that, you're getting into fair housing laws, which is federal. This comes under HUD, and that should be explored as well.

COMMISSIONER MITTEN: Now, is that something that

we do through the Office of Planning or we do independently?

MS. McCARTHY: Well, I mean, I think usually the staff from the Office of Zoning makes a request to the Office of Corporation Counsel.

COMMISSIONER MITTEN: Okay.

MS. McCARTHY: But, I mean, it's something we've tried to figure out because, on the one hand, we have the university saying that this would be a discrimination on the basis of matriculation and place of residence. On the other hand, it is our understanding that the university provide incentives for students to live at Mount Vernon.

So we don't -- but that's not confirmed. That's just what we have been told by some students, and we have the instance of if one cannot discriminate based on matriculation, how can preferential treatment be provided to non-matriculees at Columbia Plaza and other places.

So there are questions that we've been curious about.

COMMISSIONER MITTEN: That's all I have. Thank you, Madame Chair.

CHAIRPERSON REID: Mr. Moulden.

MEMBER MOULDEN: I feel that this Board is at a disadvantage right now because we don't have sufficient information to really move any further on this case, especially with the student impact on the community. We don't have exact or

credible numbers as to the amount of students that impact the neighborhood.

We have issues concerning students' rights and so forth. The Zoning Board and the Office of Planning, I think, have some issues that we need to work out as far as development standards and controls, and I think there's a lot that needs to be ironed out.

And I'd like to recommend that we reach some kind of consensus. I mean, this is a major project. The university is like a community. There needs to be some clear-cut issues decided on what the issues are, be clear on them, and then develop some standards and control that would benefit the community and the university.

But planning recommendations here are some basic good guidelines, but I think we need to develop some clear guidelines that will set conditions on this campus plan amendment that will be clear-cut. Right now I just don't see that, and I'm recommending that we develop these.

We get with the Officer of Planning and sort of go over these things and wait to get the survey information on the amount of students before we can actually move forward.

To me, I'm just lost right now. I just wanted to put that on the table.

CHAIRPERSON REID: I think that it goes back to the Office of Planning report, and while there are differences of

opinion about this report, I think that, again, what works for me is to be given an analyses, as I said before, and given the premises -- the premise for reaching recommendations and conclusions, and some conditions that would basically achieve with Mr. Moulden is saying, and giving us a direction as to what you want to see and how you want to see it happen.

And understand I'm not criticizing the report. I'm just basically giving some suggestions as to how it could best work for us because -- for me, and I can't speak for all of the Board members -- because we need to use this as a basis for making decisions, and as such, it has to be put in a format that we can get our arms around more easily.

Because, like I said, it is so voluminous, and it's so -- it has just a vast amount of information in it, that we need for it to be more condensed. I guess that's the word.

Now, the other thing is my question is what approximately do you estimate the Foggy Bottom -- what percentage of Foggy Bottom do you estimate to be occupied by George Washington University?

I want to know from the standpoint of the school itself and then with the housing. Because I want to understand this concern about, you know, the creeping commercialization of the community.

SECRETARY PRUITT: Mr. King, yeah, you need to talk into the mic.

MR. KING: What we can't do right now is give you an absolute percentage.

CHAIRPERSON REID: No, no, I just want to be able -- -

MR. KING: What we will be able to --

CHAIRPERSON REID: -- an estimate as to the percentage.

MR. KING: Well, I would say that part of that depends on how you define the Foggy Bottom area.

CHAIRPERSON REID: Yes. Well, my understanding was you said N Street over to 19th Street and then to the park here, the --

MR. KING: Yeah. Well --

CHAIRPERSON REID: -- down to the -- is it Eastern?

MR. KING: Constitution to Virginia. In any event, just from appearances here, it looks like it's at least 65 or 75 percent of the university, of the campus itself. When you add in HOVA, when you add in -- Helen, you're going to have to help me here -- well, a certain percentage of Columbia Plaza.

PARTICIPANT: A substantial portion of --

CHAIRPERSON REID: Well, I guess what I'd like to see is something more definitive as to the percentage -- an estimate of the percentage that occupies and was it 1990, 1992 when they have the last campus plan?

MR. KING: '88.

CHAIRPERSON REID: Was it '88?

MR. KING: It was '88. '88 was when your final order was issued.

CHAIRPERSON REID: Okay.

(The Board conferred.)

CHAIRPERSON REID: Okay. The last order to the amount of the increase over time.

MR. KING: We can definitely provide that to you, Madame Chair, and would it also be helpful to provide to you going back further in time?

CHAIRPERSON REID: Un-huh.

MEMBER RENSHAW: Yes.

MR. KING: For example, looking at -- I know this is a concern that Mr. Sockwell had, but looking at --

CHAIRPERSON REID: I'm assuming it can be done on a graph, you know, in graph form.

MR. KING: Exactly.

CHAIRPERSON REID: So that we could, you know, kind of like get an idea of the trend.

MR. KING: Exactly. I think that would be a useful trend to show you, again, to address Mr. Sockwell's concern, looking at from the beginning of the campus in 1912 till today, how that's expanded, how the percentages have changed. I think that would be a very useful graph.

CHAIRPERSON REID: Okay, and then my other question

was in regard to -- and that particular exhibit where you show the areas outside of the campus proper that have been purchased by G.W. The areas in the pink where you say that there's student housing, you think. You're not sure. My question is do you think there are students living in Foggy Bottom that don't go to G.W., but go to other schools?

I'm hearing yes and no, yes and no.

MR. KING: We don't know. One of the concerns, one of the issues here is that we don't know.

CHAIRPERSON REID: Because I'm wondering --

MR. KING: There may well -- there may well be.

CHAIRPERSON REID: Yeah. When you say "students," you know, I know for a fact that we have students from different schools living all over the city. So I'm wondering if, in fact, all of the students who are in Foggy Bottom actually at G.W. students or is there any way we can get that or you can request that from the university?

We need to have more definitive --

DIRECTOR ALTMAN: Well, you've hit on the issue, which is the one we've struggled with throughout this process, that Mr. Moulden pointed out, which is that when you're trying to look at the issue, of how many students actually live at Foggy Bottom today, that in order to understand what the impact will be over time of the potential increase in enrollment, we don't know what that baseline number necessarily is today because there is

not, at least that we have that's been shared, any information that says we've done the documentation of how many students live in this neighborhood.

So that way we can --

CHAIRPERSON REID: So what's the problem with that?

DIRECTOR ALTMAN: That way that's the basis. To reference another case, we were able to -- when we had that information, for example, which George Washington University had some approximation of that based on surveys, we were able to suggest to the Board that there was an approach based on the number that were there, but we didn't have that tool with respect to G.W.

CHAIRPERSON REID: I don't understand. Why is that so --

MEMBER RENSHAW: Madame Chair, Mr. Barber is here. Could he answer the question as to where the data is?

CHAIRPERSON REID: It's just a matter of looking at the computer, isn't it?

(Laughter.)

CHAIRPERSON REID: It's right from the computer. I mean, you have the addresses of everyone who goes to George Washington. That's not anything too difficult, I don't think.

VICE CHAIRPERSON SOCKWELL: Mr. Barber, just a quick question. You don't have to keep local addresses for students merely to be able to track them for emergency purposes --

MEMBER RENSHAW: Send their grades.

VICE CHAIRPERSON SOCKWELL: -- or anything like that? In other words, if they pay, that's all that matters.

CHAIRPERSON REID: Can he answer? We may allow him to answer.

(Laughter.)

MR. BARBER: We've looked at this issue over the last few months. Yes, we do keep local addresses, and we have some estimates of the number of people and where they live. There is not solid data because of this.

As we've gone increasingly on the Internet people can get grades, registration, and so forth increasingly on the Internet. So while we keep Mom and Dad's address real well because that's where the bill goes, and we do ask students to update their local address, quite frankly, as students move around, they have not done a real good job about keeping us informed of their local address, and it has not been necessary for them to do so.

They could register and so forth and get their grades without having a good local address.

Based on the data we have, we can say of about the 25, 2,700 students, undergraduates that we don't house, we'd say about two-thirds of that live out of the Foggy Bottom area. So only 1,000, about a third, live in Foggy Bottom.

That's our best data. We think that's reliable

data. We do understand that we have an obligation to provide more precise data, and we have a commitment to do so starting this spring. You have to tie it to registration, and then you have to have procedures to make sure that it is correct, telephone surveys, auditing the information they give you.

We have data. It is not perfect data. We do think the data that has been thrown around about specific buildings is highly inflated. I mean, we've checked with landlords on the addresses that have been presented where they say it's over 50 percent, and the landlords report fewer students.

But I will go back to the issue about, you know, are they students. Are they G.W. students? The landlords are not going to know how many G.W. students are there. They may know if there's a student as they move in, but if the students lose their student status, they don't report to the landlord so that even the landlord's information is going to be inflated.

I will say in Columbia Plaza, we do know, and I think Steve Mendelbaum used the number there was 1,000 students in Columbia Plaza. That's totally wrong. We know there's 400 undergraduates in Columbia Plaza. So, you know, 440 when you add the graduates. So we know that's wrong. So we know the numbers are inflated.

But we do concede that we don't have precise data. We will have that data, you know, by next year.

VICE CHAIRPERSON SOCKWELL: One of the things

that's obvious is that the community doesn't believe that your data is good data, and since you can't substantiate it with generally accurate figures about the rate of swing that you'd get in a Gallup poll or something, you're not able to convince them that whatever your impact is is A, B or it could be D.

MR. BREWER: I appreciate that, and we have an elaboration on our proposal that would address that tied to the counting, but also matching our beds and students as we go forward, one of the issues raised here tonight.

I think we can try to address that. That's tied to accurate numbers, and we're going to present that on rebuttal to address that particular issue.

CHAIRPERSON REID: Okay. Thank you, Mr. Barber.

One other question. The issue that came up in regard to George Washington housing students in areas other than on the Foggy Bottom campus, wasn't that something that was proposed by George Washington to do that?

PARTICIPANT: No.

MR. BARBER: I'm sorry. What we have said is we've done that like six months ago. Mount Vernon, and probably the problem about doing that is you kind of export the problem. Who's to say we have this housing program in Capitol Hill or Dupont Circle that you don't have the neighbors in that neighborhood --

CHAIRPERSON REID: Oh, no, no.

MR. BARBER: -- coming forth.

CHAIRPERSON REID: No. My understanding before that --

MR. BARBER: I'm sorry.

CHAIRPERSON REID: -- they're encouraged to live in other places, not --

MR. BARBER: Oh, yes, yes.

CHAIRPERSON REID: -- that you would actually provide.

MR. BARBER: Yes. I'm sorry. I misunderstood you.

CHAIRPERSON REID: No. Encouraging them to take advantage of the Metro --

MR. BARBER: That's right.

CHAIRPERSON REID: -- and living in areas outside of the Foggy Bottom area. I thought I did see that --

MR. BARBER: I'm sorry.

CHAIRPERSON REID: -- that proposal from the George Washington.

MR. BARBER: Yes. One of our proposed conditions is, particularly for juniors and seniors, as we house freshmen and sophomores, is that we would advise them of housing opportunities outside the Foggy Bottom area. We would have the Metro check program to make travel easier, and we said if they're not -- if we can identify a group of students who are not on a Metro, we would put a shuttle in place to have that travel easier.

So, yes, we would take actions to encourage

students to live outside of the Foggy Bottom area if they're going to move off campus, yes.

CHAIRPERSON REID: Does that include engaging a leasing office or leasing services to identify specific buildings or houses or apartments in other parts of the city for the students?

MR. BARBER: It could. It could.

CHAIRPERSON REID: Okay. That would be good if we did that.

And let's see. Lastly -- now, in regard to -- I just wanted to make one other comment, and that is in regard to this particular case. I think that we all recognize the significance and the importance of this case, but I think that we should be mindful of the fact that while it is very important, that all of these campus plans that come before us are important, as is many of the other cases that we have to hear.

And I don't think that -- we should be very careful about giving any more credence to one big, significant case over another. I don't deem this to be the most important case that has ever come before this Board. I think that it is one of the many very important cases that we have to decide on and that we have to make decisions upon, and we should consider it as such.

Thank you.

MEMBER RENSHAW: Madame Chair, I'm not going to ask for equal time because the clock is ticking on, and my colleagues

have expressed themselves quite uniquely and quite thoroughly.

But I do have just some reflection and some summary points that I would like to make because I think that it might be helpful to us and to the Office of Planning.

And I do commend the Office of Planning for a very thorough report, albeit it might not be the quick grab that we are used to.

But I just want to say that to me this whole case revolves around restoring balance to a community, and the community is both the university and the neighborhoods.

Mr. Altman talked about the tipping point. I prefer to call it, again, restoring the balance. Right now we're looking at an unfair situation, I think, where we've got muscle that is on one side and not on the other side, and the muscle has to be returned in an even fashion to the community.

On the university side, we've got the money and the real estate and the numbers and the power block, and the community is at a loss because it doesn't have that muscle.

So through this resolution of the campus plan, we are going to -- at least I am going to -- be looking to restoring the muscle to the community, restoring the balance to the area, and I think it will be for the better of everyone in the Foggy Bottom area and in Washington, D.C. because this has applications to other parts of our city.

I just want to say that I am dumbfounded,

dumbfounded that the Office of Planning couldn't get out of the university enough data to put its report together as far as just some baseline figures.

And, Mr. Barber, you said that we do keep local addresses and have an estimate of where the students live. That's what you just stated.

MR. BARBER: Yes, ma'am.

MEMBER RENSHAW: And I would like to urge in my summary of what's been going on here that that list of local addresses and your estimate of where people live get over to the Office of Planning by the end of the week.

MR. BARBER: We've provided the estimate, the best data we have.

MEMBER RENSHAW: Provide the best data that you have to the Office of Planning. Maybe it's something that has come to them. Maybe it is new stuff, but perhaps it is something that you can use. We'll see.

Now, in listening to all of this, I understand that we are asking, Madame Chair, the Corporation Counsel to look into this fair housing and look into the Human Rights Act. Am I correct in --

CHAIRPERSON REID: Is it asking Corp. Counsel?

MEMBER RENSHAW: I am -- yes, that we, the Board of Zoning Adjustment, will ask the Corporation Counsel to give us a review of the Fair Housing Act and the Human Rights Act vis-a-vis

this case.

And then the Department of Health was brought up for information on pollution vis-a-vis traffic. Ms. Mitten asked the question about whether or not we can get this data so that we can find out if the hospital part can be -- what shall we say? -- developed. Am I --

CHAIRPERSON REID: Well, you can request. I think they said they would request from --

MEMBER RENSHAW: Who's requesting? The Office of Planning?

CHAIRPERSON REID: Office of Planning is going to request from the Health Department. I don't know if it would be the environmental impact statement per se, but to have them weigh in to see what their position is.

I know that the environmental impact statement is something that is handled by an altogether different regulatory entity.

VICE CHAIRPERSON SOCKWELL: Yes, Madame Chair. The environmental piece -- the lead agency for the environmental piece is DCRA.

MEMBER RENSHAW: But their is an environmental --

VICE CHAIRPERSON SOCKWELL: The technical agency is Health.

CHAIRPERSON REID: So --

MEMBER RENSHAW: There is an environmental unit

within the Department of Health.

CHAIRPERSON REID: Mr. Altman, who is the -- what entity is the correct entity to be able to ascertain some type of read on that particular site as to the impact on the environment?

DIRECTOR ALTMAN: We can certainly request from --

CHAIRPERSON REID: No, this is --

DIRECTOR ALTMAN: -- Ted Gordon from the Department of Health -- he's the Chief of Environmental Health, the Deputy Director of that department.

CHAIRPERSON REID: This is just for the hospital site, right?

MEMBER RENSHAW: Un-huh.

DIRECTOR ALTMAN: And he would be the appropriate --

CHAIRPERSON REID: For the old hospital site.

DIRECTOR ALTMAN: Yes, related to environmental impact report. That is the person who is the lead on that. DCRA also has a role, but I think Ted Gordon ought to be the one directly.

MEMBER RENSHAW: And you can also ask Mr. Gordon for any pollution information vis-a-vis traffic because he has sensors in various parts of town, and he can give you a reading.

CHAIRPERSON REID: Who is this?

MEMBER RENSHAW: this is Ted Gordon in the Department of Health, in the Environmental Regulation

Administration. I think that's what it is, and that information can be forth coming.

I was just wondering --

MR. BARBER: Madame Chair, we'd like to speak to that request when Ms. Renshaw is through.

MEMBER RENSHAW: Yes. I just wanted to add that on page 30 of your report, page 29, you say, number four, restriction of off campus housing, and then on the top of page 30, "The university will restrict its purchase." It's not quite clear whether that's the university speaking or whether that's the Office of Planning speaking, but I'd like to make sure that we have the list of properties.

It says, "Housing opportunity area defined as existing university residential facilities, properties located outside of the Foggy Bottom area," and I put a question mark. What properties are you talking about?

"And properties located in Squares 43 and 122," but if you could make sure that the list of properties you're referring to is, indeed in the report that would be great.

CHAIRPERSON REID: Okay. All right. Questions?

Oh, I'm sorry. Mr. Barber.

MR. BARBER: Well, I wanted to speak to the question concerning the Department of Health.

CHAIRPERSON REID: Un-huh.

MR. BARBER: You're not likely to be able to get

anything useful at this stage. Environmental reviews are design specific. The environmental review that was done on the new hospital site was in response to filing for the permit for that hospital, and so we could tell them how many cars would be there, what the occupancy levels, and so forth, and that is the basis, the data from which they do their environmental assessment.

What they did no that site, and looking specifically at air quality, is that they took certain assumed values of where the air quality was, and they calculated what the impact would be from the cars and whatnot, and said, "Well, you're getting close to the maximum, and so any further development we'll have to look at."

Two things. One, we think those assumed values are high, and already we've gotten our consultants taking measurement readings today so that the next time we have some development we'll have better data.

Two though, that really just affects cars in the new project, and it may be we will have to restrict the number of cars because of air quality concerns. I think that's a design issue that can be taken up before the Zoning Commission at the PUD level. It would be within the campus plan if we have to restrict the number of cars there because of air quality concerns. We're in a campus plan, you know. We will have the challenge of finding other spaces on our campus to place those cars.

I don't think, to address your concern, that that

is an impediment to developing that site. That's a design issue which we're aware of. It doesn't say you can't develop that site. It means when you develop it, you have to take these factors into consideration, particularly with respect to cars.

CHAIRPERSON REID: Okay.

MR. BARBER: But if you ask the OH, they can't give you anything.

CHAIRPERSON REID: Well, what we'll do --

VICE CHAIRPERSON SOCKWELL: Mr. Barber is absolutely 100 percent correct that you can't get data that would be applicable to a project unless a project has been proposed because you don't have car numbers, you don't have unit numbers, and if you had wood burning fireplaces, it would present another issue.

But without that, all you can get is the criteria by which such projects would be reviewed, under which circumstances such projects would be subject to review, and Dr. Walks, if he doesn't have a problem with Ted Gordon giving that stuff out, which you can get from DCRA or from reading the Environmental Policy Act, all of which I have, you can do that. It's not big deal.

MR. BARBER: I just didn't think it was going to be very helpful to this Board.

VICE CHAIRPERSON SOCKWELL: It would be helpful if the Board knows how these things come to pass. I know, but they

don't.

CHAIRPERSON REID: Well, the fact of the matter is even though Ms. Renshaw has requested it, if it's possible or plausible, then it would be achievable, and if not, it's not. You know, you can't put a circle into a square. Okay.

MS. McCARTHY: Madame Chair, would I just clarify what you were asking for of us? If I understand what you were saying in terms of what you would like to see in the report or in addition to what we had in the report, it's basically if we were to frame as the Office of Planning does in other reports a set of conditions that we would propose the Board impose if it were to approve those.

CHAIRPERSON REID: Exactly, because basically what you've done, in essence, is you have embellished the report with the recommendations in each section when you have the proposal and then you analyze the proposal and then you go into the discussion and then your recommendation, or is that the order that you did it in?

If you could condense that. Let me see. Wait a minute.

Okay. When you went into giving us the proposal from George Washington and then you broke it down into your analyses and then you made a recommendation, I think that's what it was in each of the proposals off the plan recommendation. That's what you did.

You did the university proposal, which you analyzed. You did it -- basically you did a very detailed analysis, and what I'm saying to you is usually you condense it. You know, you make your analyses, and then you make your recommendations, and you give us the basis for your recommendations, and then even if you have some, you know, hesitancy about the case being approved, you would then say, "If in fact it's approved, then these would be the conditions."

And those conditions are, I think, contained ostensibly in the recommendation that you have in each of these different -- for each of these different proposals.

MS. McCARTHY: Right, right, but I mean, that's no problem. We can take it out of where it's scattered around and just put them in one place so that they're easier for the Board to consider when you're considering conditions. That would not be a problem.

CHAIRPERSON REID: I think we can discuss it. You know, if you -- I can give staff some more direction, and if it will be more helpful to you, but I just wanted, you know, something that is more condensed and more easily framed for us to get a clear picture specifically, to look at it and tell us what you are recommending and defend it and give us the basis for your recommendation and conditions thereof.

MS. McCARTHY: Okay, and there was another point that you were making when you were asking for that, and I think we

didn't quite get a chance to fully respond because Commission Mitten was asking her questions, but I just wanted to go back to the concern that you had raised about the fact, and it sort of relates to what Mr. Sockwell indicated, too, about considering the fact that the university had been in that location for a long period of time, and the people that are in that neighborhood are cognizant of that.

We definitely agree and were very conscious of that when we were doing our report. There was some request from the community, some very strong requests from the community that we either impose a complete enrollment freeze on the university or that we even, in effect, ask for reparations, you know, require the university to go back and either reduce enrollment or to not be allowed to add anything unless or until they had added hundreds of units of housing.

We made the decision we were trying to accommodate. We were trying to do the balancing act that Ms. Renshaw was talking about, and that's --

CHAIRPERSON REID: Well, it's really a tough row to hoe. There's no doubt about that.

MS. McCARTHY: Right.

CHAIRPERSON REID: However, I think that I'm trying to understand more clearly the situation, but it's extremely complicated, and one of the things that I find most troubling is, on the one hand, there's demand for the additional student housing

on campus -- in the first place, there is no campus. Let's be real. Okay? They just have this area of these buildings that they call a campus, but it's not like a rolling expanse of land where there's a campus. So they're just kind of like nestled in between, you know, these various buildings.

And the university is asked to provide additional housing for the students on campus, but at the same time there is a criticism about obtaining more buildings. You know, so it's a Catch-22.

So the question becomes how you reconcile that wherein you have to have more space to put the students in, and then if you can get more space, you know, that's creeping commercialization, and it just goes on and on.

So that has to be somehow reconciled, and with a give on both sides to allow them to be able to accomplish the objective at the same time without too much imposition on the community and, you know, where that happy balance is, who knows?

MS. McCARTHY: Well, that's that. One of the things that we felt very strongly about, and I think you heard it a lot at the campus round table as well, is that while it's true that everybody is co-existing in Foggy Bottom, campus boundaries have to mean something, and so our notion was the tipping point is partly related to what can people rely on happening in the future.

If you're going to buy a condominium in a building in Foggy Bottom, for example, and you're not looking to buy into a

dormitory, you need to have some sense of confidence that your investment will be protected because those campus boundaries will mean something and students will be limited to be within those campus boundaries.

So our attempt in both of our options is let's make the campus boundaries mean something. Let's say students have to either be -- the university can grow. We'll permit that to happen, but students either have to be housed within that boundary, or they have to be housed someplace where the impact of them being located is not going to be so concentrated that it will be like living in the middle of a dormitory when you're just trying to live in a regular apartment building or buy a condominium unit in Foggy Bottom, and that is basically what we're trying to get to.

CHAIRPERSON REID: And that's why we're here.

MS. McCARTHY: Right.

MEMBER RENSHAW: Madame Chair.

CHAIRPERSON REID: That's -- who -- who's talking?

MEMBER RENSHAW: I think Mr. Altman wanted to make a comment, and then I'll add a comment, and then Mr. Sockwell.

DIRECTOR ALTMAN: I'll be very brief. I just wanted to reinforce what Ms. McCarthy said, which is for us it was to try to get to look at this as simply as we could to break this down. What kind of simple, straightforward analysis by projecting out how many students in the end, undergraduates, might the

university have if it increases? How many beds would they provide? And then to look at that gap.

And that's when we looked at that gap on the graph which told us that there could be a big impact here. We want them to grow. We want them to have increases in their student population, but what we want to do is as they grow that that housing that they provide, that they provide the housing in such a way that it doesn't impact the neighborhood, which as you said, has been evolving over time, but it's reached a point that you want to maintain as a downtown residential neighborhood the diversity of the neighborhood and so that it allows them to grow, identifies where that gap is, and figures out how to solve for that gap by providing either one-for-one housing, meaning for each bed provide housing somewhere, or the approach that we took with the baseline, but it was an attempt to kind of break this down very straightforwardly as we could and look at this objectively.

Frankly, that's our roll, is for you to look at it objectively, and there is a long history here, obviously a very emotional history as well, and we have to sort of take ourselves out of that and look at what's actually going on in terms of the neighborhood impact not in terms of behavior, which is an issue potentially, but really the issue of the dynamic of how a neighborhood is changing and over time, and that's what really the bottom line of our analysis was, to accommodate those two demands.

And we'd be happy to put it in the format that

you're speaking to. I understand what you're suggesting, and we can easily do that.

CHAIRPERSON REID: I appreciate that. Thank you.

MEMBER RENSHAW: Madame Chair and Mr. Altman, in your report to the Board, would you please flesh out this advisory committee that you have, that you speak to on page 32? The very few lines, two and a half lines doesn't do justice to what an advisory committee -- how the shape should be. I think that you need to put a little bit more thinking, give us a little bit more guidance or we'll have to do it for you.

And we certainly could do that for you or you could do it, and also that the language in this report be strong enough to give the community the feeling and give us the feeling that there is going to be some muscle behind the words.

And we have in number five on page 31 the university will institute a program to encourage its students who do not live in the housing opportunity, et cetera, to live outside of the Foggy Bottom area.

I'd like to have something stronger than just instituting a program to encourage its students. That's so soft. Where's the muscle behind that?

And I'm looking at Mr. Barber here because I think that if you are in the business of forming world leaders, they will take well to guidance because they're going to have to in the jobs that they will take on in the world, in the community.

So we can do it here, and let's be firm. Let's be definite and do more than just encourage and say, "Pretty please."

MR. BARBER: Are we look -- just so I understand your point, are you looking for a word like "guidance," or are you saying the university should dictate to its students where they should live when they enter the campus?

MEMBER RENSHAW: I thought that you would come back with that, Mr. Barber, but I'm just saying that when we put down the university will institute a program to encourage, say what this program going to be. How are you going to reach these students who do not live in the housing opportunity area, encouraging them to or asking them to live outside. It's not dictating. It's all in the way you shape your position.

MR. BARBER: I understand. Thank you.

MEMBER RENSHAW: All right?

MR. BARBER: All right.

VICE CHAIRPERSON SOCKWELL: Three small things. One, I don't want anyone to assume that we think that all students are children, that they can be led around by the nose, because they're not. I mean they're young most often, but not all are children, and so their ability to make decisions on their own, pay taxes, and all the other things is going to determine whether or not they respond to whatever the university promotes such programs with, and we're aware of that.

MR. BARBER: I appreciate that.

VICE CHAIRPERSON SOCKWELL: One other thing. In the enforcement of baseline numbers issues that the Office of Planning report has, I would prefer that where it states that the Office of Planning will notify the Zoning Administrator that it also inserts "and the Office of Zoning," because we issue the orders. We're the ones that are ultimately not going to accept something that comes to us that's out of form, and we should be right there where we should participate, and it shouldn't be left out that we're the ones you're talking to today.

Just like the university may not talk to the community until they come back, we'd like to hear from you.

MS. McCARTHY: We only meant that in the typical way that projects go to the Zoning Administrator to be referred to the Board of Zoning Adjustment.

VICE CHAIRPERSON SOCKWELL: Right, but we need to know because there should be no uncertainty as to whether or not something comes before us. It shouldn't have to be a circle. It should come to both of us at the same time.

And one other thing. I wanted to make this very clear about my statements on evolution of neighborhoods. I grew up in Adams Morgan. No one would ever have believed that Adams Morgan would have the parking problems it has today with cars parked perpendicular to the curb. No one would ever believe that the restaurants proliferating in that neighborhood would do to the night life what has been done.

As well, Georgetown University has a wall around it. Fifty years ago, even 40, that wall might have been partially for protection from what was in the neighborhood. Okay?

So take Foggy Bottom. Foggy Bottom today is not what it was back then. I worked in Old Towne Alexandria when you could buy a house there for five or $6,000, historical Old Towne, 100 North Pitt Street. Walk to blocks. It got a little dicey. Okay?

The same thing with Capitol Hill. My first job, I went through Capitol Hill and looked at those houses and said, "Boy, it's going to be a great neighborhood one day, but, boy, is it dangerous now."

So I'm saying that this is all evolutionary. Universities that have been in the city were in neighborhoods that aren't the neighborhoods they are today. If I ask the people in this audience who live in Foggy Bottom if they lived there 45 or 50 years ago, most of you would not be able to raise your hands, nor would you have wanted to be there then.

So I am just saying that we must all remember that there are chickens and eggs, and which one came first is something to consider. The solution may not change, but you have to remember from the university's side that you're a contributor. You have to look at from the residential property owner's side that you're a contributor.

But if you don't get this together, it's always

going to be an adversarial relationship, and we'll solve it one way or the other, and nobody will be really happy.

(Laughter.)

MR. BARBER: Mr. Sockwell, were you looking in my direction specifically?

(Laughter.)

CHAIRPERSON REID: Also let me say from a real estate standpoint that it is one of the most highly desirable areas in the city, and the houses are in great demand, and as a matter of fact, it's very difficult to even find something down here to buy because I have people coming to me all the time trying to get into Foggy Bottom, but those houses, people cling to them. It's a very nice community, and I can understand why there's so much emotion attached to it.

It's a great location, and lovely, a lovely community down there.

SECRETARY PRUITT: Excuse me, Madame Chair. Just for clarification, through this discourse it seems that the Board is requesting that OP do some revised conditions. I want to be sure if that's what you're requesting from them, and are you requesting them in writing, for them to sort of revise their report in reference to conditions to incorporate or to provide the additional information you requested?

CHAIRPERSON REID: Yeah, I mean --

VICE CHAIRPERSON SOCKWELL: Mine was editorial

really, but fundamental editorial

CHAIRPERSON REID: But condense it down.

SECRETARY PRUITT: There were some specific things, too. So I just wanted to be sure.

CHAIRPERSON REID: Give us the conditions at the -- you know how you condition to a certain type of thing? You know, you get used to it and this is what you look for? It would help us a lot to have it all together so that we could just look at exactly what you want to see and to try to see what we can try to do to meet that, and we can work together, you know.

VICE CHAIRPERSON SOCKWELL: See, if you weren't on computer, this would be a tough question.

(Laughter.)

CHAIRPERSON REID: That's right. Just move it around.

Ms. Dwyer, I'm sorry. I know that you probably have some cross examination questions.

MS. DWYER: I do have cross examination, and I just wanted the same point of clarification that staff was asking for.

Is there a time deadline for OP to file these conditions? And also --

CHAIRPERSON REID: The revised report? I mean the --

MS. DWYER: Right. The revised report with conditions.

CHAIRPERSON REID: She'll give us a time line at the end.

MS. DWYER: Okay. And the opinion from Corporation counsel, is that going to be --

CHAIRPERSON REID: Well, it's just informational as to the --

MS. DWYER: Because it seems to me this whole --

CHAIRPERSON REID: -- the applicability of the Fair Housing and Human Rights Act to this particular situation as it pertains to students and whether or not -- well, you know, I know the answer to the last part of it as to whether or not you can discriminate against students as to whether or not they are able to live in or to lease property anywhere in the city. The answer is no. You cannot do that.

MS. DWYER: Right.

CHAIRPERSON REID: But as to the other part that Ms. McCarthy has raised as to whether or not they can be incentives given to the students as to try to encourage them to live in certain areas, that's the part that we don't know. We're not sure of if that's a violation as well.

VICE CHAIRPERSON SOCKWELL: I recommend that you just establish a --

CHAIRPERSON REID: The theory --

VICE CHAIRPERSON SOCKWELL: -- dress code for all students living within two miles of the campus. They'll all live

someplace else.

(Laughter.)

MR. BARBER: I understand the jest in that, but I sincerely believe as we extend our code of conduct off campus, that will also have an impact on students who left the campus to get out of university constraints, and when they realize, you know, going to Foggy Bottom they're not going to get away from those constraints, I suspect that might have an impact.

CHAIRPERSON REID: Okay. Ms. Dwyer.

MS. DWYER: All right. And I do have a fair number of questions for the Office of Planning because they did file two very lengthy reports which you went through and, like the Chair, I had a lot of questions.

So I actually wanted to start by going back to your earlier report, your April 21st report, and in that report -- do you have that with you?

(Pause in proceedings.)

CHAIRPERSON REID: Ms. Dwyer, you've got everybody digging.

MS. DWYER: Digging. Let me start.

CHAIRPERSON REID: Can you just -- just the highlights of whatever it is.

MS. DWYER: If they need to specifically, we can go back to it.

CHAIRPERSON REID: Yeah. April, did you say April?

MS. DWYER: It was the April 21st report, and on page 2 what Office of Planning said is that it found many positive points in the proposed updated campus plan, and I would like the Office of Planning to list for the record the positive points in the campus plan just so that we have those on the record.

MS. McCARTHY: If we can remember, it was the April report, which means it was based on reading the campus plan considerably earlier than that.

CHAIRPERSON REID: Well, excuse me. Isn't it -- don't you have it right there?

MS. DWYER: I have it here, yes.

CHAIRPERSON REID: So why make us struggle? Let her look at it.

PARTICIPANT: Well, we need those.

MS. DWYER: On that particular page, you didn't list the positive points. You just said there were many. So I would like to put on the record what those positive points would be.

MS. McCARTHY: I mean, you know, right. If -- yeah, go ahead, Julie.

MS. WAGNER: A reference to code of conduct, we saw that as a move forward. The hot line and the good neighbor program, we saw all of those as positive steps forward in trying to address some of the issues off campus.

MS. McCARTHY: Historic preservations, some of the

design, streetscape elements, the traffic mitigation program

MS. DWYER: Okay, all right. I just wanted to have some of those on the record.

You also stated in that report and, I think, again repeated in your testimony that what the Office of Planning wants is to insure policy of no impact on the community, and my understanding of the regulations is that the test is no objectionable impact, and I got the sense from what you were saying earlier that any impact in your mind is objectionable.

MS. McCARTHY: Well, I think we tried to clarify that in our presentation today, and you noticed in our Power Point presentation, we tried to be very clear about no objectionable impact.

MS. DWYER: Okay. So in your opinion --

MS. McCARTHY: Because we thought we maybe had been too broad in how we phrased that in the first place.

MS. DWYER: So the test is the objectionable impact as opposed to whether there's any impact.

MS. McCARTHY: Right, right.

MS. DWYER: Your report also referenced a Section 1358.1 of the Ward 2 element of the comprehensive plan.

PARTICIPANT: Which report are you on?

MS. DWYER: The April 21st report, although it's referenced again in the more recent report.

And if you could just put on the record what that

section says about student dormitories. Do you have that section in front of you from the --

MS. McCARTHY: Go ahead.

MR. KING: Yeah, it says, "The expansion of the university has resulted in the diminishment of housing in the construction of buildings for university purposes. This and other commercial usage is of grave concern to the Foggy Bottom residential community. Intense student pressure on Foggy Bottom's housing stock outside the campus, combined with the impact of university generated traffic has had a negative effect on residential Foggy Bottom. The university must continue to construct student dormitories to alleviate the pressure on the housing stock outside the boundaries of the campus plan."

I think that refers --

MS. DWYER: All right. Could you repeat that last sentence again?

MR. KING: Sure. "The university must continue to construct student dormitories to alleviate the pressure on the housing stock outside the boundaries of the campus plan."

MS. DWYER: All right. Now, back in April when you did your report, at that time the university was only proposing to add 426 beds on campus; is that correct? Do you recall whether that was the earlier number?

PARTICIPANT: Yes.

And today the university is proposing to add 1,350

new beds on campus, and in your opinion is that addressing that particular section of the Ward 2 element?

MR. KING: No, it's not because what we're getting to, there's a minor move in that direction, but without knowing how fast and how large the university's enrollment is, there's no way of telling how many or what sort of effect those new houses have, those new housing units have.

For example, if your enrollment bumps up against your allowable cap, then I think there's actual back sliding that we would see with those 2,000.

MS. DWYER: Right.

MR. KING: So without knowing what your enrollment figures are, there's no way of really answering the question in the positive.

MS. DWYER: But the provision of the beds tied in with the university's commitment to provide housing for 70 percent, you don't feel that that operates as a control?

MR. KING: No, because we don't see that 70 percent as real unfortunately. We see that as contingent. We see that as contingent on a lot of different conditions to put those bags on line, and we also see the question of 70 percent of what. Is it 70 percent of the top of your cap?

So, no, we really don't see that as real.

MS. DWYER: If the 70 percent were real, if the university were to come back in five years and demonstrate that,

in fact, those beds have been constructed, would that be okay with you then? Is your only concern that until the university comes back in five years that there are conditions, and therefore, that percentage may not be real?

MS. McCARTHY: You know, in the beginning of our negotiations with the university, the community had proposed an 80 percent percentage. The university had proposed -- I don't know -- 60, 65 percent, something like that.

What we came to realize over the course of both our negotiations and also trying to put together our plan is that there are so many flaws with the percentage approach, and we ran into some of these problems with Georgetown, too.

You may house 70 percent of your students. If some of those then come out of the community into new dormitories, but those spaces are taken up by new students who may have been living in Virginia who move in to take those spaces, you haven't actually addressed the problem in Foggy Bottom.

Plus, I guess the basic bottom line was you were talking about 1,350 units, and yet the enrollment went up just last year, I believe, 350, 400 students, something like that. That's three to four years worth of growth that you were talking about over ten years adding those 1,350 units.

So we just -- there just wasn't a close enough correspondence between enrollment increase and increase in beds to be able to feel comfortable that there was not going to be an

objectionable impact.

MS. DWYER: All right. Your report back in April also described the extensive meeting process that the university has been engaged in with the community over time, and can you state for the record when that process began? Do you recall when that was?

MS. McCARTHY: Well, I think one of the things that we mentioned to the university when we first got involved with regard to the facilitator, and I remember specifically having this conversation with Mr. Demchuck, is that I was looking at some of the correspondence on the record, and one of them was the letter that Ms. Becker was referring to earlier today in which the university had begun having meetings, but you were getting letters from the community saying, "You're meeting with us, but we don't feel that those meetings include information about the campus plan on the subjects that we want."

So I think that's when we said to Mr. Demchuck, "Look. Let's bring in a facilitator. Obviously you may be talking to the facility, but you are talking -- you guys are ships passing in the night. Let's begin the negotiation process and see if we can get a facilitated agreement reached by the time of the first hearing," which was April.

MS. DWYER: And do you remember when that facilitation process began? Does it sound like that was back in March?

MS. McCARTHY: Yeah, we'd say February or March, probably, yeah.

MS. DWYER: And in looking at your April report, you stated in that report that although agreement wasn't reached on the issues, you felt that the process was useful in establishing communication between the university and the community, and do you still agree with that?

MS. McCARTHY: Yes.

(Laughter.)

PARTICIPANT: We win.

MS. DWYER: In your April report, and even earlier today, you've mentioned that not all of the impacts on this particular community have been university related, and I was wondering if you could just list some of those for the record, some of the other impacts that have led to a change in the community or a loss of the housing stock.

MS. McCARTHY: Your question is historically over time?

MS. DWYER: Right.

MS. McCARTHY: Historically over time, there have been a number of transportation projects, such as the western leg of the inner loop, the Whitehurst Freeway. So there have been a number of projects for transportation related, some starting in the 1940s, due to military purposes that actually did actually eliminate some of the housing.

Another had to do with the urban renewal, the one and only urban renewal effort, and that area happened to be actually Columbia Plaza, where there are over 100 housing that had been replaced.

MS. DWYER: And was there other commercial development or major mixed use development that also moved into this area that led to some of the changes in the community in the West End area particularly and that north of Pennsylvania Avenue area that you're considering as part of your boundary?

VICE CHAIRPERSON SOCKWELL: Excuse me, Ms. Dwyer. Are you speaking of positive and negative impacts or just --

MS. DWYER: Impacts, things that change the --

VICE CHAIRPERSON SOCKWELL: Period, just impacts.

MS. DWYER: -- character, that change the character of the area.

VICE CHAIRPERSON SOCKWELL: Okay. Whether they were good or bad.

MS. DWYER: Right.

VICE CHAIRPERSON SOCKWELL: Okay.

MS. McCARTHY: Well, I mean, there was an impact, a total transformation of most of the West End going from either light industrial warehousing or townhouses to higher density housing. There was probably a substantial net increase in the number of housing units provided there, given the density and given the fact that housing in hotels and some office through the

CR zone had replaced the manufacturing and the townhouses that had been there before.

MS. DWYER: Well, these are changes that you mentioned earlier were non-university changes that have nonetheless affected or impacted the community.

MS. McCARTHY: Right.

VICE CHAIRPERSON SOCKWELL: Ellen, would you give the relative time period for the most extensive of that type of change from industrial, light industrial, if you can think of the range of years just for the record?

MS. McCARTHY: I would say late '60s, early '70s, I still remember a substantial amount of that kind of development in there so that the transformation, I think, took place pretty much from the beginning of the 70s on through the '80s.

VICE CHAIRPERSON SOCKWELL: Thirty-five years.

DIRECTOR ALTMAN: I would just point out in response to Ms. Dwyer's question that in the 1995 -- on page 4 of our report, the September 8th report, it's identified that actually the expansion of the university has resulted in the diminishment of housing and the construction of buildings for university purposes, meaning that at that point in terms of the impacts on the neighborhood were university related, related to the expansion of the growth.

So, in fact, the driving force as we look forward both before and already identified in the comprehensive plan and

now with this campus plan are those related to the growth of the university. So it's important to distinguish the time frames.

MS. DWYER: Okay. In your April report, you also stated on page 10 that students add to the quality of the community. Can you describe some of the ways that students add to the quality of the community?

MS. McCARTHY: I think one has been mentioned by a number of people as street vitality and safety with having more people on the street at night, making it feel and be safer, general joie de vive.

VICE CHAIRPERSON SOCKWELL: Excuse me?

(Laughter.)

MS. DWYER: Okay.

MS. McCARTHY: You know, we have always said that we see many positive aspects of the university, and that's why we're trying to just keep the university there, but balance the negative --

MS. DWYER: Right.

MS. McCARTHY: -- impacts and keep the positive impacts.

MS. DWYER: And some of those positive impacts even flow from the students who happen to live in the community.

MS. McCARTHY: I was thinking, you know, of the joie de vive of the dormitory residents only, but --

(Laughter.)

MS. McCARTHY: No. I mean obviously if you're in a university related neighborhood, there are people coming and going, visiting stores, bars, restaurants, you know, whether there are students that live in the neighborhood or not. You know, there's live in Foggy Bottom for sure.

MS. DWYER: Okay. In your April report, you also reviewed the campus plan at that time in detail and highlighted the many positives of the plan, and I'd like to just go through that and see if you still agree with your earlier recommendation.

MS. McCARTHY: I think I could probably save you time and say I don't believe we've changed any of our earlier recommendations about what we thought --

MS. DWYER: Well, I -

MS. McCARTHY: -- was good about the campus plan.

MS. DWYER: I'd like to put some of those on the record because I think a lot of the focus today has been on this one issue, and I think it ignores some of the other aspects of the campus plan, all of which I think are before the Board for consideration.

But you mentioned in your report that the university, the special outreach programs which the university conducted was an impressive list, and I'm assuming you still agree with that statement.

MS. McCARTHY: Yes.

MS. DWYER: And you also cited as impressive the

ways that the university related to the Foggy Bottom neighborhood in terms of the university's physical environment and its special programs.

MS. McCARTHY: Just to make this easier, why don't you tell me what page you're on?

MS. DWYER: I'm on page 11, I believe, yes, page 11.

E-V-E-N-I-N-G S-E-S-SI-O-N

(6:00 p.m.)

MS. McCARTHY: Okay. So I'm sorry. And you were asking about?

MS. DWYER: On this page you cite a number of positive contributions that the university makes, and I just want to make sure that you still agree with all of these statements. You cited the streetscape and open space improvements, the way the campus related to its physical environment and the neighborhood, and the special programs.

MS. McCARTHY: Un-huh, un-huh.

MS. DWYER: Okay. Beginning on page 20 of that report, you also highlighted or identified the ways in which the campus plan met the zoning requirements, and without going through each of those, I would like you just to state for the record whether you agree that those requirements of the zoning regulations were met.

MS. McCARTHY: I so stipulate.

CHAIRPERSON REID: What page?

MS. DWYER: On page 20 of the April 21st report, the Office of Planning walked through the zoning requirements.

MS. McCARTHY: I was -- our report seems to be missing page 20 here. We go from page 19 to page 21. Mr. Sockwell's report, I see, seems to be missing page 20.

CHAIRPERSON REID: Is that Roman numeral five?

MS. DWYER: Yes, Roman numeral five on page 20 of the April 21st report.

And I think on those pages you felt that the university complied with all of the requirements of Section 210, with the exception of student enrollment, that that was still an unresolved issue.

MS. McCARTHY: Eight. Well, and we also said that we believe that the issues of noise and traffic can be addressed through programs proposed by the university. We weren't saying that those problems were solved at the point in time, but we thought that the traffic mitigation plan and others --

MS. DWYER: That what the university is proposing would address those issues?

MS. McCARTHY: Right. Yes, right. We said as indicated elsewhere in this report the Office of Planning does not believe the issue of increased enrollment and its impact on the adjacent areas is resolved and indicated that further consultation was necessary, yes.

MS. DWYER: All right. Then if you turn to page 23 of that report, it was on that page, and you mentioned earlier that you had changed your recommendation, but at that point in time, the focus was on agreement on a percentage of housing for undergraduate students.

CHAIRPERSON REID: Where are you reading on the page?

MS. DWYER: On page 23. It says, "Percentage of undergraduates housed," about halfway down the page.

MS. McCARTHY: Right, right. We said another strategy could be to increase the number of students required to be housed in university owned housing.

MS. DWYER: Right, and it said that this --

MS. McCARTHY: And it was under the title percentage of undergraduates housed, but we were basically saying increasing the number of students required to be housed in university of housing.

MS. DWYER: Right, and you went on to say this strategy is, "To work, the parties must agree to the percentage housed and where to house additional students."

MS. McCARTHY: Right, and where to house additional students, right.

MS. DWYER: Right.

MS. McCARTHY: But that was part of our sense. We were saying increase the number of students required to be housed in university owned housing. So that if we were increasing the number of students that were required to live in university housing, then we could be certain we didn't have the problem I was alluding to earlier of if we only specify a percentage, then we don't know for sure where the remaining students are living. If we're requiring students to live on campus, we know where they're living, and they're living in campus housing.

MS. DWYER: All right. It just seems to me at that point in time, the concern was really getting the parties together to agree on what the percentage is and where the housing would be and what the university has proposed in response is not only a higher percentage, but also identified areas.

MS. WAGNER: May I add one point?

MS. DWYER: Certainly.

MS. WAGNER: That one of the issues that I think that the university and the Office of Planning and the Community kept getting stuck on was what that percentage is because it was very -- it made a number of people uneasy trying to think through what are the implications of this percentage.

MS. DWYER: Right. I realize that. Thank you.

All right. Now, leaving the April 21st report and turning to your September report, initially in reviewing that I think we had the same question that the chair had earlier in that you start your report by recommending denial of the application, but then propose two sets of recommendations, and is it my understanding that if the Board were to adopt one of your recommendations, then the plan could be approved? So what you're really suggesting is conditional approval to the Board?

MS. McCARTHY: Well, the reason -- I mean, we carefully considered whether we should recommend approval or denial, and our feeling was that what we were talking about was so fundamental to the campus plan because the university was not

looking for any restriction on enrollment and was talking about, you know, a finite number of dormitory rooms and a somewhat vaguer promise about the 70 percent, that our plan was fundamentally different, fundamentally more concrete, and that we were feeling that was one of the reasons why we didn't do conditions, because our feeling was we were not talking about the university's plan. We were talking about not being comfortable with the university's plan and needing something substantially different.

MS. DWYER: Right, but if the Board were to adopt what you propose, would that be sufficient for the plan as revised by your conditions to be approved?

MS. McCARTHY: Yeah. I mean, right. I mean if you took out all of the stuff that was in the G.W. plan about enrollment and housing, and you put our plan in instead.

MS. DWYER: Yes. If on the enrollment and housing issue the Board were to adopt your recommendations, then the plan in all of the other respects at least it appears going through your April report, in all the other respects the plan met the zoning requirements and had all of the other features you could support. It was on this issue.

So if on this issue the Board were to agree with your recommendation, then the plan would be approved.

MS. McCARTHY: Right.

MS. DWYER: All right.

CHAIRPERSON REID: Wait a minute.

PARTICIPANT: It wouldn't be a plan.

CHAIRPERSON REID: Wait a minute. The first question that I asked, I wasn't really -- now that Ms. Dwyer has brought it up again, we need to be very clear on what you want us to do, what you're recommending, what you're saying to us.

Are you saying -- I don't want to put words in your mouth. You tell me specifically what you are asking the Board to do as it pertains to this application specifically. Are you saying that you want to deny it?

MS. McCARTHY: Yes.

CHAIRPERSON REID: If it's denied, then it's just denied straight across the board. There are no conditions. That's just it.

MS. McCARTHY: That's right because -- because -- because the issue of enrollment targets and university policy with regard to growth and the housing of that growth are so fundamentally sprinkled through the report that it wasn't possible for us to say, "Strike page 3, you know, Paragraph 2. Strike this section. Strike that section."

They were really integral to the entire report. So our feeling was it made more sense to say deny the plan. Require the university to go back and rewrite that plan with a different assumption about the importance of the impact of its number of students on the neighboring community.

CHAIRPERSON REID: Well, couldn't that be equally

achieved with your report with the recommendations and the conditions? Because you took each proposal and you analyzed it, and you made your own recommendations. So if it were modified with the adaptation of the recommendations or conditions that you -- I mean, would that not accomplish the same thing?

MS. McCARTHY: Well, remember what we submitted and then responded to in our plan was not the campus plan. It was the university's latest offer that it had put on the table at the beginning of September, and we reviewed that point by point and said what our reaction was to that in terms of pros and cons.

To go back, I mean, you've asked us to go back and propose a set of conditions. So we will go back, and we will look at the plan, and we'll see how we could draft conditions that respond to making the kind of changes that we feel would be necessary in the campus plan in order for us to be able to recommend adoption.

CHAIRPERSON REID: My suggestion about the conditions were predicated upon your recommendation at the end of your September 8th report in which you recommended a ten-year approval. It's a contradiction there. You can't do both.

So that's why --

MS. DWYER: Well, Madame Chair, I think what we're saying is what you had mentioned earlier. As you go through the report, since they do comment on and suggest the ways in which the university's campus plan does meet the requirements and in these

other areas is okay, and then they offer suggestions on those areas where they disagree. It is, in essence, a set of conditions.

So we feel in reading their report it's conditional approval subject to the Board incorporating the language of those conditions.

MS. McCARTHY: Right, and we need to be more clear, and I can see that maybe we should have been a little clearer in our report. That section that you're referring to about the ten years was solely responding to number ten at the bottom of page 32, duration of campus plan and to that particular issue of how long the campus plan should last.

We said at that time on September 8th that we recommended that the Board set the duration of the campus plan at ten years with an automatic five-year status review on the issues of housing enrollment, student impacts, and enforcement.

I think it's become clear to us on further conversation with the Office of Corporation Counsel that that's not workable and that really what we need to do is to say, okay, at the end of five years or that the plan should only be for five years because this interim step which we thought would be -- originally we thought would be the most workable, we realized, well, what happens. If you've adopted the plan for ten years and at the end of five years you come back and you do this five-year review on the issues of housing and you conclude it's horrendous,

what do you --

CHAIRPERSON REID: Well, you remember we had the same problem with another case. I think it was Jewish Primary Day School.

MS. McCARTHY: Jewish Primary Day School, right.

CHAIRPERSON REID: The same thing where the recommendation was that we bring them back for review in a certain amount of time, and we ascertained then that it was not something that was within our authority to be able to do.

MS. McCARTHY: Right, and we originally thought that because this was a campus plan and not a use that you were permitting that you would then possibly have to revoke, that we could just say, "Yeah, let's approve the campus plan, but after five years they have to come back and revise that section."

Remember, that was an offer that the university had made.

CHAIRPERSON REID: Right.

MS. McCARTHY: And we were thinking we could accommodate that.

The more that we've talked about that with Corp. Counsel, the more we've thought it through, it would leave the campus plan in such limbo, you'd be there with a campus plan you had adopted, but it was out of compliance on the housing part or it was not workable on the housing part. So what should you do with the rest of the campus plan?

It just seemed too messy. So that's why we felt when we came back today that we needed to just recommend do the campus plan and approve it for no more than five years if you adopt it.

CHAIRPERSON REID: But wait a minute. Remember you said to deny.

MS. McCARTHY: Right.

CHAIRPERSON REID: Okay. Now --

MS. McCARTHY: We're saying to deny. If you chose to approve, it should be for no more than five years. Maybe that's the easier way to put it.

CHAIRPERSON REID: And then it would be with conditions. If it were for five years, it would be with the conditions that would be attached thereto, right?

MS. McCARTHY: Right. As I understood what you were asking for today, that we should consider if, indeed, the Board decided not to follow our recommendation of denying, but, in fact, wanted to approve, then we should come back to you with, okay, if the Board wanted to approve this, what should be the conditions. Certainly --

CHAIRPERSON REID: Because that's the way it's been done traditionally. Other than that, it would mean that we would just upon our own volition make the decision, and you would have no input because you would not have profit to us in your report, any conditions other than the ones that we ourselves decide to put

there.

MS. McCARTHY: Right.

CHAIRPERSON REID: Do you see what I'm saying?

MS. McCARTHY: Right. I mean actually we were hoping that the Board would say, "No, this isn't going to fly the way it is. We deny this campus plan, and we recommend the university go back and rethink and come back with a revised plan on this issue, and then we would come back with a more specific, you know, approval with conditions.

CHAIRPERSON REID: But rather than taking up so much time, the revised -- the revisions would be for the most part predicated upon your recommendation so that the next time if they came back it could have a better chance of getting approved.

MS. McCARTHY: That's right. I under -- yeah, exactly, and I have understood very well that that's what you're asking for now, and so we will go back and do that.

VICE CHAIRPERSON SOCKWELL: Is there a possibility that we could look at -- I mean, the way it's been stated, five-year campus plan approval. Okay, fine, but because of the time it takes in the development process to go from concept to in the university's case budgetary approval, scheduling, reconfiguring the student locations for various things should the project take place to replace a building, then you have your period of time for developing your construction documents, getting the permits issued, and getting the thing built.

So now you've been down three and a half years to get one building out of the ground, and your campus plan is coming up in another year and a half. At that point it's virtually useless to look much further down the road because you're going to get in the same cycle of having something part way out of the ground or maybe just going into the ground. You're up for campus plan renewal. A lot of things get thrown up in the air.

It is a difficult thing to do. Perhaps maybe a recommendation of a one time five-year renewal for campus plans currently coming before a board like this to give time for new rules to get into the system would be perhaps more appropriate. Then we could go back to the ten-year approval cycle once things had been tightened up, so to speak.

Perhaps something like that, because it's been left a little loose as to whether or not it's an open ended five year or an open ended this or we don't do that, but I think that we need to have something that's coherent and look at the development process as it actually takes place for the university's sake, for the community's sake, and for our sake up here trying to review these things.

MS. McCARTHY: Well, one of the things that I think we have all agreed on is we never ever, ever want to see Georgetown and G.W. and American University all coming back before the Board in the same year.

I mean, I know it's been a terrible strain on the

Office of Planning's resources and our ability to do anything else. So given that that means we can't take those plans which are all up for this year and give them all ten years and given that I don't think we want to give campuses more than ten years --

VICE CHAIRPERSON SOCKWELL: No.

MS. McCARTHY: -- somebody has got to be less than that period of time. We felt with regard to George Washington, we're talking about a university where nobody knows for sure where the students are living, and that's going to be a process to get those numbers and make sure that we're confident with those numbers, and we're not at all sure what those numbers are going to show us at the end of that time.

So it made sense for George Washington to be the one where we say five years for G.W., you know, six or seven for Georgetown, seven or eight for A.U., whatever we decide to come up with, but --

CHAIRPERSON REID: I think that in view of that issue that we have had great discussion about because it certainly has been, you know, very exhausting for us to have all of these campus plans come together, come at the same time, if, in fact, they were staggered, you know, so that you've have or if you do eight, nine, and ten or whatever, that would give BZA or the Zoning Commission time to be able to adequately analyze and to make appropriate decisions, and we see the problems that have manifested as a result of us not having planned ahead.

I don't know whose bright idea it was to go all of these at the same time, but I think that the fair thing to do would be to take a look at each university to see how the time constraints affect the university because, again, you have to weigh both sides as far as their funding, as far as the finance, financial investment that it takes to come to this Board and so forth and so on, and then determine what the best time frame might be, given whatever constraints they have to work with.

MS. McCARTHY: Right.

CHAIRPERSON REID: And I don't want it to be just done arbitrarily, to just pick a number out of the air under consideration.

MS. McCARTHY: Oh, yeah. I wasn't talking about arbitrary at all, but it did seem, given the fact that, you know, we didn't know the numbers and the university itself had recognized that five years was a time that it would make some sense to go reassess their effectiveness in meeting the housing targets, it seems --

CHAIRPERSON REID: It did? The university did that?

MS. McCARTHY: Yeah, the university was the one that originally proposed ten years, but with a time period at the end of --

CHAIRPERSON REID: Oh, with that five-year review.

MS. McCARTHY: Yeah, at the end of five years.

Yeah, it was certainly -- it certainly was a little --

CHAIRPERSON REID: That's a little different than the five-year renewal.

MS. McCARTHY: But that -- right, but it could certainly be clear; it could certainly be made clear to the university that essentially what the Board is most interested in at the end of that five-year period of time is the housing and enrollment, and that we were not looking for the university to come back with a major expenditure of time and energy on the open space, the streetscape, you know, the parking, whatever, that we really must focus on the issue.

CHAIRPERSON REID: I think that the university and the community and Office of Planning is on the same page as to the accomplishment of that goal. It is basically going from the theories of application in determining the best way to accomplish it. So hopefully we can come up with something that would make some sense with everyone.

MS. WAGNER: The five years is not something out of thin air. We actually did quite a bit of research in other cities, and what we found particularly in Boston and spending time with a number of the campus planners up there is that they use a five-year mark to have more certainty and a sense of what really could be a reality within that five years.

And in talking with them about our dilemma, their reaction was, "Gee, I can really understand the frustration with a

ten-year plan when it's so far out and there's a number of things that are uncertain and what if and possible and perhaps."

But with the five years, there is a level of certainty that the planners in Boston found to be incredibly useful.

VICE CHAIRPERSON SOCKWELL: Which universities did you look at in Boston?

MS. WAGNER: Northeastern, B.C., B.U., Emerson.

VICE CHAIRPERSON SOCKWELL: Which ones most represented the issues that we have in Washington?

MS. WAGNER: So your question is not related to the five-year campus plan review?

VICE CHAIRPERSON SOCKWELL: It's related to relevant university conditions as would be impacted by a five-year plan. You can't take it out of context, and you can't take it out of thin air.

MS. WAGNER: We found Boston University and Boston College to be the most relevant.

VICE CHAIRPERSON SOCKWELL: Okay.

DIRECTOR ALTMAN: I would just add one point in the crafting of the five-year issue. It is important that the five year has real meaning, in other words, that the period of time, what happens in terms of enforcement going back to the certainty, that the question of review versus renewal is an important one, I think, because what it says is what is the result if goals aren't

achieved at year five of the housing and enrollment targets.

So things that although you always have the further processing issue before you, the question is if there isn't a facility, for example, that requires further processing for another three years after your five years. Then what happens during those three years as impacts are accumulating.

So I think that's an issue that has to be very seriously addressed and thought through as we do this.

CHAIRPERSON REID: Okay. Thank you, Mr. Altman.

Ms. Dwyer.

MS. DWYER: In the interest of completing today's hearing, I'm going to hold off on further questions, and what we would like to do is ask Charles Barber to make a few points in rebuttal and then to submit the balance of our rebuttal and closing statement in writing.

CHAIRPERSON REID: All right. Now, if you do have additional questions, you know, you can put it in writing to the Office of Planning.

MS. DWYER: And I can call to them, too. We've talked a lot in the last few months.

CHAIRPERSON REID: We want the response like in writing so that we'll leave the record open to accept that.

MS. DWYER: That would be great.

CHAIRPERSON REID: And we would have a chance to review it prior to us making a decision. I appreciate that.

MS. DWYER: Sure, I will do that.

CHAIRPERSON REID: All right. Okay. Mr. Barber.

MR. BARBER: I thank you, Madame Chair.

Let me just introduce the G.W. mascot. This is a hippo. It's also a stress reliever. I've made great use of this mascot for the last six months, and I hope the mascot will carry us home.

I started to give every member of the Board one. I thought they might need it, but I will say this. I thought that might be inappropriate.

CHAIRPERSON REID: We could have used one, I'm sure, all of us.

MR. BARBER: But members of the advisory committee, people who were going to serve on the G.W. advisory committee, be prepared. Everyone will get one. There will be a rule though. No throwing the hippo.

VICE CHAIRPERSON SOCKWELL: I gave away my concrete mixer to one of my co-workers yesterday. It's the same thing.

MR. BARBER: Let me try to accomplish several things in the time we have. I want to respond to some specific factual statements that were made, I think, that need to be clarified for the record. I can't respond to all of them, but I want to hit the highlights.

I then want to go to, I think, the more pressing issues, and I want to elaborate on the university's proposals and

conditions be put forward on student conduct off campus, on housing, and on the moratorium.

And then finally I will try to touch upon several issues that have also come up in terms of term, campus boundary, the advisory committee, and enforceability. So it's an ambitious agenda, but I'll try to work through it expeditiously.

CHAIRPERSON REID: Just one second, Mr. Barber. Mr. Moulden has to leave now, so he just wanted to --

MEMBER MOULDEN: Yes, I have to leave now, but I'll read the record before we make a decision in the case.

MR. BARBER: Please do, Mr. Moulden, because some of the proposals that I am going to put on the table address your concern specifically about the lack of information and how can we go forward without this information.

So I will be directing that, you know, to your attention. So if you'll read it, I would appreciate it.

MEMBER MOULDEN: Okay.

MR. BARBER: Thank you.

Our good neighbor Dorothy Miller has said that we have violated the campus plan in terms of parking, and the last six projects resulted in a net decrease in parking, and that is incorrect.

One of those projects was a law school project, had no impact on parking, didn't add it, didn't take it away, didn't have students. The ANC supported it, BZA approved it, and no

impact.

The Marvin Center was a renovation project, had a minimal impact on parking. There was some parking loss because of an elevator, but it was more than made up because of valet parking in the Marvin Center.

Of the four remaining projects that were built on surface parking lots, three of them had more parking in the structures than they took away. The only project that did not was the hospital project, and this Board spent a great amount of time focusing on the parking for the hospital, and we accepted the university's explanation that that parking would be made up by the 200 parking garage addition, which has just been completed, as well as Kennedy Center parking, the 150 spaces that we have the relationship, reciprocal relationship with the Kennedy Center.

It ties into the allegation we've violated our plan and that there's no enforcement action by the Zoning Administrator. I mean, that's simply not correct.

The Zoning Administrator was asked specifically by this Board prior to the arrival, I think, of a couple of members to verify the university's on-campus parking, and the Zoning Administrator and Dorothy Miller and Barbara Spillinger and I for several weeks this past winter walked the university's parking lots and counted spaces, and the Zoning Administrator produced the report. He verified the number of spaces we had on campus. In fact, he gave us credit because of our valet parking for more

spaces on campus than we had claimed.

The difference was he did not credit us with the 150 Kennedy Center spaces because it wasn't in the original campus plan. This BZA, and we cited the order and we have the order for the Board, specifically approved the Kennedy Center spaces and allowed us to count them within our campus plan. I think it's clear. There was an enforcement action. There was verification. There was a report, and that was done in the context of a further processing case. It arose out of the hospital case.

I think there can be enforcement. The Health and Wellness Center, that project was denied by the Board, and contrary to what Mr. McLeod said, it was not because we had some ownership in Square 43 when the Board denied the project and then we brought more property in Square 43 and the Board approved the project. Square 43 had nothing to do with that project.

Health and Wellness was rejected because of the impact on the neighboring St. Mary's Church, an historic church in Foggy Bottom. We had to go back to the drawing table and redesign that project, move that project away from the church, do other design changes to get the church's support for that project, and it was only with the church's support that we were able to get that project approved since Square 43 had nothing to do with that project.

I've spoken about the housing numbers, the numbers that have been inflated and really on the basis of some of the

more draconian measures. We recognize our obligation to get more accurate numbers.

Let me go on to student conduct. I really think that student conduct lies at the heart of some of these issues. I mean, although they're framed in terms of students, problems with students as students, I think that's a problem. When you start taking actions based upon the students don't have a right to be in this neighborhood, I think that's a problem.

I think behavior is a problem that the university and the students have an obligation to address. I want to provide to the Board the university's statement of its commitment to address student misconduct.

It is a compilation of things we put on the table. It tries to elaborate on some of those, and I have one more thought that has come up in today's hearing, given Ms. Brewster's, Mary Brewster's testimony, but let me just identify the six points quickly.

The first point is require a freshman and sophomore to reside in university housing, and that provides supervision for the younger students. We've mentioned that.

The second point is extending the G.W. code of conduct, student conduct, to undergraduates living in off campus properties in Foggy Bottom and how we're going to act on written reports, again, both by the police and by the landlord-tenant associations and developing this outreach program with those

groups to help them make claims under the student code of conduct and report to the advisory committee a summary of the actions taken on a quarterly basis without personally identifying the information which we would have problems under the Buckley Amendment.

We're also talking about, I think, a novel approach which would provide people who are thinking about renting to students in Foggy Bottom clearances. So they can come to the university. Does this person have a record of behavioral problems or housing violations? It's like getting a prior clearance from your previous landlord.

We will have to work that through the Department of Education in terms of, again, privacy concerns of students, but to the extent that we can implement that, we will.

Number four talks about the hot line, both the crime tips hot line and the one which is on an anonymous basis and the one that goes to the university police on a 24 hour basis.

Number five talks about establishing good neighbor programs for G.W. undergraduates. We've already begun those in terms of doing orientation, particularly with freshmen and incoming students. We think we should expand that to provide this type of information to juniors and seniors as they transition off of the university housing into the community.

And finally we said we think we need to make this a

three-party effort. So we've said that we will consult with the advisory committee, as well as the G.W. Student Association on ways to improve off campus behavior and to increase the students' service to the community.

The one thing I think I want to add, and I want to put it on the table now and I haven't vetted this with the university, which is always dangerous, but I would like the opportunity to confirm it.

I think during the lapse between now and the time we change our policies to implement this code of conduct extending off campus, the university should agree to take informal action that it can take now, persuasive action, the kind of thing that we told Ms. Mary Brewster.

Mary Brewster shouldn't be the only one to benefit from that just simply because she happened to show up today. I think that working with particularly the Student Government Association, there should be people who can make calls whether it's personally, clearly identifiable information about off campus misconduct that we can contact those students to try to bring this to the attention and, you know, I think the FCC calls it regulation by raised eyebrow. You know, we don't have the stick, but the idea that the university is concerned about this, I think, will hopefully go some way.

This is an interim procedure. Again, when we change or code of conduct, then we can take disciplinary action,

but in the interim, I think we can at least try to apply persuasion.

Again, I think at the core of a lot of this is conduct, and I'd like to believe that with a more aggressive application of this program, that a lot of the conduct issues would be relieved, and a lot of the tension, quite frankly, would be relieved.

Let me go on to the housing commitment because that has been a keystone of consideration, particularly for the Office of Planning Report, and I'd like to clarify and elaborate on the university's housing commitment.

What we have said is that if the university is permitted to build a substantial number of the proposals, it will have the capacity to house 70 percent of its full-time students by 2005.

Now, there's two factors in there. Substantial number; we're not saying we have to build all of these houses. We understand their contingencies. We understand that some of these are going to take longer than others. The School Without Walls may come on sooner than later. The Square 54 may come on sooner than later.

We don't have to build all of them, but we need to be able to build a substantial number of them. Square 54, we are committed to moving aggressively on. We will pledge that we will file a PUD, at least a first stage PUD with 15 months, and that's

starting from scratch and going through what we have to do to get that before the Zoning Commission.

So we expect to move aggressively on that. We understand that there are contingencies, but I want to harken back to something that Mr. McLeod said about enlightened use of campus property. I have sat across the table from the many people in this room who over the last six months it says do more on campus housing; do more on campus housing; do more on campus housing. We're proposing to do more on campus housing. That is the keystone of our proposal.

I firmly believe not that Mr. Burt says that G.W. can make this happen, but G.W. in combination with the Office of Planning, and some of the groups represented here can make this happen.

With their support, and we have a right to expect their support if they're going to push us on this issue, now, it doesn't mean the university gets carte blanche. It doesn't mean there aren't design issues that are not fair game for discussion, and it doesn't relieve the university of the obligation to come forward with a good design, but what it does mean is if we come forward with proposals to do housing on campus, that that principle should be supported and the people in this room should work with us.

And with that support, a substantial number of these houses, these units can be built. I would amend Mr. Burt's

statement saying, well, the university can get it done. We can get it done, and that was the partnership I was alluding to.

Now, I want to go further though because there are numbers that the Foggy Bottom Association and Office of Planning were putting out that says, well, even if you provide 70 percent of the housing without some indication of where your enrollment is going, you could end up with a worse situation. I think Office of Planning's report suggested a 24 increase in students, but only a five percent increase in beds. I'm not sure where those numbers comes from, but I understand the point that you could have more students in beds and, therefore, in their view end up in the worse situation.

The second thing we will commit to is that we over this five year period will end up with more beds than students. Now, that acts as a cap itself. We have talked about where our undergraduate enrollment might be in five years, somewhere between 8,000 and 8,500. It could be a little bit more if we can build more beds, but it can't be much more if we say in addition to housing 70 percent, we will provide more beds than students because we can't get up to 9,000 and beyond without adding more students than beds.

So in addition to the 70 percent, we're saying we will by 2005 add more beds than students. We're skirting the cap. I mean it's clear we're trying to put in place mechanisms to meet their concerns without what we feel is a draconian and inflexible

position of you can't go beyond this amount.

We think if we provide the beds and we provide more beds than students, that that will limit the impact.

The third and final point on the housing, again, an effort to address their concerns, what happens in the meantime? We will commit that during this phase building up to five years, years two, three, four, that the number -- we will have rough parity between where we are today in beds and students.

Now, what do I mean by rough parity? We don't house -- we don't provide housing for approximately 25, 2,700 students, full time undergraduates today. What we will commit to is that that number will not increase by more than 300 students at any time, and what that means -- and by the end of the day, it will be less than that because we will provide more beds than students.

That 300 is not something we expect to end up in Foggy Bottom because, again, our historical experience has been about two thirds of the people we don't provide housing for end up outside of Foggy Bottom.

But we are not tying as OP wants us to do, to tie us to a measure of the students only in Foggy Bottom. We think that's the wrong way to go for a couple of reasons.

We think that assumes that students are somehow less worthy to live in this neighborhood, that they need to be controlled, that their numbers need to be reduced because somehow

they're not as valuable as the good citizens and the good citizens are non-students.

We don't accept that, and we can't control that. We can't control where students live when they move off campus. We can try to guide them. We can have procedures in place to try to direct them other places, but we can't tell them, "You can't live in Foggy Bottom."

OP would have us governed by a standard that counts the students in a specific area and holds us to a standard when we can't control that standard. What we can control is do everything we can to build the beds, design, seek the approval, go forward expeditiously with that, manage our population in the meantime in order to achieve the desired results.

We can't say, "Students, you can't live here," and so to hold us to that standard we just think is unfair.

Moratorium. Mr. McLeod brought out a valid point. That is, we had said that we would not purchase residential property in Foggy Bottom as we've defined it, and we're talking about Foggy Bottom. We're not talking about going up to Dupont Circle or the southern half of the District of Columbia. Foggy Bottom is a term generally used in a comprehensive plan. So we've restricted it to Foggy Bottom.

But the point Mr. McLeod made was there are several properties that are in commercial zones within Foggy Bottom that we have not covered with our moratorium. We think that's a valid

point, and so we would enlarge our moratorium, revise it, if you will, to include those properties and at least three large buildings. 2424 Pennsylvania Avenue is one he mentioned. The Bristol Hotel, I believe, falls into that category which are in a commercial zone within Foggy Bottom.

So to be clear on this, we are talking about a moratorium on residential properties in Foggy Bottom and not being converted to university use.

Let me speak about the campus boundary and why we have -- we have talked about housing opportunity area. We have put that in, quite frankly, because if all else fails, we need a place to build housing. I mean, that's our commitment, to build housing, but if for whatever reason, you know, we're stymied on these other areas, we need a place to build housing.

We were asked, well, the community needs some assurance where your students are going to be. So that was the idea of the housing opportunity area.

Ms. Mitten asked, I think, Steve Sher (phonetic), well, why not enlarging your boundaries, and I think you were addressing the northern end of the campus, but it's a valid question on the southern as well. The northern end, I think, Steve Sher gave the right answer. It's just historical. It's been there, the commercial properties. It doesn't really matter whether it's in or out.

The southern boundary is different. The southern

boundary is residentially zoned, and our thinking was it would be less intrusive to -- it would be more intrusive we originally thought to bring into the campus plan because then you could use it for any kind of university use, not just residential. You could use it for academic. You could use it for athletic, medical, the works.

And so we thought it's already zoned residential. The university already owns substantial amounts of the property. We are planning to do, if anything, residential development there. The only ones we have planned now, of course, is Square 43 and 122, but that would be the use we would make of it.

The university, we are prepared to say our boundary is the housing opportunity area, and we could commit to say that would be residentially a residential use, something that we could not change unless we amended the campus plan. That would be another way of providing the insurance, and that way we would say, well, the moratorium extends to everything outside of the campus boundary instead of outside of the housing opportunity area.

We are open to that. We had thought a great deal about their pros and cons. The advantages to the university, of course, is increased FAR. You can do -- you can move your parking on an area basis. The disadvantage, quite frankly, is that development takes longer in a campus plan. I mean it just adds a year or more when we're prepared to do housing, and that's been a problem when we're trying to move quickly to address these

concerns.

But with that caveat, I think the university is prepared to expand its boundaries to include the housing opportunity area.

I should say a note about Columbia Plaza. There's been a lot in the record about Columbia Plaza. Columbia Plaza is not in our housing opportunity area. We're not going to make our 70 percent commitment for whoever students are in Columbia Plaza.

It's been stated that we are an investor. We're a limited partner. We don't run Columbia Plaza. We are not the management company. In fact, our limited liability would be threatened if we got involved with running the operation.

We have a letter to submit for the record clarifying our role with the fact that we had nothing to do with recent rent increases where they were increased or brought back down. Frankly, we read about it in the newspaper. We don't think that's a germane issue

I would say as an aside I think it's more than a little ironic that Steve Mendelbaum who made that impressive Power Point presentation -- that was the most impressive thing we've been even of the applicant's presentation, and we're supposed to be the one with the big bucks. He had words flipping around, but unfortunately he based a lot of his information on talking to his friends, and so it was flawed, but Steve Mendelbaum lives in Columbia Plaza. Five months ago he was a student. He is five

months removed from being the very person that he's now complaining about.

Did he change? Is he a more worthy person now because he's a graduate and lives in Columbia Plaza?

No. Steve, if he was a nice guy before, he's a nice guy now.

VICE CHAIRPERSON SOCKWELL: It just shows the power of a George Washington University degree.

MR. BARBER: Exactly, exactly. So the student status, basing a condition not on behavior, but simply on the status of being a student, we think, is ill advised. Some of the specific proposals that were advanced about how the university would manage the student population in this Foggy Bottom area we do think run afoul of the human rights act, but we think it's a flawed program anyhow. We think it's flawed practically speaking because we can't control that. We think it's flawed philosophically because it assumes that the students don't have a right to be there, and that's not a proposition the university can accept.

Advisory committee. Let me say a note about the advisory committee. We think the advisory committee is a worthwhile idea. I sincerely hope it is a mechanism for improving the dialogue. I know the community -- some members of the community share that, and they also look at it as a way for more information sharing, which means the university providing

information, which I understand.

I don't think we accept Foggy Bottom's full specifications of the advisory committee and how exactly it would work. We do accept their composition and the objectives.

There are some concerns we have on what they put forward and operational aspects, but I don't think the Board has to get into that. I think if the condition is addressed that specifies that there be this advisory committee, it meet quarterly, five university representatives, five community representatives, and basically what is general purposes, I think that's sufficient, and the advisory committee should work out the operational aspects.

Term and enforceability. A five-year term under the campus plan as we know it would mean essentially within six months after we get the order, we're back in the planning mode. You know, if we're talking about something other than a full blown campus plan review, that's what we are trying to get at with our midterm review, with the round table.

I believe that this Board has the authority to implement that and hold the university's feet to the fire, whether for the processing or not.

Further processing is something that is going to be coming up. Can this Board reject a project because the university is not otherwise in compliance with a campus plan? Yes, it can. I mean, the parking concerns that came up with the hospital

emboldened this Board to require that this count be done.

That's perfectly legitimate. The Board has that authority. We understand that importance. We have other projects. You know, the focus of necessity, I understand, has been on housing, but we have a whole community to provide. Now, we're in the business of academics, and so we have academic needs. We are going to be coming back.

If you say to the university that you cannot build this academic building because you are not otherwise in compliance with your housing requirements, that's a real threat.

Office of Planning's enforcement really goes back to the further processing, the difference where they say, "Well, we can't file for any further processing."

Well, whether we can't file, this Board says we won't grant it. I'm not sure it makes much difference, but it's the further processing which acts as a stick, and I think that can be an effective mechanism.

Given that, I think a five year midterm review makes sense. We can go back and think about exactly how that is structured. I do not think a five-year term of a plan makes sense. In the university position it should be a ten-year plan with a five-year review mechanism.

CHAIRPERSON REID: Mr. Barber, do you have much more?

MR. BARBER: I think I've hit my points.

CHAIRPERSON REID: Okay. Because Ms. Renshaw does have to leave.

MR. BARBER: I'm sorry.

CHAIRPERSON REID: I just have one comment, and that is with the advisory committee.

MR. BARBER: Yes.

CHAIRPERSON REID: Hopefully students will be involved in that, student representation from what is it, the Student Council, Student Senate?

MR. BARBER: Student Government Association. I think that's very important.

CHAIRPERSON REID: Absolutely. I think that their presence and involvement go a long way in assuring the community that there is some movement as far as relating to the students not just from the administration down, but also among peers, which sometimes can be even more influential.

Okay. Ms. Mitten, any comments?

SECRETARY PRUITT: Excuse me, Madame Chair. Before Ms. Mitten -- excuse me -- before Ms. Renshaw leaves, I just wanted to raise an issue because looking at our schedule for deliberation, typically, you know, we go to the next meeting. However, the next available meeting for this particular case would be November, in which you're are already going to deliberate on Georgetown University.

So I'm suggesting maybe you consider a separate day

for deliberations on this case only so that -- because it is a very complex case, and it's going to take a lot of time to do all of that.

CHAIRPERSON REID: Well, isn't our next scheduled meeting date October 3rd?

SECRETARY PRUITT: There's no way they can have a transcript to do findings of fact.

CHAIRPERSON REID: Oh, right.

SECRETARY PRUITT: I mean, I'm just thinking logically of the turnaround time.

CHAIRPERSON REID: Right.

SECRETARY PRUITT: The very earliest I would suggest would be something like October 25th, which would allow the transcripts to come in so both the parties and the applicant would have time to read the transcripts and then do findings of fact.

CHAIRPERSON REID: All right. Then --

SECRETARY PRUITT: That's the very first time, the earliest.

CHAIRPERSON REID: What date?

SECRETARY PRUITT: I'm sorry. The 20 -- let me make sure I'm in the right month here. It would be in October, yes -- no, 24th you already have a hearing. So it would have to be the 25th, is a Wednesday or the 23rd the day before. I mean, that's up to you all, your preference in how --

CHAIRPERSON REID: In October?

SECRETARY PRUITT: Yes. That would be the earliest.

CHAIRPERSON REID: When is the hearing in October?

SECRETARY PRUITT: You have a hearing every week in October.

CHAIRPERSON REID: But what's the date? 24th?

SECRETARY PRUITT: 24th.

CHAIRPERSON REID: We couldn't do it --

VICE CHAIRPERSON SOCKWELL: Another -- Oh, I'm sorry.

CHAIRPERSON REID: Excuse me.

VICE CHAIRPERSON SOCKWELL: I say one time concern we have and not just in terms of the schedule is that Mr. Barber threw out a number of proposals that he said he may address in the interim, something he hadn't shared before about the 300 students and this five-year period or measures they're prepared to take.

I mean these are very serious prospects, I mean, that we need to look at when we talk about enforcement and certainty, and for us to evaluate that and be able to incorporate that back into our resubmittal to you. I need to make sure that we get this new information from Mr. Barber to exactly, very precisely what it is that G.W. is proposing so that it is not a matter of conjecture, but real facts that we can evaluate and give to you as part of our resubmittal.

So I don't know how much time that will take them to produce, but we have time and the community has time.

SECRETARY PRUITT: Once we have a hearing decision date, we can work back from there to accommodate everyone.

MS. DWYER: Madame Chair, if we can take --

CHAIRPERSON REID: Just one second, please. Ms. Renshaw does have to go.

MEMBER RENSHAW: Yes, I have to go, and I'll read the record for whatever thoughts are remaining.

SECRETARY PRUITT: Ms. Renshaw, do you have any conflicts then with another date? I mean, because we're going to pick another date now without you being here.

MEMBER RENSHAW: Another day than what is on our schedule?

SECRETARY PRUITT: Yes, an additional day.

MEMBER RENSHAW: What days are you proposing?

SECRETARY PRUITT: Well, right now it's kind of open. October 25th would be the soonest.

CHAIRPERSON REID: We can't put it on when we have a hearing date?

SECRETARY PRUITT: No, because it's too -- our hearing dates are extremely packed and full with a lot of big cases. This case is going to take considerable time to, I think, discuss and give it -- because of it's complexities, I think you need to only focus on that.

You already have Georgetown for your November meeting, along with a lot of other cases. October is too soon. So this was my best suggestion in order to allow the full airing of our views and consideration by everybody.

CHAIRPERSON REID: Mr. Altman, you had just raised a concern about having enough time to be able to properly receive the information, this new information and to be able to digest it and to prepare a --

VICE CHAIRPERSON SOCKWELL: Response.

CHAIRPERSON REID: Yes, in addition to your revised Office of Planning report. So what are you recommending? Are you making a recommendation or did you wish to?

MS. DWYER: Madame Chair, if I could just say, we could have the information to them by Friday. What we said today does not need to wait for the transcript. So we can get them by Friday the language of the points that Charles Barber made in his testimony.

CHAIRPERSON REID: Okay.

DIRECTOR ALTMAN: So that would be -- just so I could be clear, what you would submit to us on Friday would have been vetted through the university.

MS. DWYER: Yes.

DIRECTOR ALTMAN: It would be the official proposal from the university that we would receive.

MS. DWYER: Un-huh.

MR. BERGER: The only new one is this conduct, persuasion interim measure. All of the other proposals I put forward have been vetted, but we could send you a nice, neat package.

DIRECTOR ALTMAN: So there wasn't a proposal about interim housing. It was just related to behavior.

MS. DWYER: No, there is, but that's already been vetted.

DIRECTOR ALTMAN: Oh, that's --

CHAIRPERSON REID: Well, why don't we do it on the morning of October 24th? There are only two --

SECRETARY PRUITT: You have an appeal which is going to take at least half a day, at the very least.

CHAIRPERSON REID: Where is that?

SECRETARY PRUITT: The Potter appeal, which you continued from an earlier meeting.

CHAIRPERSON REID: On the 24th?

SECRETARY PRUITT: Yes.

CHAIRPERSON REID: No, I'm --

SECRETARY PRUITT: I'm sorry. The 24th.

CHAIRPERSON REID: -- that morning. There are only two cases.

(The Board conferred.)

CHAIRPERSON REID: Okay. Can you put it on that date, the 24th?

SECRETARY PRUITT: Well, you only have three cases here.

CHAIRPERSON REID: No, I see only two.

SECRETARY PRUITT: Three. You have an afternoon.

CHAIRPERSON REID: No, no, that morning.

SECRETARY PRUITT: The Phillips Collection we're not sure is going --

CHAIRPERSON REID: Okay.

SECRETARY PRUITT: The Burke School is going to be a controversial case, we believe.

CHAIRPERSON REID: Okay. Why don't we shoot for --

SECRETARY PRUITT: Which will take half of the morning.

CHAIRPERSON REID: Why don't we shoot for the 24th?

COMMISSIONER MITTEN: Madame Chair, I have to object just on the basis of my experience with the BZA, and given the complexity of this case, we are not going to be able to blow through this, and I think it's not fair to the university. It's not fair to the community. It's not fair to the members of the Board --

CHAIRPERSON REID: Okay.

COMMISSIONER MITTEN: -- to try and do this in a very rapid fashion.

CHAIRPERSON REID: No, no, no, I didn't say that. What I'm hearing over here, these other Board members, is that

they are not amenable to putting them on a fifth day in October. So I'm trying to see how we can accommodate that. They don't -- it's just the time constraints are just so that we have four dates in October already.

SECRETARY PRUITT: You have five dates, just to be clear.

CHAIRPERSON REID: We have five dates in October. So we're putting on a sixth date is what the problem is. It's just so tight.

COMMISSIONER MITTEN: Well, then maybe, Madame Chair, we need to move into November, if that's the reality of it.

CHAIRPERSON REID: I think that November is not much better. I think we have five dates already set for November. We have to add a sixth date for November. You see --

VICE CHAIRPERSON SOCKWELL: The meetings are based on the number of Tuesdays, period, and that's --

CHAIRPERSON REID: Yeah. So --

VICE CHAIRPERSON SOCKWELL: Every week there's a meeting.

CHAIRPERSON REID: So --

COMMISSIONER MITTEN: Maybe, Mr. Sockwell, since you're someone who's -- you know, you come all the time. I don't come all the time. What do you suggest as a way to deal with this problem?

VICE CHAIRPERSON SOCKWELL: What I would suggest is

that in order to reduce the burden on the Board members is that we work out some sort of swing schedule in between this meeting and the chosen date for that meeting so that everybody gets at least one week off the Board for the purposes of not overloading our schedules.

For my case, I'm in private industry. I just can't live here.

COMMISSIONER MITTEN: The same here.

CHAIRPERSON REID: Ditto for me.

All right. So that being the case, we're right back to where we were before, right?

SECRETARY PRUITT: You need to determine a date, yes.

CHAIRPERSON REID: We are not going to be able to add a sixth day for October or November. I was recommending not blowing through, but the --

SECRETARY PRUITT: Excuse me, Madame Chair.

CHAIRPERSON REID: -- October 24th, we only have two dates -- two cases.

SECRETARY PRUITT: Staff needs to just go on record to really hopefully emphasize that all of the dates have been carefully looked at when we do the schedule. On the 24th, the Burke School is going to be a very big project just like the Field School is going to. If we're very lucky, we can get --

CHAIRPERSON REID: What school?

SECRETARY PRUITT: The Burke School.

CHAIRPERSON REID: Okay.

SECRETARY PRUITT: If we're lucky, we'll have half a day on that. That's if we're lucky.

In the afternoon, you have a fairly tight schedule. These cases have already been advertised. What has been happening is we have been continuing cases or putting things in front of cases that have been advertised.

CHAIRPERSON REID: What's your suggestion, Ms. Pruitt?

SECRETARY PRUITT: Is to do another day and to have you all determine -- make sure you have a quorum for all of your meetings, but not everybody have to be here, and therefore, you'd have your time off. The application would be able to go forward. There can be some resolution.

CHAIRPERSON REID: Did you say add another day, a sixth day?

SECRETARY PRUITT: And then you all determine which days that you will be here so that we can maintain a quorum.

VICE CHAIRPERSON SOCKWELL: Yeah, so we swing it.

CHAIRPERSON REID: Okay. Then I have no problem with that. As a matter of fact, that had been a suggestion made earlier this year. If you recall, that didn't work out too well. So here we are.

You tell me. What date?

SECRETARY PRUITT: Well, based on that, as we had suggested, the 25th would be the earliest. That would allow everybody -- afford everybody at least reasonable time to get proposals, and --

CHAIRPERSON REID: We all need to be here.

SECRETARY PRUITT: -- you may want to check with the ANC. I'm not sure if that helps them.

CHAIRPERSON REID: We all need to be here. Whatever date that we decide, we all have to make our schedules mesh so that we can all be here for that, for George Washington, any of these campus plans.

All right. ANC, Ms. Spillinger.

MS. SPILLINGER: Yes. Thank you.

Now, obviously, we have a tremendous interest in the revision that the Office of Planning is going to come up with, and we need time to see it, to evaluate it. We need to see the transcript. When do we have to submit findings of fact and conclusions of law?

I mean there's a lot to be done. We really need some time, and we haven't even commented on thing that have gone on this afternoon.

SECRETARY PRUITT: Realistically, and this is being optimistic with expediting the transcript, we could hopefully get a transcript in here by the 11th of October. OP still has to respond, too. I'm not sure how long it would take Georgetown to

give the information to OP. Excuse me, excuse me. I don't know how long it will take the university -- I'm safe -- how long it will take for them to get the information to OP.

MS. DWYER: Friday. Friday of this week.

SECRETARY PRUITT: Friday. Okay. Then OP still needs time to be able to digest that and then get it back in.

Also, you would serve it on the ANCs, correct?

MR. BARBER: Yes.

SECRETARY PRUITT: And then they would also. If you could get it in Friday then, normally we can give them -- it's a big information. So I would suggest instead of -- yeah. Okay. If you can get it in to the 29th, if we could get responses by like the 13th from the ANC and OP, that gives you two weeks.

That's longer than what we normally give for responses, but this is a much larger case and certainly more complex and deserving of more time.

Can OP and ANC accommodate that? If you get information from the university by Friday, would you be able to get responses to that information to the Board by the 13th? That gives you two weeks.

MS. DWYER: Excuse me. The only thing we're talking about is the language for the additional three conditions that Charles Barber mentioned today in our rebuttal, and that's going to be one page, three paragraphs. So I certainly think that two weeks should be sufficient time for people to respond to that.

MS. SPILLINGER: When are you saying the transcript will be ready?

SECRETARY PRUITT: We're saying the transcripts hopefully will be ready by the 11th or 12th. Now, we haven't gotten to findings of fact yet. So you still have more time for those.

MS. SPILLINGER: Well, yes. Those won't be done until after we get the transcript.

SECRETARY PRUITT: Right, and we're hoping that they can get it here on the 11th, and that you could have to the Board by the 19th or 20th, a little bit more like ten days.

PARTICIPANTS: No.

SECRETARY PRUITT: Okay. So then we need to move the date.

MS. SPILLINGER: And we haven't even had time this afternoon to respond to what's been going on here. We have comments, and I don't know what you want to do with that.

PARTICIPANT: There's no response.

CHAIRPERSON REID: No, there's no provision for the ANC --

MS. SPILLINGER: They can't even comment on things that have come up?

SECRETARY PRUITT: You can do so through your findings of fact. I mean that's how you get to address them.

CHAIRPERSON REID: Both sides will submit findings

of fact and conclusions of law. It will give us draft orders, but there is no provision for a rebuttal.

MS. SPILLINGER: Can we cross examine?

CHAIRPERSON REID: No.

MS. SPILLINGER: We can't cross examine the Office of Planning?

SECRETARY PRUITT: Madame Chair, Madame Chair, some of what was -- some of what was said by -- and this is an area that I don't think we come across that much. Some of what Mr. Barber was saying was rebuttal, okay, which is different than closing remarks.

And I don't know if Ms. Nagelhout could speak to this and give us some advice, but typically in, you know, a court setting if there's rebuttal, then there's the opportunity to cross examine on the rebuttal. So maybe Ms. Nagelhout --

CHAIRPERSON REID: A couple of things. One is after the Office of Planning gave their presentation, we asked questions, and I asked for cross examination, for questions. Ms. Dwyer did ask questions, but no one from the ANC or the opposition came forward to ask any questions on cross examination of --

MS. SPILLINGER: You didn't even ask us.

MR. McLEOD: Madame Chair.

CHAIRPERSON REID: I asked. I said, "Are there any questions?"

MS. SPILLINGER: You did not ask you.

CHAIRPERSON REID: I asked -- hold on a second. Yes, yes.

MR. McLEOD: Madame Chair, Jim McLeod, party in opposition.

When Ms. Dwyer ended her last question she segued directly to Mr. Barber. Nobody was asked, "Do you want to cross?" No party was asked. The applicant was allowed to. None of the parties were asked that there should be cross examination. Mr. --

CHAIRPERSON REID: Okay. Wait, wait.

MR. McLEOD: -- Barber --

CHAIRPERSON REID: I did -- well, maybe I didn't make it clear when I said, "Questions?" And I said, "Ms. Dwyer," and I didn't hear from any of you that you wanted to cross examine.

MS. SPILLINGER: You didn't ask us.

CHAIRPERSON REID: And anyway, if that were the case why didn't you say something before Mr. Barber started to speak?

MS. SPILLINGER: Out of common courtesy.

CHAIRPERSON REID: If you wanted to cross examine.

(Laughter.)

CHAIRPERSON REID: I mean, but you're here now. But you're here now.

But anyway, nonetheless, if you have some questions you can ask, but you didn't say anything before the closing

remarks. You could have.

MS. SPILLINGER: We didn't want to interrupt.

CHAIRPERSON REID: But before. Okay. All right. Go ahead. Go ahead if you have questions of the Office of Planning.

MS. SPILLINGER: I have comments. So --

CHAIRPERSON REID: No, you don't have -- you can't. Now --

MS. SPILLINGER: I understand.

CHAIRPERSON REID: As to rebuttal --

MR. McLEOD: I had three questions.

CHAIRPERSON REID: Okay. Wait a minute. Let me just answer this.

As to rebuttal, there is opportunity for rebuttal if there is any new information, but there is not usually within our proceedings, unlike a court of law -- this does not follow exactly the proceedings of a court of law -- after the closing remarks, that's it.

MS. SPILLINGER: And it is only the Applicant who gives closing remarks?

SECRETARY PRUITT: Correct.

CHAIRPERSON REID: Correct.

Thank you.

Now, Mr. McLeod.

MR. McLEOD: Yes.

CHAIRPERSON REID: You have three questions?

MR. McLEOD: For the Office of Planning.

CHAIRPERSON REID: Sure.

MR. McLEOD: I believe Mr. Barber --

SECRETARY PRUITT: Mr. McLeod, wait until you're on the record, please, so that we can catch you.

MR. McLEOD: James McLeod, party in opposition.

I believe Mr. Barber did introduce some new information or at least I didn't understand it totally, but my questions --

CHAIRPERSON REID: In his closing remarks he gave his summation, and mind you this was summation of all -- see, this is the second or third day? Third day. Third day -- summation of all of the expanse of the time that they -- they had had their case, put their case on, and he can do that.

Your questions are to Office of Planning.

MR. McLEOD: Yes. In April, I believe the ANC suggested that 100 percent -- well, beds be made available on campus for 100 percent or equal to 100 percent of all full-time undergraduates. Was that considered by the Office of Planning? And why wasn't that recommended?

MS. WAGNER: The Office of Planning did actually consider that. In fact, it was in one of the footnotes, I believe, and one of the things that we had encountered through a number of our negotiations had to do with the ability to deliver,

and so there's really two aspects of it.

One was we had in question sort of whether the university would have the ability to actually deliver providing 100 percent of housing for all students.

The other piece in which we tried to address on our second proposal was, in essence, to provide 100 percent beds for all new students above the enrollment number that is today.

So in some respects that was addressed, except that we --

CHAIRPERSON REID: Wait a minute. There are too many -- excuse me. There are too many ancillary conversations going on in this courtroom. Can you please? Ms. Miller, can you please have a seat?

MS. MILLER: Can I just ask him a question?

CHAIRPERSON REID: After the hearing because right now we're in proceedings.

SECRETARY PRUITT: Actually, it's a reference to the proceedings of this hearing.

CHAIRPERSON REID: Well, not at this time.

MR. McLEOD: In your evaluation, did you consider conversion of the commercial property on campus that G.W. has 2100 block and the 2000 block, for example, for classroom space or dorm space?

MS. WAGNER: Are you asking did we evaluate one over the other?

MR. McLEOD: Did you -- yeah. Well, did you consider it for either purposes, classroom space to free up other space on campus or dorm space or directly as dorm space?

MS. WAGNER: We asked the university to continually look at how to provide additional housing. We did not be specific as to where on campus, except for, I will be frank, one area that we did specifically target was Square 54, that we did see some true opportunities there for housing.

MR. McLEOD: Okay. The third question is the discussion of what I call exclusionary zoning. Wouldn't that be alleviated if the university were to build an equal number of beds on campus for the number of undergraduate full-time students? Wouldn't it be more inclusionary zoning that the university would be saying, "We're going to provide housing for our students on campus. They have a home. G.W. is providing for the students."

Are there any legal problems with that? Can the university --

CHAIRPERSON REID: Wait, wait, wait. Let her answer.

MR. McLEOD: Yes, okay.

CHAIRPERSON REID: Answer that question.

MS. WAGNER: I am not aware of any legal problems with that.

MR. McLEOD: So that would be -- and the university wouldn't have a problem if they insisted that only G.W. students

lived in their dorms, right, if they're on campus?

MS. WAGNER: Correct.

MR. McLEOD: Okay. That's all the questions I have for Office of Planning.

CHAIRPERSON REID: All right. Now, just to make sure, are there any other cross examination questions for the Office of Planning?

MR. THOMAS: Yes, ma'am.

CHAIRPERSON REID: Do you have some?

MR. THOMAS: Yes, I do.

CHAIRPERSON REID: All right. How many do you have?

MR. THOMAS: Two.

CHAIRPERSON REID: Okay, and is there anyone else? Is there anyone else? All right. Ms. Miller is three and -- okay. Just to make sure that no one is left out.

And I do apologize if I wasn't clear about the questioning before.

Go ahead, Mr. Thomas.

MR. THOMAS: Thank you.

Michael Thomas with the Foggy Bottom Association.

Could I have a statement on the record, because I don't think there is one, as to OP's position on G.W.'s proposed moratorium?

MS. McCARTHY: Yes, because we had mentioned before

we had concerns about university acquisition of properties as being part of eroding the residential fabric. We certainly welcome G.W. voluntarily indicating that they would not purchase properties.

Our feeling was not to put a whole lot of weight on the university's offer as we understood it, at least, because of -- I guess because of three things. One, the university was only promising not to acquire properties that they didn't already have an interest in, and there are several buildings that they have purchased either for investment purposes or where like Columbia Plaza they have a partial interest, and we were thinking that that didn't make much of a commitment because that already excluded several properties from the moratorium.

Secondly, I'm trying to remember the details, but I thought there was also some exclusion of some squares immediately south of the university, which -- you're right 58 and 81 -- which were, in fact, two squares that we were very concerned about the university getting any further -- having any further acquisitions in because we felt they were already -- there was very little residential fabric left in those particular squares.

And thirdly, it didn't cover any properties that the university might acquire for investment purposes. So we felt the university can easily acquire property now for investment, for example, the One Washington Circle Hotel, which could then easily be converted to housing at some other date, after the moratorium

was over, for example, so that the moratorium we didn't -- with the conditions that the university had stated, we didn't feel allayed many of our concerns about university acquisition of property.

MR. THOMAS: And this may have gone by me, but also there was a question of Pennsylvania Avenue and north, right? I mean, you were talking about south of the campus, the two squares. I think the moratorium was just in Foggy Bottom, as they defined it.

MS. McCARTHY: Oh, that's right. That's right. That's right, yeah.

MR. THOMAS: The other question had to do with something suggested actually by Mr. Barber's rebuttal testimony. He emphasized a couple of times what he thought was really important was the conduct questions and talking about possible objectionable impacts.

Could you comment on the question of student conduct versus structure questions in the community and the impacts involved?

MS. McCARTHY: Do you want to answer or me to?

DIRECTOR ALTMAN: Yeah, I can briefly, and then you can.

MS. McCARTHY: Go ahead.

DIRECTOR ALTMAN: I think what you're asking is the issue was presented as one that the core of the issue is conduct.

There may be issues of conduct, but we believe that the core of the issue relates to the cumulative impacts on the neighborhood, and that the Office of Planning's role in looking at, stepping back and looking at the neighborhood and trying to assess impacts based on the comprehensive plan and based on the zoning language -- and it's very clear, I just want to state, because there are a number of assertions made about is one student more valuable as a value judgment.

The question really is how to preserve a diversity in that neighborhood. I heard the Commission members discuss this, that we want a diversity, a population diversity in the neighborhood, and within the zoning regulations, it's very clear that it says that when we look at impacts, quote, "a college or university shall be located so that it is not likely to become objectionable to neighboring property because of noise, traffic, number of students, and other objectionable conditions."

Number of students reads to me it's not just the issue of conduct. It's the issue of the cumulative impact of the number of students on what that means for the character of a neighborhood, not that it's good or bad. It's not a value judgment. It's a question of retaining that overall character of a neighborhood, and there's a point where that cumulative impact is objectionable in terms of what we're looking at in the comprehensive plan from an overall neighborhood perspective.

And I think that is the core of the issue, and

fundamentally, what that boils down to is at the end of the day we can talk about 65 percent, 70 percent. At the end of the day, because we don't have that accurate data, projecting out what the cumulative impact will be, not the behavior issue, but the cumulative impact, what might happen in this neighborhood is there's a huge gap between the number of students increased and the number of beds provided, which is what our graph tried to depict, and you can see that that's a big impact on the neighborhood. That's what our concern is. That's what we're trying to mitigate even with the housing construction that's been proposed. There is still substantial impact.

That's the heart of our concern and why it remained an objectionable impact that we're trying to address through the approach that we have proposed.

CHAIRPERSON REID: Okay.

MR. THOMAS: Thank you, Madame Chair. Those are all my questions.

While I'm here, if I might just briefly state for the record an objection, I believe that Mr. Barber -- that was not summation. That was rebuttal testimony, and the law allows cross examination.

CHAIRPERSON REID: Right.

MR. THOMAS: And so my objection is just for the record. I understand.

CHAIRPERSON REID: Thank you, Mr. Thomas, and let

me clarify that.

Mr. Barber, can you come forward, please. Was that, tell me, was that closing -- was that your closing remarks? I thought that you were giving closing remarks or was it rebuttal? There seems to be some question.

MR. BARBER: It was both actually. It was my final statement, but I started off by rebutting certain things, statements that had been made, but I was giving closing arguments, closing comments on -- to further address the issue.

CHAIRPERSON REID: Okay. Well, for the part that was rebuttal, did you have cross examination question?

Okay. Wait one second, Mr. McLeod.

Ms. Miller, did you decide not to ask Office of Planning any questions? Can you come up?

MS. MILLER: I can't understand what you're doing anymore.

CHAIRPERSON REID: Come up.

MS. MILLER: I've been waiting all day to hear something about parking and traffic, and I was hoping that they would call Ken Laden up so we could talk about that because parking has not been brought up.

CHAIRPERSON REID: In fact, did you have a question for the Office of Planning?

MS. MILLER: Yes, that's what I'm saying. I wanted them to ask Ken Laden to come up and talk about parking and about

the traffic because it has not been mentioned in the report or all day long.

And the other thing is --

CHAIRPERSON REID: I think Mr. Laden --

MS. MILLER: -- he rebutted what I put, and I've got the testimony which I turned into you all.

CHAIRPERSON REID: Okay. Wait, wait, wait. I think that Mr. Laden --

MS. MILLER: He waited all day.

CHAIRPERSON REID: -- was here to -- to -- to respond to question. I don't think that he was here to testify.

MS. MILLER: That was my impression because we asked --

CHAIRPERSON REID: Mr. Laden, can you come up.

MS. MILLER: I think he's gone home.

CHAIRPERSON REID: No, he's right here.

MS. MILLER: Oh, he's still here? Good.

CHAIRPERSON REID: Yeah, he can speak. He can speak on his behalf.

MS. MILLER: Okay. Good. I don't see very well, but I'm still trying.

MR. LADEN: Good evening now.

CHAIRPERSON REID: Good evening.

MR. LADEN: I'm here at the discretion of the Board and the Planning Office as to whether I'm, you know, to answer

questions or, you know, for whatever purpose would be useful to this decision process.

CHAIRPERSON REID: Mr. Altman, did you -- what was your pleasure as far as Mr. Laden was concerned, which is part of the Office of Planning?

DIRECTOR ALTMAN: I think the question really is if there's a specific question that Mr. Laden can answer that you're interested in having him answer, then I think, you know, we'd like him to address it. We essentially had endorsed largely the DWP's recommendations with regard to traffic and parking impact.

CHAIRPERSON REID: Okay. Mr. Laden, was there a report, a DPW report?

MR. LADEN: Yes, I believe --

MS. MILLER: Back in April.

MR. LADEN: -- we did send a report back in April.

CHAIRPERSON REID: Oh, okay.

MS. MILLER: But they changed the thing three or four times and added about ten tons of paper on top of that. They keep changing things.

COMMISSIONER MITTEN: Ms. Miller, did you have a question that you wanted to ask?

MS. MILLER: Yes, I do. Yes, I do.

COMMISSIONER MITTEN: Okay. Maybe now would be a good time to ask the question.

MS. MILLER: I'm asking about parking.

CHAIRPERSON REID: Wait, wait, wait.

COMMISSIONER MITTEN: But you're not asking.

CHAIRPERSON REID: Do we have a revised --

MS. MILLER: My specific question: how much increase in parking with all of this increase in student, staff, hospital staff and all of the others? There's been no suggestion of an increase in parking.

CHAIRPERSON REID: Okay. Wait a minute. Wait.

MS. MILLER: And they were short to start with.

CHAIRPERSON REID: Wait one second.

Mr. Laden, did you submit a revised report?

MR. LADEN: No, we have not.

CHAIRPERSON REID: Would you?

MR. LADEN: If you would like to, we could definitely, yes.

CHAIRPERSON REID: Because I haven't seen it. I'm not familiar with it.

MR. LADEN: Again, we've submitted a report in April, but we have not received any additional information until just very recently on the revisions.

Again, I understand this has been somewhat of a moving target in terms of proposals from the Planning Office and --

CHAIRPERSON REID: Okay.

MR. LADEN: -- proposals from the university --

CHAIRPERSON REID: Yeah, it is a little confusing.

MR. LADEN: -- with respect to housing, parking, you name it, and again, if we're given a set of documents that, you know, are reliably accurate in terms of what's being proposed, we'll look at it and respond to it.

CHAIRPERSON REID: Okay, right. Well, then --

MR. LADEN: It's hard to respond to this.

CHAIRPERSON REID: If you have an updated report, then please submit it to the record. The record will remain open.

MR. LADEN: And we do not.

CHAIRPERSON REID: I thought you said you did.

MR. LADEN: No, there is no updated report. What we have is our April report, and again, if we're asked to comment to a revised university plan or a revised recommendation from the Planning Office, then we'll respond to that.

CHAIRPERSON REID: Oh, okay.

MR. LADEN: But we haven't received any additional information.

CHAIRPERSON REID: Ms. Miller, did you just say that there was a --

MS. MILLER: No. You see, the original campus plan stopped at the borders, but you know, the cars evaporate when they reach 23rd Street. They evaporate when they reach the upper part of 24th Street.

CHAIRPERSON REID: If you would just answer the

question.

MS. MILLER: So my question was I wanted to see something of the revision of the parking, and so --

CHAIRPERSON REID: Okay. The question -- the question -- the question that you have is not for the Office of Planning. It is for specifically Mr. Laden.

MS. MILLER: Well, I was told by Ms. Pruitt I could only get him up here if I asked the Office of Planning to call him up. That's what I was talking about.

SECRETARY PRUITT: Officially DPW has always been part of the Office of Planning's presentation. It has always been wrapped in. The Board --

MS. MILLER: Not in my opinion.

SECRETARY PRUITT: That's your opinion, Ms. Miller.

CHAIRPERSON REID: Okay.

SECRETARY PRUITT: I'm just saying traditionally what has been happening.

CHAIRPERSON REID: All right. Here he is. Ask the question, please.

MS. MILLER: Well, my question is I want to see an updated parking and traffic report as it relates to all of the things that have been suggested and added.

CHAIRPERSON REID: You're requesting that from him?

MS. MILLER: I'm requesting that if it has to go

through the Office of Planning, fine, but usually it comes from the Department of Public Works.

CHAIRPERSON REID: Do you have a question for Mr. Laden?

MS. MILLER: Yes. When's the parking going to be increased.

VICE CHAIRPERSON SOCKWELL: Before she asks the question, the traffic portion of OP's discussion was minimal, was it not?

MS. MILLER: Was what?

VICE CHAIRPERSON SOCKWELL: Minimal. So there wasn't a strong piece to be responded to by Mr. Laden. So your question is more or less going to be on the basis of your impression and the things that the community has looked at with regard to traffic.

MS. MILLER: Right.

VICE CHAIRPERSON SOCKWELL: And whether or not Mr. Laden can answer those in specific terms today will determine whether or not he can add to the report that was previously generated by DPW effectively because he won't have numbers unless those numbers come out of somebody's report.

MS. MILLER: And they didn't have them to start with.

VICE CHAIRPERSON SOCKWELL: Okay.

MS. MILLER: See, everything stopped at the border.

Now, as --

CHAIRPERSON REID: Don't testify. Ask Mr. Laden any questions that you have.

VICE CHAIRPERSON SOCKWELL: Please, please, please, go ahead and ask.

MS. MILLER: I want him to update, and I want to know how many more parking spaces are going to be included and where they're going to be located, and they haven't brought up their original parking to the plan they were supposed to have under the last campus plan.

VICE CHAIRPERSON SOCKWELL: Is that a question of --

MS. MILLER: That's a question that they violated the last campus plan, and Mr. Barber said I was wrong.

VICE CHAIRPERSON SOCKWELL: Okay.

MS. MILLER: Well, I have the report right here --

VICE CHAIRPERSON SOCKWELL: I think what I'm --

MS. MILLER: -- and I sent you all a copy.

VICE CHAIRPERSON SOCKWELL: I think what I'm trying to get at, Ms. Miller, is whether or not the question should be raised to Mr. Laden or whether it should be wrapped around to him through a question that G.W. would have to answer. Mr. Laden won't have the numbers unless G.W. gives him the numbers. The numbers --

MS. MILLER: They don't give those numbers.

VICE CHAIRPERSON SOCKWELL: -- have to come from either something they've provided or a question that you're asking.

MS. MILLER: They have not provided anything.

CHAIRPERSON REID: Well --

MS. MILLER: Nothing. They have said nothing about this enormous increase in staff, increase in students, increase at the hospital.

VICE CHAIRPERSON SOCKWELL: Okay.

MS. MILLER: Increase in a number of other things, and all of these --

VICE CHAIRPERSON SOCKWELL: But generally --

MS. MILLER: -- buildings going up.

VICE CHAIRPERSON SOCKWELL: -- generally -- generally the parking -- let me finish please. No, no, wait, please.

Generally, the question is raised when a specific project is referred for further processing as far as real numbers. Now, because they're talking about a certain number of proposed projects, they aren't speaking as directly at something that we can quantify, but I will let you ask the question if you'll do it carefully. If you craft the question well, we'll see what you get from it. Okay?

MS. MILLER: Well, I'll try.

VICE CHAIRPERSON SOCKWELL: Oh, you'll be good.

MS. MILLER: Let's put it this way. They're recommending an increase in students. They're recommending an increase in staff to help them. They're recommending an increase in residential properties and building more units for people to sleep. How are they going to accommodate them on the streets and in the parking areas?

That's what I'm trying to find out.

CHAIRPERSON REID: Mr. Laden, can you respond to that?

MR. LADEN. I'll try as best that I can. First of all, I do think that it would be important with the moving targets that we have with respect to student population, possible employment population, all of the land use decisions that need to occur, the housing, all of these would affect the parking requirements.

So we need to have a point in time with a development outline that we can review to determine whether or not the parking makes sense.

Parking is a delicate balance in my opinion. On the one hand, you want to have enough parking there for people that do have to drive to get to their employment source or to the hospital or whatever the purpose they have for coming to the campus area, but you don't want so much as to serve as a magnet to encourage people to drive. The parking can't be looked at in isolation. It has to be part of a thorough transportation policy

that includes the incentives for mass transit, includes the housing provisions. So I'll do the best I can to respond to a particular set of facts in terms of whether or not the parking is reasonable or not.

My general sense is that, you know, this is an urban campus that's well served by mass transit, and what we really should be focusing on is coming up with a mass transit incentive package that encourages both students and faculty and visitors to use mass transit so that there's less burden on the streets.

But, again, on the other side of the coin, if you need enough parking so that people who do have to drive are not led to having to park on the streets and clog the neighborhoods with, you know, cars that are there for university purposes.

So it's a balancing act. There's no easy yes or no number. There's no fixed point that, you know, 2,700 is too low and 2,800 is just right. It's --

MS. MILLER: Two thousand eight hundred?

CHAIRPERSON REID: What's your next question or do you have a next question?

MS. MILLER: I'd like to first explain something to you.

CHAIRPERSON REID: Ms. Miller.

MS. MILLER: I have to.

CHAIRPERSON REID: All right. We're not going to -

-

MS. MILLER: If 100 students try to park --

CHAIRPERSON REID: Ms. Miller, we're not going to be here all night.

MS. MILLER: All right, but I want to tell you.

CHAIRPERSON REID: If you have a question --

MS. MILLER: My question is --

CHAIRPERSON REID: -- you can ask the question.

MS. MILLER: -- why is it the students would rather park on the streets and pay a ticket than to park in a garage at G.W. I'd like to know why.

CHAIRPERSON REID: Who do you -- who do you think is going to answer that question?

MR. MILLER: I'm questioning Mr. Laden, who says 270 cars are enough.

CHAIRPERSON REID: Mr. Laden, can you --

MR. MILLER: The students say they don't have any.

CHAIRPERSON REID: -- answer that question? Yes or no?

MR. LADEN: Can I answer the question?

CHAIRPERSON REID: I said can you answer that question.

MR. LADEN: I would assume that each individual would make their own decision with respect to their class schedule and their ability to find parking on the street, that they can

either work around the meter system or work around the neighborhood parking system. It's going to be an individual situation for each student based upon their class schedule and time of day they're there.

CHAIRPERSON REID: Thank you.

MS. MILLER: He's quite right, and Georgetown does not accommodate them.

CHAIRPERSON REID: Ms. Miller, Ms. Miller, thank you very much.

Mr. Thomas.

MS. MILLER: Can -- can --

COMMISSIONER MITTEN: Can I ask a question, please?

In the report from you that was attached to the April Office of planning report, Mr. Laden --

MR. LADEN: Yes.

COMMISSIONER MITTEN: -- one of the last recommendations that you had made was examine traffic and parking impacts of university controlled properties outside of the campus plan area on the surrounding residential neighborhood. Is that something that you were seeking from the university?

MR. LADEN: I think that is something that we would need from the university. Again, it's difficult to get at because as I think has been stated earlier, my sense is that the university population is somewhat fluid in terms of where it's residing and how it changes its status, especially on the off

campus housing situation.

But what we would like to have is some sort of an assessment by the university, by their traffic consultants as to what the impact this new off campus housing is having on parking in the residential community surrounding it.

COMMISSIONER MITTEN: So since you wrote this in April or thereabouts, you haven't received a response to that request; is that correct?

MR. LADEN: That is correct.

COMMISSIONER MITTEN: Okay. Thank you.

CHAIRPERSON REID: Okay. Thank you very much.

MS. MILLER: That would be helpful to have some update information.

CHAIRPERSON REID: Mr. Thomas, would you come forward please so that you could -- I'm sorry?

MS. DWYER: I just have a couple of questions. I can wait until he --

CHAIRPERSON REID: No, no. Go ahead while he's here. Mr. Thomas wanted to --

MS. MILLER: Do you want me to leave?

MS. DWYER: Mr. Laden, I just want to understand. When you did your report back in April, that was based on the campus plan document which had all of the staff, faculty, and student enrollment projections.

MR. LADEN: Correct.

MS. DWYER: And if those faculty, staff, and student projections have not changed since that date in time, then your report is still valid as to those numbers?

MR. LADEN: Yes, that is correct.

MS. DWYER: All right. Did your office not receive -- I just want to confirm that you did not, in fact, receive anything from the university's traffic consultant on your last point looking at a survey of available street parking south of the campus.

MR. LADEN: I think I was shown a document this morning, but I haven't received anything to really look at or examine.

MS. DWYER: Okay.

MR. LADEN: From what I remember, there was a point in time analysis for one day between six o'clock and seven o'clock in the evening, which I felt was rather limited to determine what the real parking situation was for, you know, throughout a full day period of time, but I don't remember having received any report to analyze.

MS. DWYER: Okay. All right. Thank you.

MS. MILLER: Can I ask her a question?

CHAIRPERSON REID: No. Thank you.

MS. MILLER: Are you aware of the places you can park?

CHAIRPERSON REID: Ms. Miller, please take a seat,

and, Mr. Thomas, can you come up?

Mr. Laden, I think that concludes your questioning. Thank you very much for your indulgence today.

MR. LADEN: Am I finished?

CHAIRPERSON REID: Yes.

MR. LADEN: Thank you.

COMMISSIONER MITTEN: Madame Chair, it was suggested and Mr. Laden said that if we requested it that he would provide a revised report to the one that he provided in April given the new information.

VICE CHAIRPERSON SOCKWELL: That was if there was new information. He did not say there way. He just said if there was new information.

COMMISSIONER MITTEN: Well, I guess the point is is that something that we want.

VICE CHAIRPERSON SOCKWELL: Do we have new information is the question.

COMMISSIONER MITTEN: Well, Mr. Laden, you heard people talk today. Do you feel that there's information that you weren't aware of?

VICE CHAIRPERSON SOCKWELL: Quantifiable information.

CHAIRPERSON REID: That would require a revised report.

MR. LADEN: It seems like most of the discussion

we've had so far today has focused on -- and a lot of the back-and-forth has been on the question of housing, and obviously that would make a different in terms of the traffic impacts and the parking requirements.

I hate to throw a monkey wrench into the proceedings, but I guess there's enough monkey wrenches in there already.

While we support the Planning Office's notion that the Foggy Bottom community, residential community needs somehow some guarantees as to the level of influence of the university, to the extent that students are encouraged to move into other areas of the region that require them to use automobiles to get to classes, to get to student events that might further complicate the parking requirements, and that might further complicate the traffic situation.

We would hope that as the university and the Planning Office and the Board of Zoning Adjustment work through this approach that there would be some attempt to focus on areas that are well served by mass transit and would allow those students to get to the campus without having to drive in single occupant vehicles.

So I think that's the main area that might come up as a result of these discussions that could have some impact on the parking and traffic situation.

CHAIRPERSON REID: So is your answer yes or no?

MR. LADEN: Again, it depends upon, as I see it, the university and the Planning Office, the community, the residential community are going to try to work together over the next couple of days to come up with a proposed approach to deal with the balanced needs of protecting the residential neighborhood and meeting the university's needs, and we would be interested in taking a look at that and determine whether it's positive, negative, or neutral with respect to traffic.

VICE CHAIRPERSON SOCKWELL: Ms. Dwyer, a question for determination, if I may. Is there new data that your traffic consultant for the university has prepared that would be different from that which has been submitted heretofore?

MS. DWYER: No. The only information that we had was to confirm that area parking had been -- a survey of on street parking in the area neighborhoods had also been included in their analysis, but --

VICE CHAIRPERSON SOCKWELL: Was it submitted to the Board as documentation?

MS. DWYER: Was that referenced in your report at all?

VICE CHAIRPERSON SOCKWELL: The area calculations.

MS. DWYER: They did a recent analysis to just further support that, and we did not file that today in the record and have not put that in the record.

VICE CHAIRPERSON SOCKWELL: Was there a plan that

it was available to be filed? I know that Mr. Slade was here earlier.

MS. DWYER: Yes.

VICE CHAIRPERSON SOCKWELL: Looking very presentable. So --

(Laughter.)

MS. DWYER: It was one of the issues that if it came up today and we felt that needed to be addressed, we were prepared to address it, but in the interest of time and our feeling that we could stand on what was in the record, we did not call him as a witness on that issue.

VICE CHAIRPERSON SOCKWELL: Do you feel, Mr. Laden, that that information should be analyzed by DPW?

MR. LADEN: I think I'd be interested in taking a look at it. As it was described to me and as I just glanced at it before the hearing started, it was an examination of parking on the residential blocks during a specific period of time that was fairly limited and during a one day period of time.

That kind of information is anecdotal, and it might be, you know, interesting, but I'm not sure how useful it would be. I also believe, if I remember correctly, it was like from 6:00 p.m. until 7:30 or something like that in the evening, of which part of that area is still under rush hour restrictions with respect to parking.

So I'm not sure that that particular set of data

would be, you know, that useful, but certainly we would be willing to take a look at it and give our judgment.

VICE CHAIRPERSON SOCKWELL: Ms. Dwyer, would you have any objection to submitting that data to the Board for passthrough to DPW so they could look at it as anecdotal information?

MS. DWYER: No, we have no objection to that, and that --

VICE CHAIRPERSON SOCKWELL: Well, we've got to get a copy of anything that goes down. That's all. I mean, they can submit it to him. I mean, we're going to get a copy of it. That's all I'm saying.

MS. DWYER: Okay. We would be happy to file that, and we could file that on Friday as well, and I would suggest that any further review by DPW would be limited to that as needed because the campus plan projected a total staff, employee, and student cap, which has not changed, and if anything, what the university has proposed, by providing more beds on campus means that fewer of the total population will be living out in the community and driving.

So I don't think that there's anything that we have presented that would change any of the findings and recommendations by DPW earlier. If anything, it would be an improvement.

But we would be happy to submit this parking survey

as one further piece of information with the opportunity for them to comment on that.

VICE CHAIRPERSON SOCKWELL: And the determination of whether a revision to the report is necessary would be in your hands, Mr. Laden. It would not be a requirement, but it would be your determination, having seen the documentation, correct?

MR. LADEN: Correct. And, again, to try to be helpful and clarify our comments from our April 21st testimony, what we're interested in figuring out is of those students, undergraduate students living in housing adjacent to the university, how many of them have brought cars into the city and are parking on neighborhood streets, and what kind of impact is that having on the residents' ability to park in their neighborhood?

COMMISSIONER MITTEN: I just want to be clear. There's something that's been done, and then that's going to be shared with Mr. Laden, but I guess the pending question is Mr. Laden made a recommendation to us about additional information. This addresses in a very narrow way the issues that he raised. I guess the question for us is: are we going to request based on Mr. Laden's April recommendation that a more thorough examination of traffic and parking impacts of university controlled properties outside of the campus plan area on the surrounding residential neighborhood, whether that, in fact, be made because he was suggesting that was information we should have.

It's not even going to be provided with what he's going to be given, you know, that's been already prepared. So the question still remains. Are we going to be satisfied with the information that Mr. Laden has been able to evaluate for us that's been given to him?

VICE CHAIRPERSON SOCKWELL: It would be my thought that perhaps even a narrow band study would give him a reason to make a determination that, huh, this is interesting. Maybe we should have more discussion of this or whatever, but I think that at least it had been prepared and was available, and that because the community has raised the issue and because Mr. Laden had unanswered questions, now the documentation is available, that we might as well get to look at it.

COMMISSIONER MITTEN: I don't want to belabor it, but I guess what I'm saying is that the documentation that's available --

VICE CHAIRPERSON SOCKWELL: You haven't seen it. You don't know what it is.

COMMISSIONER MITTEN: Okay.

VICE CHAIRPERSON SOCKWELL: Until you've seen it, you don't know what it is.

CHAIRPERSON REID: -- as to whether or not he should revise the report once he receives all of the information, and if he does decide to do a revised report, then he will submit to us, and it has to be in by when, Ms. Pruitt?

SECRETARY PRUITT: That will be determined once you have a decision date. I mean you have to start from the decision date and work back so that everybody has enough time to respond and everything.

CHAIRPERSON REID: Okay.

SECRETARY PRUITT: So it's still up in the air at this particular time.

MR. THOMAS: Madame Chair, just a point of clarification. I wasn't clear from the discussion. Is Mr. Laden's office also going to look at whether some of these other projects which have some on in very late proposals from G.W. like a 900,000 square foot commercial -- high density commercial -- on Square 54, like a complex on Square 80 might change their conclusions, or is he only going to look at the additional studies?

CHAIRPERSON REID: You're asking him?

MR. THOMAS: Yes.

CHAIRPERSON REID: Okay. Mr. Laden?

MR. LADEN: Again, I think my initial comment was if we can get a listing from the university of the various additions, alterations, changes from their -- again, what is currently being proposed, not all of the ideas that have been considered and throw out, but what's currently on the table that's new and different from the original campus plan and the traffic study that their consultants prepared back in -- let me take a

look -- back in March; you know, if there's any substantive changes with respect to land use, employment, student population, we'll take a look at it and determine whether or not there's any additional impacts that we hadn't identified in our April 21 comments.

And, again, we'll try to do that as expeditiously as possible, and we'll provide a comment to the Board through the Office of Planning whether the impacts are nonexistent or whether there's any substantive comments there.

CHAIRPERSON REID: All right. Okay. Thank you very much, Mr. Laden. We will -- once we decide on the date, then we can kind of go back and determine what time frame.

All right. Okay. Thank you.

Mr. Barber.

Now, Mr. Thomas, you had questions based on Mr. Barber's rebuttal statements. Right.

MR. THOMAS: That's right, Madame Chairman, and strictly from my notes from his statements on rebuttal.

CHAIRPERSON REID: Okay, all right.

MR. THOMAS: Mr. Barber, in addressing the housing commitment, you said as I had in my notes that you're not now saying that you have to build all of the proposed 1,350 on campus. Your proposal in writing conditioned expressly the 70 percent commitment by 2005 on the three projects, 5480 and 103.

Are you amending that expressed conditionality to

the 70 percent commitment, and if so, exactly how?

MS. DWYER: Madame Chair, Mr. Barber is going to go ahead and answer this, but I think the rebuttal testimony or cross examination rebuttal -- and it was confusing because it was combined with closing -- is limited to any new information that came up in rebuttal, and as Mr. Barber can address this question, but I'm going to object if there are questions that are clearly beyond what should be permitted at this time.

CHAIRPERSON REID: Mr. Thomas, you understand that, right?

MR. THOMAS: I understand the general point. I don't understand its applicability to this question.

CHAIRPERSON REID: Well, my understanding is that while they will go ahead and answer this particular question, that they don't feel that it is within the auspices of the rebuttal, and the questions that you are asking are supposed to be limited to just the -- confined to just the rebuttal segment of his remarks, closing remarks.

MR. THOMAS: Well, let's proceed.

CHAIRPERSON REID: Okay.

MR. BARBER: I'm sorry. Ask me your question again so I can get it clear.

MR. THOMAS: Your written proposal that we considered earlier expressly conditioned the 70 percent housing commitment by 2005 on the projects on blocks or Squares 5480 and

103 going forward without delay. To night you said that you're not saying you have to build all of the proposed projects. My question to you is simply whether you are amending the written proposal in any way as to that expressed conditionality, and if so how.

MR. BARBER: I think it is clarified, amended, if you will. It will probably be reflected in our proposed findings to say it has to be a substantial number of those projects, of those beds be allowed to be built.

Again, we feel we can meet our 70 percent commitment without building each of those beds that we propose.

MR. THOMAS: Are you prepared to say how many of them you have to build?

MR. BARBER: It becomes a calculus of students and beds, as it always has been. I can say one of the two bigger projects, I think, needs to be in there.

MR. THOMAS: One of the two bigger projects.

MR. BARBER: Right. I'm talking about of the three on campus projects, and two of them are large.

MR. THOMAS: I have you saying earlier this evening that in your opinion the Board can reject a further processing project on the grounds that G.W. is not in compliance on some issue on a condition under the campus plan that doesn't relate to the particular parcel in question. Did I understand your statement correctly?

MR. BARBER: That is my understanding.

MR. THOMAS: All right. Is George Washington then ready to agree to a hold on all further processing cases as an enforcement provision any time G.W. does not meet any of its housing commitments?

MS. DWYER: Madame Chair, I'm going to object. I think this goes beyond the scope of cross examination, of rebuttal and new information and rebuttal.

MR. THOMAS: Madame Chair, it clearly doesn't. The enforcement proposal that they made in their written submission was simply that the ANC could ask this Board to hold some sort of a review.

What Mr. Barber was suggesting this evening was that they agreed with the concept that OP had put forward and that we had put forward, too, which was that enforcement would be effective if further processing cases were held when they were not in compliance, and I was asking whether his testimony meant that they were now accepting that as an enforcement proposal.

CHAIRPERSON REID: Oh.

MR. BARBER: The answer is no.

CHAIRPERSON REID: Okay. How many more questions do you have, Mr. Thomas?

MR. THOMAS: I think I just have one more issue which will take a couple of questions.

CHAIRPERSON REID: All right.

MR. THOMAS: I have you saying in my notes that you believe it is wrong to tie G.W.'s commitments to a number of students, in other words, a census, in the Foggy Bottom area. Did I understand that correctly?

MR. BARBER: Yes. I think that's the wrong approach.

MR. THOMAS: And you said that the first reason you gave was, I believe, that it implies that they're not as worthy.

MR. BARBER: Right. The concept of limiting students in a particular area, it kind of treats students as pariahs. I think you can reach a similar goal by requiring we build campus housing and, therefore, reduce the number of students who need to go outside the campus to look for housing, but to take the approach of identifying an area and, in effect, redlining and saying students should be limited in that area, I don't think that's the right approach, no.

MR. THOMAS: At the same time, am I correct you have not withdrawn your proposal to implement programs to encourage retention of students in residence halls?

MR. BARBER: No, by no means.

MR. THOMAS: And you haven't withdrawn your proposal to encourage student housing choices outside Foggy Bottom.

MR. BARBER: No, we have not. In fact, as Ms. Renshaw asked us, we'll take another look to make that more

specific.

MR. THOMAS: Right, and of course, we certainly don't object to those proposals, and in fact, you also are implementing a program to require freshmen and sophomores to live in residence halls over the next couple of years.

MR. BARBER: Yes.

CHAIRPERSON REID: This is the sixth question.

MR. THOMAS: All right. So I ask you: is it that you think it's unfair to characterize students in order -- in putting together incentive programs or just that the university doesn't want to be bound by a performance standard that is measured by the success of the incentive programs you're perfectly willing to implement?

MR. BARBER: Well, I think it's both. I don't want to characterize students that way, and I don't think the university should be held to a performance standard of how many students end up in Foggy Bottom.

I think we should be supportive in our efforts to build beds and limit the number of students who have to go off campus anywhere. Now, once they go off campus, to then say they should not be in Foggy Bottom or hold us to a performance standard that would count the number of students in Foggy Bottom and then find us out of compliance with some kind of plan, I think that's the wrong approach.

MR. THOMAS: Thank you, Madame Chair.

CHAIRPERSON REID: Thank you.

MR. McLEOD: Can I just add one issue?

James McLeod, party in opposition.

Mr. Barber, you mentioned about the moratorium, and my specific issue about the commercial zone, and you seem to draw a distinction --

MR. BARBER: You're welcome.

MR. McLEOD: You seem to draw a distinction as to residential property. Now, what is the university's understanding of 2424 Pennsylvania House? Do you consider that a residential property?

MR. BARBER: Yes.

MR. McLEOD: So, in other words, that would be included in your moratorium?

MR. BARBER: Yes. The issue I thought you rightly brought up, and I think our condition was phrased residential properties in residential zones in Foggy Bottom. What we are deleting is residential zones because I think as you point out, 2424 Pennsylvania Avenue and a couple of others are residential properties in Foggy Bottom that don't happen to be in a residential zone. They're in a commercial zone.

So our moratorium applies to residential properties in Foggy Bottom irrespective of whether in a residential zone or commercial zone.

MR. McLEOD: And that would be that area that

you've designated the less inclusive one than what the Office of Planning and whatever your commitment to Foggy Bottom?

MR. BARBER: It's our moratorium area, Foggy Bottom, yes.

MR. McLEOD: Okay. I think I finally got an answer I understand to that question. Thank you.

CHAIRPERSON REID: Thank you very much.

Now, I think, Mr. Barber, you've had closing remarks. So have you concluded?

MR. BARBER: Yes.

CHAIRPERSON REID: Okay. Then we have to come up with a date for the --

SECRETARY PRUITT: Decision, and then we can work back.

CHAIRPERSON REID: -- decision, and then we'll work back, and then we'll ask for both sides to submit draft orders with findings of fact and conclusions of law.

What date?

MR. BARBER: Madame Chair, I did have a speech, but I thought I would save everybody the time and forego the speech.

CHAIRPERSON REID: Another one?

VICE CHAIRPERSON SOCKWELL: Can you submit it?

MR. BARBER: Yeah, I can.

MS. DWYER: Yes, we can actually.

CHAIRPERSON REID: Thank you.

SECRETARY PRUITT: I believe we've determined that any time in October is just not enough time for both OP and ANC. My suggestion would be November 15th. The week of the 13th would be probably the first available time, and the reason I say that is because on the week of the 6th you have election day and a hearing, and I didn't want to overburden everybody with their civic duty with three things in one week.

So the week of the 13th would be sort of the first.

CHAIRPERSON REID: November 13th.

SECRETARY PRUITT: That's a Monday.

CHAIRPERSON REID: That's an extra day?

SECRETARY PRUITT: Yes. That would be the extra day just for deliberation on this. If you go into the following week, you're into Thanksgiving.

CHAIRPERSON REID: All right. That's okay with me.

COMMISSIONER MITTEN: I would prefer that it not be Monday because the Zoning Commission has a hearing.

SECRETARY PRUITT: The Zoning Commission has a one o'clock meeting.

COMMISSIONER MITTEN: Or a meeting, public meeting that day.

SECRETARY PRUITT: So it would be -- I believe what Ms. Mitten is suggesting is it be the 15th, 16th or 17th.

VICE CHAIRPERSON SOCKWELL: Ms. Mitten, if we did it in the a.m., we might -- if we started at, say, 8:30 or nine,

we might be out of here in time for you to have ten minutes for lunch and then go to the Zoning Commission.

COMMISSIONER MITTEN: Well, I was going to recommend that we not start the public portion of the meeting until perhaps like 10:30 so that we could spend an hour and a half or two hours, you know, just getting some kind of structure to the discussion in an executive session because we'll be all over the place, and we will not be efficient if we try to proceed with the public meeting without having an executive session.

So I don't see this happening in a morning unfortunately.

CHAIRPERSON REID: Okay. The 15th, that Wednesday, is it all right with you, Mr. Sockwell?

VICE CHAIRPERSON SOCKWELL: It's as all right as any other day.

(Laughter.)

CHAIRPERSON REID: All right. Is that all right, Ms. Mitten?

VICE CHAIRPERSON SOCKWELL: So far as I know.

COMMISSIONER MITTEN: I have to check my calendar, but I think so.

CHAIRPERSON REID: Okay, and you will so inform Mr. Moulden and Ms. Renshaw.

SECRETARY PRUITT: So just for clarification, it's going to be the 15th. The public meeting portion will start at

10:30?

CHAIRPERSON REID: Why so late?

COMMISSIONER MITTEN: Because I --

CHAIRPERSON REID: Oh, you mean the public meeting?

COMMISSIONER MITTEN: The public portion, and then we would have an executive session that perhaps would go from 8:30 to 10:30.

CHAIRPERSON REID: All right.

COMMISSIONER MITTEN: And then we could get organized.

CHAIRPERSON REID: I've got you. Okay. Ten, thirty for the public meeting for George Washington decision on November 15th, 10:30 a.m.

SECRETARY PRUITT: Now, working back from there, we'd like to have findings of fact from parties and applicant no later than November 8th. My understanding, just so I can recap, you will have the new information to OP and interested parties by this Friday, correct?

We can give then until the 20th of October to allow the ANC and everybody to respond, or actually you can even get to the 27th. Well, we might as well give it --

MS. DWYER: It would be better if it was the normal response time because then it's in the record, and then we all have that as we're working on our draft orders.

SECRETARY PRUITT: Right. That's why I'm trying to

give you enough time before your draft order that the responses need to be in.

So if the responses are due on the 8th --

MS. DWYER: I mean, remember we're filing a page of three paragraphs.

SECRETARY PRUITT: Right. I'm just thinking of more for the -- well, I'm trying to make -- the community had some concerns about being able to make their time frame, and the same thing with OP based on that.

So findings of fact due on the 8th. We could do submissions then by October 30th. That gives you like ten days before the findings of fact; the responses from the applicant by the 30th. That would give then everybody about ten days to look at the record before findings of fact are due.

MS. DWYER: So this Friday we file the additional information, and then the other parties and the Office of Planning have a month before they respond to it?

SECRETARY PRUITT: That's -- yeah.

MS. DWYER: And at the end of the month would be when OP's report with conditions is also due?

I would object. I think it would be better if we had OP's report sooner than that.

SECRETARY PRUITT: Okay.

MS. DWYER: With the conditions, because again, it gives us time to think about them and how we incorporate them in

any draft order.

SECRETARY PRUITT: We could move it to the 23rd, a week earlier. So that give you actually a little bit more than two weeks.

MS. DWYER: That would be much better.

SECRETARY PRUITT: Okay. So let me just go through this again because I know this has been very confusing.

Working back, the Board will make a decision on this or do deliberations on November 15th at 10:30. G.W. will supply to parties and OP additional information by this Friday, which is the 29th.

The responses to this new information from OP, DPW, and any parties are due on the 23rd of October, with findings of fact due on the 8th of November.

Okay, and I'd like to have Ms. Bailey sort of run through what each -- because I know the Board had asked for additional information from OP to be sure that everybody is on the same page of what should be coming in for the record.

MS. BAILEY: The first thing I have on my list is David Burt, who was the Student Government Association President.

The vote on the resolution about the campus plan. Mr. Sockwell, I believe, asked for that, the dates the vote was taken.

Ms. Miller wanted to submit -- did not get a chance to cross examine Mr. Burt, and she is supposed to submit her

comments in writing to him for a response. This, again, is the Student Government Association President.

The Applicant is to provide documentation about contacting students at 2537 Queen Ann's Lane. This is a house that's occupied that's off campus, and there seems to be some problems mentioned by the community.

Now, the Office of Planning is to provide a revised report. The following things are highlighted, but they're not exclusive to all of the things Office of Planning is to provide. However, they are highlighted for emphasis.

A report from the Department of Health concerning potential environmental impacts at the site. This is the old hospital site, and this information should also include pollution controls, if any are in place or necessary.

The Office of Planning is to provide --

VICE CHAIRPERSON SOCKWELL: Excuse me. Ms. Bailey, would you repeat that last piece because I didn't quite understand what you --

MS. BAILEY: This is a request from the Department of Public Works. The Office of Planning is to request --

VICE CHAIRPERSON SOCKWELL: No, the Department of Health piece only.

MS. BAILEY: A report from the Department of Health concerning environmental impacts, any potential environmental impacts on the site. This is for the old hospital site.

Are you still not with me?

VICE CHAIRPERSON SOCKWELL: Yeah, I know what you're talking about.

MS. BAILEY: And there was also some mention of pollution. In other words, the pollution associated with that site, potential pollution problems associated with that site.

VICE CHAIRPERSON SOCKWELL: Where is that in the development process?

MR. BARBER: We haven't even started. We haven't put pen to paper on that. There's nothing for them to review.

VICE CHAIRPERSON SOCKWELL: That's what I'm saying. There isn't going to be -- the only thing that could possibly be there would be some representation that maybe there are underground fuel tanks that might need to be dealt with or something like that in filing, but the Department of Health isn't going to have any of that information unless it's really cryptic because it just doesn't come in at this time.

COMMISSIONER MITTEN: Can I just suggest something? Which is I understand what everyone is saying about how they do these project specific things, but let's have them say that to us. If they have something to say that's relevant, let's ask them.

If their response is, "Hey, we don't do that. We do -- if you give us a project, we evaluate it," that's fine.

VICE CHAIRPERSON SOCKWELL: Well, I'm telling you because I do this as my business with the District. They don't --

COMMISSIONER MITTEN: I'd rather have authority --

VICE CHAIRPERSON SOCKWELL: -- have the information unless it's submitted by the Applicant. They have nothing to look at.

SECRETARY PRUITT: Mr. Sockwell, we did this because this was a question that was raised in the transcript. So --

VICE CHAIRPERSON SOCKWELL: I understand, but it's a waste.

SECRETARY PRUITT: -- we're trying to clarify exactly what we need.

VICE CHAIRPERSON SOCKWELL: It's a waste of telephone time. You might as well just bring in Ted Gordon and let him speak because he's not going to have any information.

MS. BAILEY: Would that --

SECRETARY PRUITT: Do you want it in or out?

MS. BAILEY: Yeah, do you want it in or out?

CHAIRPERSON REID: Be that as it may, it doesn't --

VICE CHAIRPERSON SOCKWELL: I don't care. Ask for it. Ask for it.

CHAIRPERSON REID: It won't hurt. It won't hurt. So let's just ask for it. Let it just fall where they may.

MR. BARBER: Who's supposed to contact the department though?

MS. BAILEY: The Office of Planning.

Madame Chair, should I continue?

CHAIRPERSON REID: Un-huh. Yes, Ms. Bailey, and can you please --

MS. BAILEY: Well, Madame Chair, do you want me to go through everything or what do you -- what is your preference here?

CHAIRPERSON REID: I would like for you to continue and to get everything that you have to say said so that we can live.

MS. BAILEY: The Office of Planning is to provide a written report from the Zoning Administrator to determine if the Applicant meets the current requirements of the campus plan. This is the current campus plan.

The Office of Corporation Counsel is to provide documentation on the Human Right Act and the Fair Housing Act.

The Office of Planning is to provide additional Guidance in articulating the issues and identifying the conditions addressed in their report, and I think we went over that quite a bit. So unless someone needs for me to articulate a little more on that.

Are you clear, Office of Planning, on that?

MR. KING: Very clear.

MS. BAILEY: The Office of Planning is to provide graphics about how the university has expanded and the percentage ratio of its growth over the last -- since the last campus plan

was approved.

The Board acknowledges that the university does not have precise data on the number of students who are living within the Foggy Bottom neighborhood. However, the Applicant is to provide its best estimate, estimated number of where students live in the neighborhood.

OP is to provide additional information on the advisory committee identified on page 32 of the Office of Planning's report.

Office of Planning is to provide stronger language, be more specific concerning an item that's identified on page 31 of its report.

The last thing, the Applicant is to provide -- well, I'm sorry. There are more -- DPW is to determine if a supplemental report is necessary concerning parking and traffic. That report would be provided at the discretion of Mr. Laden, and the additional information is provided by the Applicant.

And I think this is the last one. The Applicant is to provide language concerning three points mentioned in Mr. Charles Barber's rebuttal statement in his closing remarks.

Madame Chair, I'd be more than happy to provide a list to all of those who may be interested and who would like to have that.

SECRETARY PRUITT: Ms. Bailey, may we suggest that we handle it as a memo to the file and then we can provide the

list to the parties, but then it would also be in there for the general public?

MS. BAILEY: Sure.

MS. DWYER: Madame Chair, if I can just make one comment, the request from the Zoning Administrator, I don't think that that is an appropriate request. I think it was to ask the Zoning Administrator to make a determination that this plan meets the requirements of the prior campus plan. I think that's a decision that this Board makes.

CHAIRPERSON REID: Who asked? Who made that request?

COMMISSIONER MITTEN: I made the request, and what I heard you say is -- this is what I said, and then I don't know if I heard you say that back -- is whether or not the university is currently in compliance with its existing campus plan. That is an opinion that I wanted the Zoning Administrator to render.

MS. DWYER: And, again, I don't think that's an opinion that the Zoning Administrator does render. I think that's what this Board decides in the context of this case. If there's a specific piece of the campus plan that the Board wants the Zoning Administrator to look at as they did with the parking survey on campus, that's one thing, but you know, it's this Board that looks at where the university is and determines whether it's in compliance with its prior campus plan and what it is going forward, things like, you know, whether the university has stayed

within the 20,000 enrollment cap. This Board has that.

CHAIRPERSON REID: We'll look at the figures.

MS. DWYER: We've given all of that. The Zoning Administrator has none of that.

COMMISSIONER MITTEN: Okay. Well, there are issues related -- well, I don't even know the full content of the other campus plan.

CHAIRPERSON REID: Well, Ms. Mitten, we can request a copy and then --

COMMISSIONER MITTEN: No, I have it. It's not that I don't have it. It's that, you know, I thought that that determination was the job of the Zoning Administrator.

CHAIRPERSON REID: No.

MS. DWYER: No, and some of the things are done -- most of it is done very much at the BZA level unless they direct certain things be done by others. For example, I mean, one of the things that we had to do within six months of the date of the last order was file a revised campus plan, the revised Exhibit No. 4, those kinds.

I mean, the Zoning Administrator has no role in that. There's a specific condition that requires enforcement by the Zoning Administrator and the Board can ask that, but a lot of the general conditions and requirements are issues that this Board decides.

COMMISSIONER MITTEN: Well, I guess I've got a lot

more reading to do then.

CHAIRPERSON REID: Well, yeah, and another thing, too, is typically within the scope of the hearing if there is a violation or they're not in compliance, it comes out. It comes out very vehemently. The opposition will let us know the areas that they've been having problems with.

Thank you.

Is there anything else?

(No response.)

CHAIRPERSON REID: Then that will conclude today's hearing. Thank you very much.

(Whereupon, at 7:40 p.m., the hearing in the above-entitled matter was concluded.)