GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

TUESDAY

MAY 16, 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 9:30 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
RODNEY MOULDEN	Board Member
ANNE RENSHAW	Board Member
ROBERT N. SOCKWELL	Board Member

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Vice Commissioner
KWASI HOLMAN	Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHERI PRUITT	Secretary to the Board of Zoning Adjustment
BEVERLEY BAILE	Office of Zoning
PAUL HART	Office of Zoning
JOHN HYARKU	Office of Zoning

OTHER GOVERNMENT STAFF PRESENT:

MARY VOGEL	Office of Planning

APPEARANCES:

On Behalf of the Applicant, Georgetown University:

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On Behalf of Burleith Citizens Association, Foxhall Community Citizens Association, Cloisters in Georgetown, and Georgetown Residents Alliance:

DON W. CROCKETT, ESQ.
of: 3070 Q Street, N.W.
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(202) 586-1465

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(9:51 a.m.)

MS. REID: Good morning. The hearing will please come to order. Good morning, ladies and gentlemen. This is the May 16th public hearing of the Board of Zoning Adjustment of the District of Columbia. My name is Shiela Cross Reid, Chairperson. Joining me today is Robert N. Sockwell, Anne Gilareed.

MS. RENSHAW: Anne Renshaw.

MS. REID: I'm coming to you. Oh, did I say Gilareed? I'm sorry. I was reading and not paying attention. Rodney Moulden representing the National Capital Planning Commission who is taking Jerry Gilrue's place until he comes back. Anne Renshaw, and representing the Zoning Commission is Kwasi Holman.

A copy 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 opposition are to fill out two witness cards. These cards are located on 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 special exception variance cases are: (1) statement and witnesses of the applicant; (2) Government reports including Office of Planning, Department of Public Works, etc.; (3) report of the Advisory Neighborhood Commission; (4) parties and persons

in support; (5) parties and persons in opposition; (6) closing remarks by the applicant and cross-examination of witnesses submitted by the applicant or parties.

The ANC within which the property is located is automatically a party in the case. The record will be closed at the conclusion of each case except when the material is specifically requested by the Board and staff will specify at the end of the hearing exactly what is expected.

Decision of the Board in these contested cases must be based as exclusively on the public record. To avoid any appearance to the contrary, the Board request that persons present not engage members of the Board in conversation. Please turn off all beepers and cell phones at this time so as to disrupt these proceedings.

The Board will now consider any preliminary matters. Preliminary matters are those which relate to whether the case will or should be heard today such as request for postponement, continuance, or withdrawal, or whether proper and adequate notice of the hearing has been given. If you're not prepared to go forward with the case today or believe that the Board should not proceed, now is the time to raise such a matter.

MS. PRUITT: Madam Chair, staff has several preliminary matters. Application 16521 of Sisson. You are getting a letter, a request for postponement. It was continued to

today and they would like to continue it to the 24th.

However, since this letter was actually written, we have had -- the case next week on May 23 has been withdrawn all together so that also becomes a possible hearing date if you choose to continue.

MS. REID: What are the options?

MS. PRUITT: The letter is signed by both the applicant and the nearest party.

MS. REID: Repeat the options.

MS. PRUITT: The options are May 23, next week, or May 24. On the 23rd originally scheduled was Loren Condominiums and we got a letter withdrawing that. May 24 is G.W. Campus Plan. We've gotten a request to reschedule that but we are still waiting for final confirmation.

MS. REID: The request came from?

MS. PRUITT: OP. I'm sorry, for which one?

MS. REID: For Georgetown.

MS. PRUITT: Office of Planning.

MS. REID: George Washington.

MS. PRUITT: Office of Planning.

MS. REID: The Office of Planning asked that it be rescheduled?

MS. PRUITT: Yes, because they are trying to work with the community and do some mediation.

MS. REID: And what does George Washington say?

MS. PRUITT: They are in concurrence with it. We've been in contact and we actually have two new dates in September that so far appears to be amenable to everybody. I just didn't want to take it off without anything officially in writing from the applicant.

MS. REID: Okay. But the likelihood of it not being heard --

MS. PRUITT: Is very high.

MS. REID: Okay. All right. The Sisson case is going to be probably lengthy hearing.

MS. PRUITT: Yes, it is going to be a full-day case probably.

MS. REID: Maybe we should just -- I would suggest putting that on the 24th and with the assumption at this point that George Washington will be continued to September.

MS. PRUITT: Could we get a vote on that, please, so I can record it and put it in.

MS. REID: Um-hum. That's the motion. I would move that we do that.

MR. HOLMAN: Second.

MS. REID: All in favor?

ALL: Aye.

MS. REID: Opposed? Aye is in favor. All right.

MS. PRUITT: The staff would record the vote as

five to zero to continue to May 24, 9:30. Motion made by Mrs. Reid and seconded by Mr. Holman.

MS. REID: Okay. Next preliminary matter?

MS. PRUITT: I don't think there is anybody here in the audience. I think most of the public has been made aware of this but just in case there is, today was also slated for Georgetown University Campus Plan. They have asked for a continuance and it has been continued to June 13. In case somebody did show up, this is your official notice that it has been continued to the 13th. It appears that the community got the information. I just wanted to be sure.

MS. REID: Okay.

MS. PRUITT: That concludes staff's preliminary matters.

MS. REID: Okay. Are there any other preliminary matters?

MR. CROCKETT: Good morning, Madam Chairman.

MS. REID: Good morning.

MR. CROCKETT: Don Crockett. I'm here with respect to the St. Mary's case which is next on the agenda. I have two preliminary matters, two motions that I would like to present.

MS. REID: Okay. You were the attorney for --

MR. CROCKETT: I am the attorney for several of the associations.

MS. REID: Okay. I was just wondering if you would

put that on the record.

MR. CROCKETT: All right. Foxhall, Burleith, and the Georgetown Residents Alliance. The two motions, which I will pass up -- unfortunately I have to be in the court of appeals very shortly so I'm going to have to make this very brief. The two motions are, first, to consolidate this application, St. Mary's, with the Campus Plan which is the next number up, 16566. The second motion is to reconsider the Georgetown Residents Alliance request for party status.

MS. PRUITT: Madam Chair, those issues have already been dealt with. Georgetown Residents Alliance was denied party status at the first part of the hearing. This is a continuation of the hearing.

MS. REID: I understand.

MS. PRUITT: And the request for the motion to consolidate, it's my recollection that the Board was going to rule on that at the end of the hearing. If Board members have a different recollection, I would appreciate -- we can also go get the transcript and find that out but that is what we have down on record.

MS. REID: Okay. We've done this previously wherein you had two --

MS. PRUITT: This is processing under an existing campus plan.

I'm sorry, sir. Your name?

MR. CROCKETT: Crockett.

MS. PRUITT: What Mr. Crockett is proposing is that this get rolled into the new campus plan.

MS. REID: Oh, okay. I see what you're saying.

MS. PRUITT: That's the big difference there.

MS. REID: In other words, there are two -- we've done it when there was a case before us that was similar under an existing or proposal for a new, but these two fall into two different categories.

MR. CROCKETT: Yes, Madam Chairman. That is exactly the point of our motion. That is while the university claims that this is a matter for processing, in fact it is not. In fact, it is an exemption in which they are asking for permission to change the use. A change of use requires an amendment of the campus plan.

I have set all of that out in the motion together with the court case support. The court of appeals has held that you can't -- the Board has no authority to change a campus plan under a processing arrangement. It has to follow the campus plan. What is happening here is they are saying the campus plan currently has St. Mary's Hall as student residence and they are going to take that out of the campus plan and that requires an amendment.

That is the whole purpose of this motion is to inform the Board that is what our position is. It is not the same

as theirs and if the Board agrees with us that this is what it is, which is to change the use of St. Mary's Hall, then it ought to be folded over into the campus plan hearing where the campus plan can be amended.

MS. REID: Ms. Pruitt, didn't you say this had already been voted on?

MS. PRUITT: This has already been worked on. Actually, the information isn't quite correct. St. Mary's was a mixed-use -- designated as a mixed-use land use with housing being one of them. What they are requesting is that requirement be removed and the other uses that it was originally slated for will remain. It's a mixed use. The area is zoned for -- the land use for St. Mary's is mixed use. It's not a single use for housing. In the campus plan it is called for mixed use.

MS. REID: You said that it was --

MS. PRUITT: This was discussed.

MS. REID: Then it was to be determined today?

MS. PRUITT: At the end of the hearing.

MS. REID: Well, at the end of the hearing --

MS. PRUITT: You really never came to any resolution. It was going to be at the end of the hearing.

MS. REID: You kind of have to do it before. Don't you?

MS. PRUITT: Excuse me? No, you don't. You've

done this before where you --

MS. REID: No, what I'm saying is if you're going to combine them, you have to do it before you have the hearing. If you were going to, you would have to do it before. It doesn't make sense to do both of them and then decide to combine them.

MS. PRUITT: Right.

MS. REID: Let's hear from Ms. Dwyer.

MR. CROCKETT: Madam Chairman, I've got to run. I would just like to make a comment with respect to my other motion which is the motion to reconsider the denial of our request to become a party for the Georgetown Residents Alliance.

MS. PRUITT: Party status was dealt with extensively at the beginning of the hearing. This is not a new hearing. It's a continuation.

MR. CROCKETT: This is a motion for reconsideration. This is a motion for reconsideration.

MS. PRUITT: I understand, Mr. Crockett, but this is not a new hearing. You are still part of the original hearing.

MR. CROCKETT: I understand that but I'm making a motion for reconsideration.

MS. PRUITT: That's up to the Board if they choose to take it but normally we do not engage in party status when we continue a hearing because we've dealt with that in the very beginning. Those issues were addressed then.

MS. REID: Correct. But we can take up the motion.

Board members.

MS. MITTEN: Can we just have a minute to read both of these?

MS. REID: Okay.

First, let's hear from Ms. Dwyer.

Ms. Dwyer, we are going to allow you to speak and then we have no choice but it's just too disjointed, these issues that are being brought up here this morning for us to be able to digest, absorb, and make some type of decision.

We are going to allow you to speak and then we are going to take a recess to be able to come to some type of viable conclusion that would be fair to both sides. We are having these little side bars among ourselves but we need to have the full Board into the discussion and participation.

MS. DWYER: On the first request, which is for reconsideration, I don't think there is anything in the Board's rules that allow for reconsideration at this point in the hearing process. I would also point out that the Board's rules require persons requesting party status to file information two weeks before the hearing so that the Board can evaluate that information and make that decision at the start of the hearing.

Mr. Crockett filed information on behalf of the Alliance. That issue came up at the start of the hearing and the Board determined that there was no information to suggest that Alliance was uniquely affected so as to quality it for party

status. For Mr. Crockett now to after the fact try and file that information we believe is inappropriate.

Further, there is no prejudice. Mr. Crockett did conduct cross-examination. He was representing one of the other parties so any rights that he would have been entitled to as a party with respect to cross-examination have already been met and satisfied so there is no prejudice to Mr. Crockett or the Alliance.

We, therefore, oppose the Board reconsidering at this point in time its earlier decision. He had ample opportunity at the beginning of the last hearing to address this issue. There was a lot of back and forth in the record and I think the Board's decision should stand.

On the request to consolidate this application, that issue was also addressed by the Board. If you look back to the hearing transcript beginning on page 72, a question was raised as to whether this case should be continued and part of the larger campus plan case.

We pointed out that an applicant is entitled under existing regulation to file a further processing case so long as there is an existing campus plan in effect. The current campus plan does not expire until December 31 of this year.

We also pointed out that the same issue came up in the context of the GW Hospital case. At that point the community argued do not consider the hospital. Fold this into the larger

campus plan. This Board requested an opinion from Corporation Counsel.

Corporation Counsel advised the Board in that case and again at our earlier hearing on this case that the Board is required to consider applications that have been properly filed as further processing so long as there is an existing campus plan. We are entitled to go forward with this case and there is no authority under the regulations or the Board's rules to delay or consolidate this case.

The question of use is a substantive issue that you will decide in the context of this further processing. One of the points that we have to demonstrate is that the proposed use is in compliance with the existing campus plan.

In our direct testimony we pointed out that the existing campus plan shows this site as a mixed-use category. It can be for academic, academic support, or residential. It can be for all three of those uses or one of those uses. What we are proposing is fully consistent with the campus.

MS. REID: It can be for academic and academic what?

MS. DWYER: Academic support or residential. The whole reason campus plans have mixed-use categories is to provide universities with the flexibility to change uses on campus. As long as those uses are in accordance with the mixed-use or, in other cases, a single-use category, then we are correctly filed

and the use is approved as being in compliance with the campus plan.

MS. REID: Now, Ms Dwyer, when you say academic support, the proposed office use is what you are proffering as being the academic support component?

MS. DWYER: Yes, the categories under the campus plan are defined and within the academic category includes classrooms and like the nursing school use. Academic support includes office use, the employee credit union. Child care centers have been found to be academic support. Of course, within the residential would be any dormitory use.

MS. REID: That is under the mixed-use umbrella?

MS. DWYER: The mixed-use umbrella under the existing 1990 campus plan which is in effect.

MS. REID: Okay.

MS. DWYER: And we further pointed out that with regard to any question about residential use on the site, the testimony of the earlier hearing established that residential use of the site was discontinued in 1996. It hasn't been used as a dormitory for the last four years. All we are doing under this application is proposing a small addition to the building and confirming that the proposed uses are in keeping in compliance with the existing campus plan.

MS. REID: What is the existing use? The current use.

MS. DWYER: The current use is for a nursing school and some office space. The proposed use is the nursing school, office space, and the employee credit union.

MS. REID: So basically it is the request to add the credit union?

MS. DWYER: I'm sorry. The credit union is already there.

MS. REID: So repeat that. The current use is nursing school.

MS. DWYER: Nursing school which includes classrooms, office use, and the employee credit union.

MS. REID: So my question was this case before us --

MS. DWYER: The only reason we had to file the further processing is that we are adding square footage to the building.

MS. REID: The application before us --

MS. DWYER: Yes.

MS. REID: -- essentially is requesting the use of the credit union or the space for the credit union. The addition for the use of the credit union. Is that correct?

MS. DWYER: We are requesting the addition of 425 square feet of space to be continued with the uses that are now in the building today.

MS. REID: Is the credit union there now?

MS. DWYER: Yes, the credit union is there now.

MS. REID: So you just want to --

MS. DWYER: We just want to add --

MS. REID: -- expand.

MS. DWYER: Expand the building and anytime you expand a building and you file for a building permit to expand a building under campus plan, you have to do a further processing. If we were not adding 425 square feet, the uses would not trigger any further processing. We would not even be here.

MS. REID: So there is no new use?

MS. DWYER: No new use issue.

MS. REID: All right. I just wanted to be clear on that myself.

Board members, do you have any other questions for either Mr. Crockett or Ms. Dwyer?

MR. SOCKWELL: I do. I would differ with Ms. Dwyer on the way that the motion from Mr. Crockett in the previous hearing was handled. Mr. Crockett's motion was denied because it was not offered at the time of preliminary matters. It was offered during his cross-examination. That's why we didn't accept it. That's the only reason we didn't deal with it.

MS. DWYER: I didn't mean to suggest that there was a motion that was before the Board. What I said was the issue --

MR. SOCKWELL: But the issue was not presented in proper form so we couldn't deal with it.

MS. DWYER: Well, all right. I accept that clarification. I do know that the issue came up and there was Corporation Counsel advice given to the board.

MR. SOCKWELL: Right. And under the circumstances because it was offered at the wrong time, it was held as being out of form and was not dealt with substantively. Am I correct?

MR. CROCKETT: Mr. Sockwell, no, sir.

MR. SOCKWELL: I'm not correct? That's what I had in my notes.

MR. CROCKETT: They were all handled together. All of them. You granted some and you denied mine and they were all handled at the same time.

MR. SOCKWELL: I'm talking about the motion for -- let's see. Let me go back to my notes because my notes state specifically that in cross you offered a motion that we deny. That's what my notes say. When do you say that you made that motion?

MR. CROCKETT: I didn't make a motion. I filed an application for party status.

MR. SOCKWELL: I'm talking -- let's see.

MS. MITTEN: I think you're talking about different issues here. Mr. Crockett is talking about the party status issue and Mr. Sockwell is talking about the issue related to consolidation so you're not on the same thing.

MR. CROCKETT: In my cross-examination.

MS. MITTEN: Correct.

MR. CROCKETT: I did ask some questions about consolidation and we did have a discussion about it but I did not make a motion.

MR. SOCKWELL: I put the word motion down and perhaps then I'm incorrect. I apologize. Ms. Dwyer, if I'm wrong, then sometimes I put the wrong word in there.

MS. DWYER: It's a fine line we're walking here.

MR. CROCKETT: We do have the transcript.

MS. REID: When we recess, we'll look at the transcript and try to ascertain exactly what did happen. Staff is now going through to pull out the relevant parts.

MR. CROCKETT: I would just like to say with respect to what Ms. Dwyer said, the use of St. Mary's Hall when the campus plan was approved with the consent of all the communities, it was a dormitory. There were 217 dormitories actually occupied.

The actual change of use occurred in 1996 without any of our approval. They just emptied out those dormitories and they have been vacant since. The current use is vacant dormitory space for those 217 rooms. They sit empty but they are still dormitories.

MR. SOCKWELL: Mr. Crockett, would you consider that discontinuation of use is the same as change of use?

MR. CROCKETT: Yes, and I would --

MR. SOCKWELL: And how would you do that?

MR. CROCKETT: They would have to come in for an amendment.

MR. SOCKWELL: If you were to move from your home and not reoccupy it, sir, would that be a change of use?

MS. PRUITT: Excuse me.

MR. CROCKETT: No.

MR. SOCKWELL: Okay. So if one would discontinue the use of dormitories but --

MS. PRUITT: Excuse me, Madam Chair.

MR. SOCKWELL: -- space would that be a change of use?

MR. CROCKETT: I think it's still a dormitory use.

MS. PRUITT: I believe we're getting into the substance of the case and you need to deal with the other issues first and then this can be discussed once we actually get into the substance.

MR. SOCKWELL: And your motion had something in it that I would just like to touch base on, and that is that you said on page 3 as a continuation of statement on page 2, specifically these dormitories -- let's see. "Because the proposal to convert all of the existing 217 and proposed 200 dormitory spaces into offices simply ignores..."

That tends to make one think that the space for the 200 additional students as dorm space would have been built and

used as something else which isn't correct. I think you've sort of jumped the gun on that. The way you state it, it sounds like there is enough space for 217 plus 200 which will all be used for something else and that's not correct.

MR. CROCKETT: No. If it --

MR. SOCKWELL: Specifically what it says.

MR. CROCKETT: That was not my intent. My intent was that was our commitment, specific commitment in the campus plan to build the -- to reconfigure St. Mary's Hall so it would have 417 beds instead of 217 and that's what that means. If I wrote it the wrong way, I apologize.

MR. SOCKWELL: Yes, you did. I probably should have been looked at again.

MS. DWYER: Madam Chair, I have a couple of points that I would like to make. First, on this whole issue of whether it was a motion or not. If you look at pages 72 and 73 of the transcript, the issue as to whether this could proceed as a further processing without consolidation was addressed and was decided by the Board with advice of Corporation Counsel.

In fact, Mr. Sockwell at the top of page 74 explained that we were entitled to come before the Board and Mr. Crockett said, "I agree with that." It was several moments later that Mr. Crockett offered in cross-examination the concept of a motion and at that time the Board correctly ruled that a motion in the context of cross-examination was out of order and should have

been presented as a preliminary matter.

On the whole issue of the use of St. Mary's, we were surprised this morning by this motion. We didn't have any advance notice of it, but I do have for filing in the record a letter, a post-hearing submission from the 1990 campus plan that clarifies exactly what was intended for St. Mary's. I would like to file that in the record so you have that as you're deciding his motion.

MS. REID: Can you do that now?

MS. DWYER: I will do that now. What I also provided the Board because it was unclear last time were the boundaries of the Cloisters West Home Owners Association, a party in support. I'll give these letters to the Board.

MS. REID: Then we will go into executive session. Ms. Dwyer, you have to give it to the staff.

Mr. Crockett, it is rather disconcerting for us to be giving these motions this morning just prior to us commencing a hearing. Obviously it requires some time for us to be able to digest it. Hereafter if, in fact, you appear before this particular body, can you please file within a week or so whatever motion you have so that we can get it in our packages and we can be prepared.

MR. CROCKETT: I will attempt to, Madam Chair. I really will. As you know, this was a pro bono effort and it is sometimes hard to get these things done with our other work.

MS. REID: Okay. Thank you.

(Whereupon, at 10:25 a.m. off the record until 11:04 a.m.)

MS. REID: The hearing will please come to order. Is Mr. Crockett here still? He had to leave? Okay. All right. Is there someone here who is representing him?

Can you come up, please? Okay. We have two issues before us and one is the motion that was presented to us for party status.

Ms. Mitten, would you like to speak about that for us?

MS. MITTEN: Certainly. Well, shall I begin by making a motion regarding the motion?

MS. REID: Yes.

MS. MITTEN: I move that we deny the motion to reconsider the request of Georgetown Residents Alliance for party status.

MR. MOULDEN: I second the motion.

MS. MITTEN: Just to elaborate on the reasoning for that, which is we think that it is quite important that these matters be handled as preliminary matters regarding party status and it was discussed at our earlier hearing. While there may be some compelling reason that was introduced in this motion for reconsideration, this is not the proper time.

All the reasoning for why party status should be

granted should be done when preliminary matters are considered. Mr. Crockett had that opportunity and he did not persuade this body to that effect at that time. In being consistent without procedures, we want to maintain the decision that was made by the presider at our earlier hearing.

MS. REID: As to the issue in regard to the Citizen's Association of Georgetown having been -- what is the name of the program?

MS. MITTEN: The Residents Alliance.

MS. REID: I'm sorry. The Georgetown Residents Alliance having been granted party status previously in other cases, I wanted to point out that this is being done on a case-by-case basis so while it may not be deemed qualified for party status in this case, it does not mean that in subsequent cases they may not be granted the party status that they have requested. All in favor?

ALL: Aye.

MS. REID: All opposed?

MS. PRUITT: The staff would record the vote as five to zero to deny the motion to reconsider party status. The motion made by Mrs. Mitten and seconded by Mr. Moulden.

MS. REID: The next issue that we're taking up is a motion to consolidate the university's application for a new campus plan, BZA No. 16566. We have a motion?

MR. SOCKWELL: I move that we not consolidate the

two cases into a single case because of --

MS. REID: No, let --

MR. SOCKWELL: Okay.

MS. REID: Thank you.

MS. MITTEN: I'll second.

MS. REID: Okay. Go ahead.

MR. SOCKWELL: The reasoning is that we believe that this further processing under the existing campus plan is appropriately before the Board and that although it can be argued that the proposed campus plan, which is upcoming, would be affected by anything that might be approved by this Board under further processing of the existing campus plan.

The two are mutually exclusive and should be separated for the fact that the Board has no reason not to rule on this particular case application as a separate item as it has been properly presented.

MS. REID: Also, it goes to the further processing issue. This particular application is coming under their campus plan that was approved in 1990 and, as such, there was a designation of mixed use under which this particular portion of the application was considered and was approved.

Already having been given that designation in the existing campus plan, we don't have the purview or the authority to be able to change the use as it exist. For that reason, we feel that it should be taken separately. Any other comments,

Board members? Okay. All in favor?

ALL: Aye.

MS. REID: Opposed?

MS. PRUITT: Staff would record the vote as five to zero to deny consolidation of the case with the campus plan. Motion made by Mr. Sockwell, seconded by Ms. Mitten.

MS. REID: Okay. Thank you.

MS. DWYER: Thank you, Madam Chair. As the record indicates, we finished our direct case at the last hearing and you also heard from the party in support. I would just like to reserve some time for rebuttal or a closing statement.

MS. REID: Yes.

MS. DWYER: Thank you.

MS. REID: Okay. Ms. Pruitt, can you summarize for us where we are and how we are going to proceed today?

MS. PRUITT: We are starting out with the parties in opposition. They have an hour. The parties in total which would then be followed by persons in opposition and closing remarks and then all Government reports. There was no report from the ANC.

MS. REID: There wasn't?

MS. PRUITT: No.

MS. REID: Okay. Thank you. Parties in opposition have -- I mean, individuals in opposition have how much time?

MS. PRUITT: Individuals, three minutes.

MS. REID: Thank you.

MS. ZARTMAN: I guess we're going to seque right into parties in opposition?

MS. REID: Correct.

MS. ZARTMAN: Thank you, Madam Chairman. For the record, my name is Barbara Zartman and I'm here representing Cloisters in Georgetown Homeowner's Association. I am also the ANC Commissioner for that area and chair the zoning committee for the ANC.

The opportunity this morning is for me to present some issues that may help you put this case in context. First, in response to your desire to hear arguments about the project under the existing campus plan, I need to say a few things about the circumstances that existed at the time that plan was adopted.

One, the youngest Georgetown students, freshmen and sophomores, were living off campus in the community at the time. Both the university administration and the neighbors knew this was a recipe for disaster. They were part of more than 2,000 Georgetown students living in the residential neighborhood surrounding the campus in zip code 20007.

I'm excluding medical students from my numbers and all the numbers that I will use today are from Georgetown provided documents.

The BZA responded in strong terms to the problem the community cited and called for two main thrusts in the existing campus plan. One, to immediately get the lower-division

students onto campus.

Georgetown was authorized to switch 200 graduate students into the community from beds on campus in order to free up those campus beds for freshmen and sophomores "until the new dorm beds are in place." I have the citation for the BZA order to which I'll refer frequently.

This was a stop-gap measure as seems clear from the order, but oddly the university seems now to be arguing that putting a different head on a pillow has created a new bed. That isn't the case and it unfortunately provides no relief to the community. Yes, graduate students tend to be somewhat more well behaved than freshmen and sophomores but it is still student housing in the community.

That was one thrust, switch 200 graduate students off campus. Second, because the BZA concluded that housing 83 percent of the students on campus was inadequate, the university was to provide 925 new beds by 1997. BZA order paragraph 50(c) makes it clear that the 925 beds are in addition to the 200 switched heads of undergraduates for graduate students. The sequence of subitems 2 and 3 could not be clearer.

Third, because the new construction was to be completed by 1997, Georgetown was authorized to admit up to 340 additional students, undergraduates, for academic and financial reasons. However, in the BZA order, page 36, paragraph 5, "A new bed was to be in place for each of these additional enrolles."

Four, the Board was crystal clear about its intent in 1990, "To further ensure that there will no adverse impacts, the Board incorporates as a condition to its order a limitation on enrollment so that by the year 1997 the university will be providing beds on campus for essentially 100 percent of those undergraduate students requiring housing." That was a long-term commitment in the BZA order of 1990.

Last time we sat here, Ms. Dwyer argued that this project at St. Mary's should be approved because, "Under this campus plan, we have met the housing commitment by providing additional beds on campus." Attached to my statement is a chart that argues to the contrary.

The chart, I think, makes clear that there is no disagreement that the southwest quad dormitory is supposed to add 780 beds but it is not in place. It was not in place by 1997. It was not in place to house the increased enrollment that was granted over the life of the current plan. It is not available to offset the loss of St. Mary's beds.

In this chart you will see that the university would credit switched heads with 200 new beds but this is almost literally a shell game. No additional capacity was created by this temporary move. It was intended to be a stopgap.

Moreover, we believe some of the additional beds shown in university figures as new townhouse or dormitory beds are, in fact, further switched heads. Last, the purchase of

additional townhouses that adds the next largest number of new beds under the university's computation appears to refer to properties that are outside of the campus boundaries and should not be included in these computation.

In fact, there's fundamental agreement with the exception of the new beds at the renovated LXR dormitory, again said to be of 216 beds. There have been no appreciable changes in capacity at the university over the life of this campus plan.

The new beds that were added were filled not with more undergraduates from the community but with increased enrollment. The university tells us it is now very near its 340 student increased enrollment cap. In January of 1999 in testimony before the ANC, the university said they were within a handful of students of that allowed number.

However, there is not an equivalent number of new beds on the campus which is what the university was required to provide by the BZA and this would appear to be a violation of the existing campus plan and BZA order.

And, of course, this means there has been no relief to the neighborhoods through the provision of new beds. The university makes much of the conditionality of their commitment to the provision of dormitory space, particularly tax exempt financing availability and the approval of the co-gen facility.

With regard to bonding, the university got its tax exempt financing intended to fund dorm construction as is clear in

the perspectus, a copy of which I have if you are interested.

The late John Wilson made clear in the counsel legislation that these funds would provide the relief the neighbors were seeking. He delinked the housing from co-gen construction. The university used the proceeds of that bond issue.

As I say, the perspectus for which includes reference to the construction of dormitories and other housing. They now seek your agreement that that commitment was never binding. There is a legal principle of estoppel that I believe has relevance here even for us nonlawyers.

As to the co-gen facility, the BZA did approve the co-gen. I imagine at the time you, like many in the community, thought it was going to be a modern energy facility to meet the university's needs. In fact, what was planned was an industrial-sized generating facility whose product was to be sold on the energy grid of PEPCO.

A facility such as that could and should never have been approved for an R-3 neighborhood and the community should not be repeatedly told that if we had just allowed this behemoth in out backyard, we would have dormitories.

The city government, this city government, entered into a lawsuit against the co-gen partners charging two years and 76 counts of regulatory fraud, just one document from which I have appended to my statement, as an indicator of how blatant the

disregard for both student and neighborhood health was.

The last point I want to make is that I don't want St. Mary's rehabed as a 400 student dormitory. I think it was a terrible mistake to have designated this facility at this location for that purpose. When the university told the community that St. Mary's had to be taken off line for safety purposes, we did not complain, but we have waited since then for the university to meet the housing goals that the BZA sought to guarantee with its order.

At the time of the approval of the southwest quadrangle we sought reinforcement of that commitment. In testimony before the BZA at the time, we asked for a restatement from the Board that those new beds were to meet existing goals and were to provide the relief intended in the 1990 order.

The Board chose not to do that and shortly after it gave its approval, we learned that the university would seek an additional 500 student enrollment increase. Now, once again the university seeks a special exception despite its failure to meet the commitments made earlier. I asked the Board not be complicit in this shell game. I ask you to deny this application since you have chosen not to postpone it.

In addition to the matter of honest provision of additional dormitory capacity, Board approval now will preclude better thinking about how to use this corner of the campus. The university itself when it presented this project to the community argued it could easily be considered as part of its campus plan.

No great argument was advanced for early timing.

My neighbors have testified that they want St. Mary's to never be a dorm again. Who could blame them? But many are unaware that the new campus plan calls for a 500-car ramp garage right in front of St. Mary's right under their windows. That wasn't mentioned in the St. Mary's meeting with the immediate neighbors and no one spoke of the larger policy issue of campus housing.

Approval now of the conversion of St. Mary's to an office building will foreclose better options and it will permit less attractive options. The university believes that once this is an office building, it can be used for any other office purpose; Medstar, Corporate Headquarters, any purpose that is an office purpose.

We would certainly like to have some controls and some protections for the immediately abutting neighbors for this very important corner of a very big property. Thank you.

MS. REID: Thank you, Mrs. Zartman. Are there any questions of Mrs. Zartman? Cross-examination, Ms. Dwyer.

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

Ms. Zartman, do you realize that this application doesn't propose any increase in student enrollment and that the 500 student enrollment issue is a campus plan issue?

MS. ZARTMAN: I'm fully aware of that.

MS. DWYER: And you also realize that this

application does not involve construction of a parking garage? That, too, is a campus plan issue?

MS. ZARTMAN: Quite clearly.

MS. DWYER: And, finally, any discussion of Medstar, is that also a campus plan issue?

MS. ZARTMAN: Unquestionably.

MS. DWYER: All right. Thank you.

MS. REID: Thank you very much.

Next witness, please. How many people are going to testify in opposition today? All right. Any other parties in opposition? Parties.

You've been granted party status in opposition? Okay. Come forward. Then we have just three persons in opposition to testify? Okay.

MS. SCOLARO: Madam Chairman and members of the Board, I want to thank you for the opportunity to present our position on the reassignment of St. Mary's. My name is Patricia Scolaro. I'm the President of Burleith Citizen's Association and I'm here today representing the Board of Directors on behalf of the community, the Burleith community.

We are asking the BZA not to grant a special exception to redesignate the use category of St. Mary's from residential to mixed use or administrative. Why does Burleith want to participate in this hearing? Because our community is in jeopardy and we are working very hard to preserve this unique part

of the city.

Burleith was developed in the late 1920s as a residential community of small single family rowhouses and it is zoned R3. The small community of approximately 550 houses is across Reservoir Road from Georgetown University and it is directly across from St. Mary's.

Because of the proximity of the university, this community is severely impacted by every action or every lack of action taken by the university. The Burleith community has many concerns and foremost among them is student housing. Today according to the most recent university count, 1,041 undergraduate students live in zip code 20007.

This 1,041 undergraduate students does not include or account for the approximately 1,000 graduate students and the special enrollment students who also are living in zip code 20007. Just 1,041 undergraduate students.

I would call to your attention that on the party status request the chart that was given has been updated and we are now talking about the undergraduate students of 1,041.

MS. REID: Which chart?

MS. SCOLARO: I think it was the chart that was attached to the request for party status.

MS. REID: Oh, yes. Do I have that?

MS. SCOLARO: These figures we just got from the university several weeks ago.

MS. REID: Could you give it to staff, please. It may be easier for you just to hand it to us rather than us trying to wade through all the information we have.

MS. SCOLARO: That's the most recent. That was the count we got that was taken by the university.

MS. REID: You're saying that has not been amended or --

MS. SCOLARO: What you have -- what is attached to the party status request has been amended.

MS. REID: And this is the most recent?

MS. SCOLARO: And this is the most recent.

MS. REID: Thank you.

MS. SCOLARO: The 1990 campus plan called for adding 200 beds to St. Mary's and when last in use there were 217 beds. However, in August of 1996 Georgetown University announced that St. Mary's had been closed as a dormitory and the future use was unknown but that most likely it would be used by the nursing school.

To my knowledge the upper floors of St. Mary's, the dormitory, have been unoccupied since that date and that's almost four years. Now the university is asking for a special exception to change the use category of the building from residential to mixed use opening it up for administrative purposes. These proposed changes have a potential negative impact on the community and they are inconsistent with the commitment and goals and

remedies set forth and agreed to in the current campus plan, the 1990 campus plan.

Please note that the current campus plan and the BZA findings of fact acknowledge that there are community issues resulting from the large number of students who are forced to leave off campus because the university has not provided adequate housing.

In fact, the university has a legal obligation based on the campus plan to conduct its operations so that the university is not objectionable to the neighboring communities.

In the current plan the university committed to providing the ability to house 100 percent of its undergraduate students on campus as a long-term goal. This was to be by 1997. As of this date, and again I repeat, today 1,041 undergraduate students live off campus in our zip code 20007 with 538 living in Burleith, that four square block area of 550 houses.

There is a serious community impact from the excessive numbers of off campus students with many and most living in group houses. Every block in our neighborhood is impacted by student group house rentals, unkept yards, trash in the alleys, loud ruckus parties, and most recently serious vandalism.

Across the street from me sometime in the middle of the night somebody was throwing rocks into somebody's garden and destroyed a birdbath. A bottle of cider was thrown through a window in someone's home who had complained about some of the

student activities in the neighborhood. There have been several other instances of vandalism. By not meeting its housing commitment, the university has not implemented all of the mitigation measures agreed to in the current plan.

Before I go further, I would also ask if you have a moment if you would read the testimony on pages 206 to 211 of the residents of Cloisters West who complained bitterly about the possibility of a dormitory next to them. What they said would result in their neighborhood from students living next door we in Burleith deal with on a daily and a weekly basis. Not just in one small area but throughout the four square block of our neighborhood.

In addition, this proposal will at great expense remove on campus housing from existing inventories and it will make it even more difficult to achieve the mitigation measures agreed to in the current plan.

Changes in use such as those proposed in this plan should not be considered in isolation. The proposed project, again we say, should be considered as part of the 2000-2010 campus plan. A new campus plan approval process is already underway with hearings scheduled in June and July. That process will include an assessment of student impact on the community with consideration of potential tradeoffs. For example, other conversions, new residential construction, or a modification of the enrollment cap.

Note, however, that the proposed new campus plan as

received by the community contains no increase in residential capacity and actually requests an increase in undergraduate student enrollment. This community request of the Board of Zoning Adjustment reject the current proposal and consider any such project only as part of the 2000-2010 campus plan.

MS. REID: Does that conclude your testimony?

MS. SCOLARO: That's my testimony.

MS. REID: Thank you.

Board members, any questions?

MS. MITTEN: I have a question. I'm sure I could have asked this question of Mrs. Zartman. It just didn't occur to me at the time. When St. Mary's was decommissioned as a dormitory and the use was discontinued for dormitory, did you and your folks view that as a violation of the campus plan?

MS. SCOLARO: Well, let's see. It was introduced at one of the quarterly meetings and I really don't recollect because at that time I was not actively involved in it. I don't know if any formal complaint was made at that time or not.

MS. MITTEN: How do you view it now? If you didn't have a perspective then, how do you view it now?

MS. SCOLARO: Well, if I knew then and was involved then as I am now, we probably would have been more aggressive and more assertive in what we were doing. I really do not know what was said at the time. I don't know if there was any other commitment made on the part of the university as to how the slack

was going to be taken up. I just don't recall. I don't have that information.

MS. MITTEN: And you are not aware of any actions that your citizen's group took?

MS. SCOLARO: Not officially.

MS. MITTEN: Okay. Thank you.

MS. REID: Ms. Dwyer.

MS. DWYER: No questions.

MR. SOCKWELL: One question. You stated that within your Burleith community there are 538 students.

MS. SCOLARO: Yes.

MR. SOCKWELL: And you got that information --

MS. SCOLARO: From Georgetown University.

MR. SOCKWELL: -- from the university. You said most of them live in group homes?

MS. SCOLARO: Yes. When the university did the study, they said approximately or maybe slightly better than 50 percent live in facilities of one or two people. They did an address check from the student directory is the way I understand it. Again, that involved all of the zip code 20007.

Of the 538 that are in Burleith, we would have to assume a percentage of those might be living in rooms, studio apartments, basements. What percentage of that at this time I could not give you. If we went by the statistics that they put forth, you would have to say that probably between 250 and 300

live in group houses. We're in the process of doing a count of the group houses right now.

MR. SOCKWELL: In Burleith, the area that you said was four square blocks or five?

MS. SCOLARO: Four.

MR. SOCKWELL: Four. How many of the homes would be considered to be apartment buildings or how many --

MS. SCOLARO: It's zoned single family, R3.

MR. SOCKWELL: So most of the houses are -- most of it is townhouse or attached rowhouses.

MS. SCOLARO: Rowhouses. Block houses, as my father would say.

MR. SOCKWELL: So there are a few large apartment buildings?

MS. SCOLARO: No, there are no large apartment buildings.

MR. SOCKWELL: There are no --

MS. SCOLARO: No apartment buildings. No, there are no apartment buildings in Burleith. They are all single family homes.

MR. SOCKWELL: All right. So the students are renting primarily from either the owners or absentee landlords.

MS. SCOLARO: Absentee landlords, yes.

MR. SOCKWELL: Thank you.

MS. RENSHAW: Madam Chair, question for our

witness. I wanted to know if your community has done a traffic study or asked the city to do a traffic study and can you give us any information as to where these students, these 538 who are in Burleith, park their cars?

MS. SCOLARO: Well, several years ago in Ward 2 reciprocity for students was denied so they are not able to get reciprocity stickers to park on the street. So many of them park in the backyards so you might have two, three, four, five cars parked in a backyard. That's where they will park.

Some take their chances. Sometimes street -- not sometimes. Many times street signs are removed. We have a running conversation with DPW to replace street signs that are removed, residential parking signs that are removed. In fact, two students have been arrested for doing that. They were caught in the act.

MS. REID: I have a question. Did you conclude? Did you have others? Okay.

In regard to some of the complaints that the residents of Burleith have expressed, is there any liaison entity with Georgetown to address these concerns on an ongoing basis?

MS. SCOLARO: Yes, I will have to say the university complied with the BZA order and they did establish an Office of Student Off Campus Affairs. Yes, we do have ongoing dialogue and the woman who is there now, Assistant Dean Jean Lord, does an outstanding job of listening to us, taking our complaints

very seriously, working with he students.

MS. REID: Have you seen improvements? Do you see improvements? For example, you cited a situation where someone had thrown bricks in someone's yard and toppled over a bird feeder or something. Things like that or students who are perhaps having loud rowdy parties or causing disruption. When you complain, are those complaints addressed?

MS. SCOLARO: Ms. Lord has excellent follow-up and I know -- I could not cite specifics but I know there have been instances where some of the houses or the students have been cited. In fact, I was talking to one woman who has a group living next to her. In this situation the father bought the house for the students so he has rented it out. She brought sanctions against them that could even prevent their graduation. So yes, they do.

MS. REID: Okay.

MS. SCOLARO: We were also very fortunate and I will remind you that this has been a ten-year process from the time the plan went into effect. We've had excellent support from DPW on helping and assisting with the trash, citing both the landlords and the renters, finding them because of the mess that we will sometimes find, many times find in our alleys.

We've had excellent cooperation from the Metropolitan Police Department. Also our councilman who introduced a noise legislation bill and we now have it so that the

police can offer citations, fines, and so on. All of these things have helped and have worked.

However, we still have a significant number of students living in the neighborhood and our serious concern, and I know we're not supposed to mention it, but the idea of an additional enrollment of 500. If everything goes as stated, we will be right back where we started from 10 years ago and starting all over again.

Our property values have increased and that has impacted on us as well. The one thing I would say is that as a community we have to depend on the city, the Board of Zoning Adjustment, and we have to depend on the Office of Planning. People and their jobs can change.

Jean Lord has done a wonderful job. Linda Greenan who is Assistant Vice President for All Campus Affairs has done a good job in maintaining communications with the neighbors. Where are they going to be in two or three years? Moved on? Promoted? Who's going to take their place?

We cannot depend on the individuals who are in these positions today. That is why we come to you to provide the policies, provide the laws, provide the parameters that will protect the individual communities.

Everyday we pick up in the paper about Mayor Williams and the emphasis on communities in Washington and the importance and what it means. We have a very unique opportunity

to protect not only our community but the other communities surrounding this university.

MS. REID: Okay. One last question. In regard to the absentee landlords, do you have a mechanism in place to ring them in in the event there are problems with their houses?

MS. SCOLARO: On an individual sort of cursory basis. They have formed an alliance, the landlord's alliance, and they've got big bucks. They are able to do certain things. We have worked with many on an individual basis. We have sent them letters when one of their houses is cited.

I'll be honest with you, not this last year but prior to that. We have tried to keep in contact with them but not on a formal regular basis. Some are very cooperative. Some individual homeowners monitor their students very well. Others do not.

MS. REID: Thank you.

MR. SOCKWELL: May I ask a question of you as to the percentage, if you know the percentage, of your defined community that is housing students or do you know how many absentee landlords among the number of homes that are in the community there are?

MS. SCOLARO: I would hesitate to give a specific answer. I can tell you that some blocks have as many as five or six rental houses. Other blocks have none so we did a survey several years ago. In fact, I think it was presented to the Board

of Zoning Adjustment and we would love to have it back wherever it might be. We are in the process of doing that to identify every house in the neighborhood that is a rental house, a student group house.

MR. SOCKWELL: And the second question is do you have any reason to believe that with additional housing on campus -- and this is strictly a rhetorical question. With additional housing on campus to you believe that the students that live off campus would be persuaded by that availability to move back onto the campus? Do you believe that would be an expectation?

MS. SCOLARO: Well, the only thing I could say to that is earlier in the spring when the university found that it was unable to house 200 of the students who expected to be on campus whether it was going to be their junior or senior year, they were very seriously concerned. Meetings were held. Articles in the newspaper. The students were very upset that they were denied that extra time on campus.

You will always have some who prefer to live off campus. If I had to give a percentage, I could not. I can only tell you that they were very concerned when 200 were denied campus housing and were forced to seek housing in the community when it was very late in the year and most of the properties had already been taken.

MR. SOCKWELL: Generally there is a cost differential between off-campus and on-campus housing and it's

usually quite significant in favor of off-campus housing when it is available usually in private homes as opposed to apartment buildings.

MS. SCOLARO: I can't give you anything more than what I have said.

MR. SOCKWELL: Okay. Thank you.

MS. SCOLARO: Maybe when Guy or Bonnie testify, they might give you more information.

MS. REID: Ms. Renshaw, you had a follow-up question?

MS. RENSHAW: Yes. I know Burleith is a very active civic organization and I know that you do much more than monitor Georgetown University and the problems. I'm just curious to know what percentage of your organization's time and of your time is concentrated on difficulties with Georgetown University?

MS. SCOLARO: I think I want to say something and there seems to be a feeling that we are anti-university and we are not. We are pro-community. We want to preserve our community. I would say that probably I spend some time every day, sometimes as many as two or three hours. Other people do spend some time whether it's taking pictures or writing letters or doing something.

A significant portion of my time is taken. I would say about two or three other people on the board of directors are pretty actively involved in it. Plus the residents that we don't

know about who are making phone calls to DPW and the rat patrol and a few other places.

MR. SOCKWELL: I have one more question if I may. Do you believe that the community at this point has reached its saturation level with regard to the number of students? Do you see the number of students living in your immediate community having risen in the last two to three years or having remained pretty much the same?

MS. SCOLARO: I have to be very honest with you. I think there has been a slight decrease.

PARTICIPANT: Two.

MS. SCOLARO: Oh, two people in terms of numbers. Two people. Right, from 1996. Thank you.

MR. SOCKWELL: Did they graduate or were they abducted?

MS. REID: Thank you. Next witness, please. There are three persons in opposition I think I saw? Come up. Just come up as a panel.

Each person in opposition has, Ms. Pruitt, three minutes? Three minutes. Okay.

MS. HARDY: I can still say good morning, I guess. Can't I? My name is Bonnie Hardy, past President of the Burleith Citizens Association and currently a member of the board of directors. Thank you for letting me speak today in protest to the Georgetown University application to allow St. Mary's Hall to

become an administrative use building.

By now you know the history of St. Mary's. When the university announced in August of 1996 the closing of St. Mary creating the loss of 217 on-campus beds, the community was feeling very angry.

Remember, as you can see by the figures released by the university in the spring of '96, the immediate neighborhoods in 20007 were dealing with 1,220 undergraduates and in Burleith alone were 536. Then here would come another 217 after the closing of St. Mary's.

In the spring of '97 feeling angry and frustrated we reactivated the zoning overlay process trying to minimize the student impact in our neighborhoods by limiting group houses to three. After much publicity this process went down in defeat in November of '97. At this point town-gown relations were at an all time low.

At the April 1998 BZA quarterly meeting, the university announced the financing of the Southwest Quad project including a new dorm housing 780 students to be built by 2002. We had heard about this project as early as '96 but now it looked like it would be a reality.

Burleith, as you can see by the attached resolution, was very pleased. We gave the project our hearty endorsement as long as it would not lead to an enrollment increase. That, Madam Chair, is where we are now. I, for one, am

quite confused as to why you are hearing St. Mary's now when in a month's time you will be considering Georgetown University's new campus plan in which housing, enrollment, and the presence of Medstar are dominant issues. It seems to me that St. Mary's should be a part of that overall picture for the future of this campus. Please keep in mind that the university's request for a 500 enrollment increase in the life of this new plan almost cancels out the new housing in the Southwest Quad project.

In ending, I can promise you that Georgetown undergraduates have had an negative impact on Burleith and that we need every possible bed on campus. The Burleith's Citizen Association has always worked very hard with the police, DPW, and with DCRA in trying to make our neighborhood a healthy, pleasant community to live in.

To give you some statistics, in a six-week period in the fall of 1998, 14 $300 citations were issued by the police for noise violations due to large parties and rowdiness on the street. Ms. Teresa Lewis, staff director of the DCRA, is writing a report on 22 Burleith properties of which we suspect both zoning and housing laws have been broken.

I have given you photos -- I will give you photos in a moment to give you an idea of the amount of trash and garbage that piles up before DPW can get it to invite health hazards and rats in our neighborhood. Although the university is good at clearing bulk items, they cannot handle this kind of trash which

puts a terrible strain on both the neighborhood and DPW.

I am also attaching a 1998/1999 journal kept by Ms. Delann of 3729 R Street about her neighbors at 3731 R Street which was occupied by Georgetown students. This journal will give you a picture of what daily life can be like living next to a group house. By the end of the year Ms. Delann got the attention of the police who issued three $300 citations the last one given on the eve of graduation.

Also, you will see a letter written by Ms. Charlotte Crowell telling of middle of the night destruction by university students to trees on the campus of the Washington International School. This new campus has only been in our neighborhood for three years. These are highlights I have given you. Of course, many students who live in our neighborhood are good citizens but unfortunately the bad deeds outweigh the good.

At some point the university has to live up to their commitment made to us and to you in 1990 for 100 percent housing on campus. I might add their commitment to their own students to provide a residential campus where education is a 24-hour process. Thank you for your attention.

MS. REID: Thank you. Board members, any questions of this witness?

MS. MITTEN: Ms. Hardy, I would like to ask you the same question that I asked Ms. Scolaro which is when St. Mary's was decommissioned in 1996, did you view that as a violation of

the campus plan?

MS. HARDY: We certainly did. I remember that meeting very well. We vocalized that. We didn't do anything officially about it. We were told that there was a health problem, as I recall, and that the university did not want to commit the money to bringing it up to code.

MS. MITTEN: But your citizen's association didn't do anything formal about that?

MS. HARDY: Not formally.

MS. MITTEN: Okay. Thank you.

MS. REID: I have a quick question. In regard to the trash collection, you stated in your testimony that the university was good in clearing bulk trash.

MS. HARDY: Correct.

MS. REID: But they cannot handle the other kind of trash.

MS. HARDY: I'll tell you basically what's happening. It's going to happen at the end of this month so it's just around the corner. At the end of the academic year there's a tremendous -- everybody clears out of the houses. The university has had employed, I think, for the last four or five years at a tremendous cost to them -- Guy, would you take these pictures up so they can get an idea of what kind of trash we're talking about -- tremendous cost to the university. I think somewhere around the range of $14,000 or $15,000 to clear bulk trash out of the

alleys and out of the front yards.

What has happened recently is that the kids don't even bother clearing garbage anymore. They literally take the contents of the refrigerator and empty it into the alley. We're talking trash and garbage which is DPW's responsibility.

DPW has been fantastic. Believe me, it takes a lot of work to be calling them all the time. It's been over-staff on their part. They come out on weekends because it is a tremendous health hazard. Even over Memorial Day weekend, which often times is when graduation is as it is this year, to get that stuff out of the alleys.

MS. REID: And the reason why I was asking, it appears to me that with the liaison entity that is in place, seeing that this is a problem that appears to be something that is ongoing each year, that some type of mechanism could be put in place to address it. I don't know what the answer could be other than work with the liaison people to ensure that the students are cleaning out their properties and that the trash is disposed of. You said that the university had at considerable expense picked up some of the trash?

MS. HARDY: No. No, I didn't say that. I said they are committed to take care of the bulk trash.

MS. REID: What about the other trash? These pictures that you're showing me now, I guess that is indicative of the type of thing that happens every year.

MS. HARDY: That's correct.

MS. REID: Have you discussed that with them and given them the opportunity to --

MS. HARDY: We just had a meeting last week with the university, again through Jean Lord's office who brought together the university, the neighbors, DPW, and their own people.

MS. REID: Did they appear to be amenable to trying to work something out to alleviate that problem?

MS. HARDY: I believe it fell on the burden of DPW was the way I read it.

MS. REID: You said in your testimony that DPW did not seem to be able to handle it all.

MS. HARDY: I don't want to give that impression. The DPW has been fantastic but it takes them time to get their trucks and manpower out.

MS. REID: What I'm getting to is with this problem, which we would consider to be an adverse impact type of problem, in discussing it with the university was there any offer to be able to implement some type of program or some type of assistance in getting the trash removed?

MS. HARDY: Bulk trash only, not garbage and trash like this.

MS. REID: I understand that. I understand that but that's not what I'm talking about. I'm talking about this kind of trash.

MS. HARDY: No.

MS. REID: Did you raise the issue with them?

MS. HARDY: Yes.

MS. REID: And what was the answer?

MS. HARDY: The response is they will be responsible for bulk trash. Their capacity does not allow them to do anymore than that. The problem the university had this time last year is that they contract out for bulk trash. That goes into the containers down on the campus. They had an overload last year. They cannot take on anymore.

MS. REID: What do you mean they cannot?

MS. HARDY: Because their dumpsters fill up. That's my understanding from the university.

MS. REID: Okay. When they come back, I'll then ask them questions about that.

MS. HARDY: Okay.

MS. REID: Thank you. Cross-examination of this witness? Okay. Next witness, please.

Thank you very much.

MS. HARDY: Um-hum.

MR. GWYNNE: Good morning still, members of the Board. For the record, I'm Guy Gwynne, President of the DC Federation of Citizen's Association and I'm speaking today for the Federation and its consortium of communities impacted by

universities.

For the record, I'm also First Vice President of the Burleith Citizen's Association. I would like to start out with bringing -- especially you, Mr. Sockwell -- just start out by -- we've heard a number of the anecdotal things that go on. Basically I think by this time this Board knows that any university-impacted community has big time problems with noise, number of students, traffic, and other adverse impact as defined by the zoning regulations.

Burleith, incidentally, has 540 houses. We estimate that between 175 and 200 of these are landlord owned and rented out to students in various numbers. That's basically a destabilized community. That's not just university impact.

If I could bring your attention to the university figures on the back here. We've been discussing these but basically what counts now is spring 2000. There are three categories that have to be added together. That's basically undergraduate spring 2000, graduate spring 2000, and medical spring 2000. In Burleith those three total 700 students. That's down from 741 but that is still a terrific amount of students in little low houses of two and a half rooms by in large each.

The impact from this of parking alone is terrific because the students these days have cars. Many Georgetown students are upscale students. A lot of them these days have

cars. I was there and we didn't have cars. That takes up a lot of parking in the street. That's just one of the situations.

I want to lead from this -- oh, the total down here at the bottom would be 2,414 students off campus. That's a lot of students. These are concentrated proportionately most heavily in Burleith and part of Georgetown that centers on Prospect Street. It is a very big problem that we deal with now, much less to have something like this made worse by extra students.

Let me just get in briefly now to St. Mary's Hall. In spite of the apparent convolutedness that we've heard of the background of this application, I think this is basically a simple case. I would just like to put out the salient facts.

In 1990 Georgetown University campus plan calls for the construction of an additional 200 beds to the dormitory to augment the 200 odd bed spaces already there at the time. That work was not done.

In 1996 the university closed St. Mary's dormitory for 217 persons at the time and redistributed the resident students. To make room for these, it moved 200 graduate students off campus into the community. They had to take up room somewhere. They go to the communities where they can get the best bargain for housing and location of housing.

The top three floors of the building were then, and are now, vacant bedrooms according to the university. The university now in May of 2000 wants to convert the sizable

building permanently to nonresidential use diminishing the woefully insufficient own-campus housing stock. You have to measure the own-campus housing stock against these 2,400 students off campus.

That's a great debt the university owes to the community and it's way out of line as far as the zoning regulations are concerned. This proposed action comes at a time when there are about 2,400 off-campus students without own-campus housing and most of these have been pushed into the surrounding R3 rowhouse, little house residential communities.

I've already covered the next paragraph there.

MS. REID: Do you have much more? Your time has run. Do you have much more?

MR. GWYNNE: No, not much at all.

MS. REID: Okay.

MR. GWYNNE: Are we hurried?

MS. REID: I'm sorry?

MR. GWYNNE: Are we hurried?

MS. REID: Well, you have three minutes which you have exceeded.

MR. GWYNNE: I have five minutes. I'm here for an organization.

MS. REID: Oh, I thought that the persons -- excuse me.

MR. GWYNNE: I'm here for the Federation.

MS. REID: I understand that. I'm sorry. I misunderstood. I thought that you were an individual. Go ahead.

MR. GWYNNE: Basically I'm coming to an end. Now, upcoming in a short month is a new proposed Georgetown University campus plan. You've already taken a vote on that. I regret it but I won't go into it. Now, as far as this projected 780 bed new dormitory that we're hearing about is concerned, it's not sure that's going to be built any time soon because my understanding is, and you may want to ask the university people this, the money is not there for it.

MS. REID: Well, that comes under the campus plan hearing that we're going to have subsequent to this hearing. Then at that time you will be able to cross-examine and to have your questions addressed.

MR. GWYNNE: All right. Overall, let me just wind up and say the university should house all of these 2,400 students off campus that it attracts to the area. We have nothing to do with that attraction. Get them out of the impacted tax-based residential neighborhoods, which is our neighborhoods, and not add to the problems by adding more students to the mix.

The best immediate action for the Board, the community, and the university itself would be to table the hurried application for the St. Mary's dormitory plan, which you apparently are not going to do. Then I don't see how we can avoid

bringing it up in the new campus plan also.

What I have tried to do here is present a very bad situation that exist here to the Board. We are an inflicted community in Burleith. Part of Georgetown is. The last thing we need is more students and less housing on that campus. I think this St. Mary's Hall should be made back into a dormitory and, if anything, expanded into a dormitory.

I was here when the people from West Georgetown very eloquently said, "We don't want that." I want to underline what Mrs. Scolaro said. The other communities there with the exception of Hillendale are undergoing student problems, noise, trash, parking problems, the works, all the time.

We need some aid here so I would like to just close by saying don't approve this changeover in use of this dormitory. It is a dormitory, it's still a dormitory in fact because the bedrooms are there. Nothing could be easier than simply to have an order from your Board here and make it back into a dormitory as it should be and help alleviate a very strong university impact which is negative on the communities. Thank you.

MS. REID: Thank you. Any questions, Board members?

Any cross-examination, Ms. Dwyer?

MS. DWYER: I just have one question and I just want to check the record here.

Mr. Gwynne, back in '96 when the university

decommissioned St. Mary's and took it off line and communicated that to the community, did your organization take any action to protest that?

MR. GWYNNE: My recollection is that there was a protest but, as usual, these protests mean nothing for own-campus affairs of this sort.

MS. DWYER: Was the protest filed with any of the zoning offices or the Board of Zoning Adjustment which would be the agency to review that?

MR. GWYNNE: I was not one of the officers that would have done that. I don't know.

MS. DWYER: All right. Thank you.

MS. REID: Thank you. Does that conclude the persons and parties in opposition? All right.

Mr. Crockett, did you have something to say?

MR. CROCKETT: Yes, I'm here to testify on behalf of the Georgetown Resident's Alliance.

MS. REID: Oh, you're the attorney and also testifying. I wasn't sure which hat you were wearing right at this moment.

MR. CROCKETT: I'm wearing my Chairman's hat.

MS. REID: Okay. Thank you. You are testifying as an individual or as the head of an organization now?

MR. CROCKETT: As the Chairman of the Georgetown Resident's Alliance.

MS. REID: Okay. So you are a party in opposition.

MR. CROCKETT: Yes.

MS. PRUITT: He's not a party but he's an organization which gets five minutes.

MS. REID: Okay. All right.

MR. CROCKETT: Madam Chair, members of the Board, I apologize for having to leave. I had to leave. I had an appointment down at the court of appeals. To sum up what I see as the problem in this case is in two words, broken promises.

In 1990 the university committed to build 1,925 beds for 1997. That did not occur. They built 200 beds in one dormitory and then in 1996, one year before the deadline for having all 1,925 on line, they closed St. Mary's Hall. You're back to zero beds in seven years.

During that time Mr. Gwynne, all the people in Burleith, all the people up in Clover Park, all the people in Georgetown are suffering through what this Board recognized was a serious adverse impact on the surrounding community. Every night student parties. No relief in sight.

The seven years came and went and not a single new bed was built. Now, that is a gross breech of promise. For the university to come in here now and say, "Well, we don't have any money for dormitories but we have plenty of money to convert this into an office building."

I think the Board ought to look at that for what it

is. It's a very cynical slap in the face to the surrounding community that they are going to spend money to renovate this building into office space at the same time that all the people in the surrounding areas are still being subject to these adverse impacts. Where does that bring us here?

Well, as the Board knows, its authority to grant special exceptions for universities in residential areas depends upon a finding that the university will not adversely impact the surrounding community. What the board attempted to do in the current 10-year plan was to make it possible for the university to exist in our residential community without any adverse impact.

The way that was going to be done was to create all this dorm space, bring 100 percent of the undergraduate students on campus, and thereby alleviate the adverse impact. Well, they haven't done it. The adverse impact is still there. It's worse.

I think under these circumstances that the Board has no alternative but to deny any and all further exceptions that are asked for by this university until it brings itself into compliance with what it promised to do in the campus plan.

They should not be able to come in here and get permission to spend millions of dollars on an office building when they have broken their promises to the surrounding community. There is an adverse impact and the Board must take note of the fact that there is an adverse impact.

That is essentially where we are. We think this

ought to be denied and that the whole matter ought to be taken up as part of the new campus plan. That is all I have. I have a prepared statement.

MS. REID: Thank you, Mr. Crockett.

Board members, do you any questions of Mr. Crockett?

MR. SOCKWELL: Mr. Crockett, as a resident of the area and a very active member of the community organizations and a pro bono attorney representing the interest of the community, I understand the fact that you are very emotionally involved with this issue along with the professional involvement that you have.

My question to you is on the substance of some of what you have said. With regard to the conversion of an existing building out of the residential use to the more commercial office use that has been proposed by the applicant, there are certain monies involved.

But the scale of cost between converting three floors of an existing building and building from the ground up a new dormitory are considerably different when you look at the two together. I am not sure that you articulated your awareness of that in your testimony.

I also noted that in your written statements some of the things that you said tend to be misleading because they characterized certain aspects of this differently from the way they really exist. I would ask you if in your emotional interest

in this that you try to be more factual and a bit more structured around the real economies of scale and real issues because if you lean in the wrong direction, I begin to believe that you don't understand the issues as fully as you might want to and I am concerned about that.

I do understand where this issue is driven and I want you to realize that I am sensitive to it. I have had some fault with your testimony and it seems to be just a normal emotional outpouring. I'm just wondering if there is anyway that you might clarify your understanding of this particular aspect of changing one building use from the preferred existing use to the new use and the cost of those things.

MR. CROCKETT: I am obviously aware that if cost less to renovate a building than it does to construct a new building. I am obviously also aware that it cost less to renovate dorm rooms than it does to build new dorm rooms.

These are decisions that the university has made without consultation with the community. We are not involved in that. They meet in their rooms. They decide all these things. They work out their cost calculations. They don't share them with us. That is not one of our considerations. We are not involved in that.

I agree with you. From their point of view, perhaps it does make sense that they want to spend this money to renovate this building into an office. Whether that's less costly

for them is not the point here. It seems to me that the point is they made a commitment and they haven't kept the commitment. When they don't keep their commitments and the rest of us are all out there suffering because of it, this Board should not ratify something that they did four years ago which was to shut down this building contrary to their promise to all these people out in the community and then come in four years later and ask this Board to ratify that and, indeed, let them turn it into an office building. That seems to me to be directly contrary to the duty of this Board which is to ensure that in a residential area that there are no adverse impacts. We have them. They have not been ameliorated and the Board ought to do something about that. That's basically where I am on this.

MR. SOCKWELL: Do you believe that -- let me ask you has the university ever asserted to you or have you ever been aware of an ascertain to the community by the university that it would if it provided 100 percent housing on campus require 100 percent of full-time students to live in such housing.

MR. CROCKETT: That is the only way it can be done. Unless you require students to live on campus, they won't. My understanding is currently all freshmen and sophomores are required to live on campus. To meet the 100 percent goal which the university committed itself to 10 years ago, it would obviously have to require all undergraduate to live on campus assuming that they built the necessary facilities.

MR. SOCKWELL: That would not necessarily accrue to the graduate students?

MR. CROCKETT: No.

MR. SOCKWELL: Okay.

MR. CROCKETT: The graduate student problem is a problem but it is not nearly as severe as the undergraduate problem. It recurs each year because it's a new group of students coming in. They don't know the rules. It's just reinventing the wheel every year as far as they are concerned. They're in and they're out. We're here all the time.

MS. REID: Thank you.

MR. SOCKWELL: Just let me say this. Just to let you know, I do understand some of the issues of this off campus undergraduate housing. I was in Syracuse over the weekend. My nephew lives in a group house off campus within walking distance of the university and he did come home Friday night with the DPW construction signs that he was planning to burn in the fireplace that evening.

MS. REID: Thank you very much.

Ms. Dwyer, do you have any cross?

MS. DWYER: I just have one question for clarification.

Mr. Crockett, are you aware that in 1996 when St. Mary's was brought off line that those students who had been residing in St. Mary's did not go into the community but were

placed elsewhere in on-campus housing?

MR. CROCKETT: Yes, but, as Mr. Gwynne said, that forced those people who would have been in those same beds into the community.

MS. DWYER: These being the graduate students?

MR. CROCKETT: Either graduate students or increase in enrollment in undergrad.

MS. DWYER: Is it your statement or testimony that the university has increased any enrollment beyond what was approved in the 1990 campus plan?

MR. CROCKETT: No.

MS. DWYER: Thank you.

MS. REID: All right. Thank you very much. Ms. Dwyer, closing remarks.

MS. DWYER: Thank you. I have a closing statement and then, if the Board has any questions that it would like to ask the university, we are available to come forward and respond to those.

I wanted to in my closing focus the Board again on what is before you. This is an application for special exception relief under Section 210 and in considering special exception applications, the Board must consider whether the relevant conditions have been met.

As the courts have consistently held, if the applicant meets it burden, the Board must grant the application.

We believe that based on the testimony and evidence presented, we have met the special exception criteria.

Much, if not all, of the testimony in opposition has addressed campus plan issues which are beyond the scope of the hearing. This hearing today is not about increasing enrollment. It's not about changing parking or traffic. It's not about changing in any way campus plan issues. What the university has filed is an application that is fully in accordance with the existing campus plan.

Under Section 210 the issue is whether the St. Mary's use and building is located so that it is not likely to become objectional to neighboring property due to noise, traffic, number of students, or other objectional conditions. We believe those conditions are met.

On the Board to my right, to your left, is a copy of the drawing in the file showing the plans for St. Mary's. The yellow highlighted areas are the areas where there is increase in the square footage of the building. That is the issue before you, that increase in building square footage which is approximately 427 square feet.

Under Section 210 the first question is whether there will be an objectional impact with regard to noise. St. Mary's is an existing building which will be renovated on the interior. All of the activity is low in intensity of use and in all respects the design and use of the building will have no

objectional impact on neighboring property due to noise.

The second issue is impact on traffic or parking. The proposed renovation of St. Mary's will not change in any way the traffic or parking patterns on campus. There will be no additional cars at this location, no changes to the roadway, and no increase in students, staff, or faculty. Thus, in all respects the renovation will have no objectional impact in terms of traffic.

Third, the St. Mary's project will result in no increase in number of students and no other objectional conditions. We are not requesting as part of this application any increase in the number of students on campus. The university is fully in compliance with the enrollment cap imposed by the Board in its 1990 campus plan and the renovations to St. Mary's will enhance the appearance of the building with no objectionable impact.

As also required by Section 210, there is an existing campus plan on record which is in effect until December 31 of the year 2000. The proposed minor increase in FAR is well within the FAR limit for the campus as a whole and the application has been referred to the appropriate District of Columbia agencies.

We agree with the Office of Planning report that details our full compliance with the zoning regulations and the reasons why this application should be granted.

As also required by the university's 1990 campus plan, the university has provided an update on its housing program just as it has with every other project that has been approved by this Board since 1990. I would ask Alan Brangman just to refer to the enlarged chart. This was filed as an attachment to our prehearing submission.

What this chart shows is that with the approval of the Southwest Quad project, which was approved by this Board last year and is under construction, the university will have provided 1,083 undergraduate beds on campus which is in excess of the 925 referenced in the 1990 campus plan.

As the university also indicated in its testimony, these beds are being provided even though it is clear from the 1990 campus plan that the BZA recognized the importance of the co-generation project in terms of providing the financial resources for the university to provide these beds.

I would also like to point out that in the material we filed this morning, which was also taken from the 1990 campus plan, it was clear at that time that St. Mary's was one of three projects identified as providing potential for housing on campus. The first was LXR. That project has been completed.

The second was construction of a new dormitory to create 500 beds. The third project was St. Mary's. In that same submission to the BZA, the university pointed out and the Board recognized that if the new dorm provided more than 500 new beds,

St. Mary's may not be necessary.

The dorm is no longer 500 new beds. It is 780 which is the reason why St. Mary's is no longer necessary. The neighbors who abut St. Mary's are pleased with that because they did not want that project that close to their homes.

Some of the opposition has argued that St. Mary's should be converted back to dormitory use as it was in 1996. That is not the issue before you, nor the special exception test. The test is whether the proposed use complies with the campus plan which it does.

We have filed in the record copies of the portions of the 1990 campus plan that show this site designated for mixed-use educational, educational support, or residential. That means that one of those three, two of those three, or all of those three could go on this site.

The test is also whether the use will be objectional in terms of noise, traffic, or number of students and we have demonstrated that it will not. There has been no testimony by anyone in opposition addressing this particular building and why this addition is going to create problems in terms of noise, traffic, or number of students.

Finally, it is important to note that this application does have the support of the Cloisters West Homeowners Association which represents 109 homeowners within 200 feet of the St. Mary's project. They are the individuals most impacted by the

application and they are the ones who are in support of the application.

Additionally, there are 11 individual letters in support from other property owners within 200 feet. I would like also to point out that two of those letters in support are from the Cloisters in Georgetown Homeowners Association which is a party in opposition. Nonetheless, some of the residents within that community support this project.

For all of these reasons, we believe that we are entitled to the special exception relief and we started this hearing the last time requesting a bench decision and explained in our testimony that one of the reasons why this project was filed separately from the campus plan is that the university would like to have it on line for the fall 2001 semester.

If it cannot get approval from the Board and begin the permit processing and renovation work, there is no way it would be ready at that time and that would mean a delay of a full academic year. That is why it was filed separately from the campus plan and that is why we are asking for your prompt decision on this case to allow it to go forward.

MR. SOCKWELL: Ms. Dwyer, is that chart part of our record?

MS. DWYER: Yes, it is. It was included as an exhibit to our prehearing submission.

MR. SOCKWELL: Under what tab?

MS. DWYER: Under tab 8.

MR. SOCKWELL: Okay. I didn't see it initially when I went through it.

MS. MITTEN: Madam Chair, could I just ask a few questions?

MS. REID: Sure.

MS. MITTEN: You mentioned there is language, and I know that I've seen it quoted elsewhere. I just want to have the specific location. I think it's in the BZA order, the language that says if a new dormitory exceeds 500 beds, that the St. Mary's --

MS. DWYER: Right. That was in the letter I filed this morning which was a post-hearing submission to the BZA in 1990. The letter was dated July 27.

MS. MITTEN: Okay.

MS. DWYER: In that letter it walked through the housing commitment and explained.

MS. MITTEN: I know I had seen it recently. Then another question. Is the Southwest Quad project fully funded?

MS. DWYER: The representative of the university says yes. I know they are going through the permitting process right now and construction is going to take two years and they have completed --

MR. BRANGMAN: We have completed all of the funding -- excuse me. My name is Alan Brangman. I'm the university

architect, Georgetown University. I reside at 211 South Oak Street in Falls Church, Virginia. We have completed all of our financing plan with the exception of about $25 million that has yet to be raised in fundraising.

Our hope is by the time that we start construction this fall, that all of our money will be in place or we will have a loan to cover the gap with respect to the fundraising that has to be yet completed by the time that we would look to complete the project.

MS. MITTEN: And the $25 million is what --

MR. BRANGMAN: We are on our way north to about $150 million for this project.

MS. MITTEN: Okay.

MS. REID: I have a question. I'm sorry. Give me your name again.

MR. BRANGMAN: Brangman.

MS. REID: Mr. Brangman.

MR. BRANGMAN: B R A N G M A N.

MS. REID: You heard testimony here today in regard to the problem with the trash not being removed in the neighborhoods of Burleith where students live. It was stated that they didn't think you had the capacity or the ability to be able to some how alleviate some, if not all, of that problem. I wanted to hear from you what your thoughts are as to how to

address that.

MR. BRANGMAN: Madam Chair, what has been happening over the last couple of years is that there have been a series of meetings that go on each year around move-in which is the other time when there's lots of trash in the fall semester, September typically, and also move-out.

I know that the previous director of facilities management for the campus has met with the community. The current director is Karen Frank who is not here today. There are usually ongoing conversations about how we can deal with that issue.

I believe that the last time it was an issue, and I'm not fully up to date on the details with respect to that, is that I believe that the witnesses who are testifying in opposition on this issue, that there was raw garbage that needed to be picked up and we did make calls to DPW and we did try to work with them to make sure that those pickups could be made. We did not want to get totally involved in the removal of raw sewage from the alley ways because it was not always identifiable as stuff that was involved with Georgetown Students. We did try to help out wherever we could.

I guess, Ms. Greenan, you can also add perhaps to that?

MS. REID: Also, it appeared from the pictures that were given to us, notwithstanding the raw sewage, the garbage, clutter, boxes, paper goods, trash, and things like that that are

thrown all up and down the streets and the alleys.

MS. GREENAN: I'm Linda Greenan, Assistant Vice President for external relations at Georgetown. I've been there for six years. Georgetown has been doing this bulk trash pickup two times a year ever since I've been there and the program has evolved to the point now where we feel like we've got a good system down.

What happened last year, what Bonnie Hardy was referring to, is that the three-day holiday period throws off DPW in its normal trash pickup schedule. That is what happened last year and that following Tuesday morning we had done a bulk trash pickup Friday and weren't scheduled to go back out until Tuesday. DPW wasn't scheduled to be in the neighborhood until several days later and the trash was building up.

I contacted DPW Solid Waste. I talked to Tony Duckett and they sent a crew out immediately. We heightened our bulk trash pickup and within two days the problem got cleared.

We just met a couple of weeks ago with the folks at DPW. Tony Duckett was there, Jean Lord, somebody from my office, somebody from Burleith, to make sure that we have a whole program in place to address bulk trash and garbage pickup. We didn't want to get into picking up the garbage because DPW has a regular schedule of doing that.

Now we are working with them and we think that we have a system, a program in place to address that. I believe the

bulk trash has already started. We do it for a month-long period. Every other day for a month-long period.

MS. REID: Okay. Basically it appears that steps are being taken to try to address that problem. Apparently it appears from what you are telling us is that the problem from seeing so much trash last year was because of the holiday coming into it and DPW was somewhat delayed.

As such, I would think that would be an anticipated problem that would reoccur so maybe there could be some ways of trying to be more proactive in that regard rather than reactive and that will certainly go a long ways, I'm sure, with the community.

MS. GREENAN: That's exactly right. We are constantly making adjustments to this program because things happen and we try to react to it. This time we are trying to be proactive.

MS. REID: You're just not ignoring it and that's what I need to hear.

MS. GREENAN: Oh, no.

MS. REID: Any other questions, Board members?

MS. RENSHAW: Yes, Madam Chair. Several questions for either Ms. Greenan or Mr. Brangman, whoever would like to answer.

First of all, just a question about university police and how active are the university police in coming to the

aid of the neighbors. Are the university police sent out on patrols on an evening basis every hour or whatever? Would you explain about that?

MS. GREENAN: Yes, I will. We actually about three or four years ago along with the Burleith Association went to the second district commander, at the time it was Jackie Barnes, to ask if our police could become more involved off campus. We received as a result of that inquiry a letter from then Chief Soulsby referencing a Corporation Counsel opinion saying that our police could not patrol off campus.

What we have done since that time is to work very closely with 2D in trying to address matters of off-campus student conduct as best we can with our Department of Public Safety. Our Department of Public Safety recently purchased cell phones for 2D to have on hand so that they can receive calls directly from the neighbors. We have done a lot of outreach through the associations in getting that number out to people.

Our DPS folks are in constant contact with MPD, primarily Thursday, Friday, and Saturday nights which tend to be the problem nights. Where a situation occurs that is off campus in a private home such as Burleith, our police officers cannot intervene. They are specifically prohibited from doing that so they let MPD take the lead in that.

Indeed, MPD has been doing that. They issue those noise violations. You heard Bonnie Hardy mention that. They do

that regularly. We are working where we can.

We have just increased our presence along Prospect Street from 37th to 35th Street Thursday, Friday, Saturday nights and also near Cloisters West because those tend to be the areas where students as they are leaving -- anybody really but primarily our students as they are leaving downtown Georgetown traverse and we feel it's helpful to have the presence of DPS there to fend off any possible or potential problems.

We are working very closely with MPD in doing everything that we feel we can do. Again, it's much like the trash issue. We start out on these things and we make adjustments where we can. We are getting ready to go into senior week and we are meeting today with 2D to talk about the schedule of events and we are trying to be proactive and trying to anticipate where problems might arise.

MS. RENSHAW: All right. At the buildings on campus, what percentage of those buildings are housing versus office space?

MR. BRANGMAN: I would have to sit down and actually do the math. I can tell you that on campus the buildings that are primarily housing are interestingly enough the ones that are listed on that exhibit or the chart, they represent all total probably somewhere in the area of maybe 700,000 square feet in round numbers. Our total main campus square footage number including those is about 2,500 so 700,000 as the enumerator and

2.5 million as the denominator in round numbers.

MS. RENSHAW: So it comes out to? Can you do the calculation?

MR. BRANGMAN: 35 percent roughly.

MS. RENSHAW: 35 percent?

MR. BRANGMAN: Roughly.

MS. RENSHAW: And how about --

MR. BRANGMAN: I can get you the exact numbers.

MS. RENSHAW: How about office?

MR. BRANGMAN: The balance would be primarily office and office/classroom.

MS. RENSHAW: How much off campus office space does Georgetown University have?

MR. BRANGMAN: How much off campus?

MS. RENSHAW: Off-campus office space.

MR. MOULDEN: Madam Chair, I think some of those questions aren't important and they --

MS. RENSHAW: Mr. Moulden, please. I would like to have an answer. I asked a question and I would like to have an answer, please.

MS. REID: I don't know if this question is germane to this particular hearing, Ms. Renshaw. I think Mr. Moulden is probably concerned about the fact that some questions are better taken up during the campus plan hearing.

MS. RENSHAW: We'll revisit it during the campus

plan but I don't think it's untoward to ask the question now. Hence, I ask the question now. In any case, we can propose it, just leave it in abeyance, but I think that I have the opportunity to ask it and I really would like an answer. If you could slip it in, I would like that.

MS. DWYER: I would ask the witness if he could give an estimate and then we would provide accurate information in the campus plan.

MS. RENSHAW: That would be fine. Thank you.

MS. REID: Okay.

MR. BRANGMAN: The university -- well, first of all, let me state that all of the main campus or all of Georgetown University including the medical center is known as the university and there is a significant amount of off-campus office space related to the medical center which I do not have the numbers in my head for because until very recently that was not part of my jurisdiction as the university architect. However, with respect to off-campus space related to main campus activities, are you also asking for the location or just the general number?

MS. RENSHAW: Just a general number.

MR. BRANGMAN: I would say about half a million square feet in round numbers.

MS. REID: All right. Ms. Dwyer, does that wrap it for you?

MS. DWYER: That concludes our case. Again, we

would ask for a prompt decision by this Board.

MS. REID: Okay. All right. I'm sorry, Ms. Dwyer. Mr. Sockwell has another question.

MS. DWYER: That's fine.

MR. SOCKWELL: Thank you. Ms. Greenan, my question to you is again in line with what Ms. Renshaw was asking about the university's involvement in policing the students that are off campus living, and particularly the Burleith community.

Does the university have any on campus or any structured way of using any D.C. police intervention as a basis for any kind of disciplinary action against students?

MS. GREENAN: No, not in relation. We exercise our code of student conduct off campus and it's tied into the hot line operation and the Office of Student Affairs. As I said, we work closely with the police but we don't -- if the police feel that there is a reason for arresting or there is whatever, they immediately notify our police officers and then that information filters down to the Dean of Students Office, the Office of Student Affairs. There is a connection that way.

MR. SOCKWELL: To the best of your knowledge, what responsibilities or authority does the Dean of Student Affairs have over off-campus activity that is considered unbecoming of a student?

MS. GREENAN: Quite a bit. We have over the last several years, and again this is one of those programs that has

evolved, we have the hot line that operates Friday and Saturday nights, Sunday nights on a three-day weekend. The calls that come into that hot line are followed up every Monday through the Dean of Students Office. There are sanctions imposed.

MR. SOCKWELL: Such as?

MS. GREENAN: Usually community service and fines.

MS. REID: Can you cut to the chase and ask the question because you are asking a series of questions.

MR. SOCKWELL: The question was about authorities and what is done. The question is intended to determine whether or not the students have any fear of discipline from the university over anything they do off campus period. If you can give me that answer, that is the answer that I'm looking for.

MS. GREENAN: Well, I would probably leave it to the students to say whether they fear it but we do have a program in place that we feel is proactive. We are out there working with the students no matter what the issue is if we get a call from people.

We also have instituted as part of our hot line an on site response person who just now goes out to houses when people call and say, "There is a noise coming from 35th and T Street. Could you check it out?" We go out and do that. We have a person who actually goes out and checks that out.

So we are constantly working. Where there is a problem with students we bring them into the Dean of Students

Office first thing Monday morning and try to deal with them in a disciplinary way in connection and in conjunction with our code of student conduct.

MS. DWYER: Mrs. Sockwell, if I could just reply as well. In the 1990 campus plan, that was an issue whether the university could extend its code of conduct off campus. In the BZA order, which we included in our submission, there are a number of findings requiring the university to put in place this off campus program.

There are fines, disciplinary action. In extreme circumstances, there could be suspension or expulsion of the student. All of that will be discussed again in the campus plan case but that is a program that has been in effect since 1990.

MR. SOCKWELL: Does the Board have a copy of that program?

MS. REID: It's in the order.

MR. SOCKWELL: You're saying the program is in the order or the requirement for the program?

MS. DWYER: The requirement and a description of it is in the order and then the program is set out in detail in the campus plan document in Appendix H.

MR. SOCKWELL: All right. Okay.

MS. REID: Thank you very much, Ms. Dwyer.

Mr. Moulden has a closing remark.

MR. MOULDEN: I would like to commend the

university for its efforts to provide education for students. As we know, many universities are expanding and growing in their programs. Therefore, the needs for student housing will become greater and it's a pretty big challenge.

One thing I would like to recommend as you face that challenge is to work with the community to the extent possible in trying to come up with some recommendations for housing that could satisfy both the university and the community. It's a major challenge but I think it can be worked out.

MS. REID: Thank you very much. I would like to ask both attorneys to submit draft orders because we will take this up at our next regularly scheduled meeting which would be June 7.

MS. PRUITT: If we could get draft orders by the 31st, that would be very helpful.

MS. DWYER: All right.

MS. PRUITT: Since you're not asking for anything else, that gives you a little extra time.

MS. DWYER: All right. We will do that. Thank you.

MS. REID: All right. Thank you very much. That concludes this morning's hearing.

(Whereupon, at 12:47 p.m. the hearing was concluded.)